

STATE OF TEXAS * COUNTY OF HAYS *

ON THIS THE 13^{TH} DAY OF SEPTEMBER 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

DEBBIE GONZALES INGALSBE

MARK JONES

WILL CONLEY

RAY O. WHISENANT JR

LIZ Q. GONZALEZ

COUNTY JUDGE

COMMISSIONER, PCT. 1

COMMISSIONER, PCT. 3

COMMISSIONER, PCT. 4

COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb gave the invocation and led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

David Crowell - Kyle resident made a public comment.

31827 ADOPT A PROCLAMATION DECLARING SEPTEMBER 17-23, 2016 AS CONSTITUTION WEEK

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a Proclamation declaring September 17-23, 2016 as Constitution Week. All voting "Aye". MOTION PASSED

31828 ADOPT A PROCLAMATION DECLARING SEPTEMBER 19-25, 2016 AS THE KYLE RAILROAD DEPOT AND HERITAGE CENTER WEEK.

Kate Johnson, Chairman of the Hays County Historical Commission spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring September 19-25, 2016 as the Kyle Railroad Depot and Heritage Center Week. All voting "Aye". MOTION PASSED

PRESENTATION BY TEXAS A & M FOREST SERVICE LEADERSHIP ENRICHMENT PROGRAM

The Leadership Enrichment Program explained their mission. Throughout the process they have been looking at examples of leadership across the state. One of the group's projects of interest was the Blanco River Recovery and the leadership exhibited by Judge Cobb and Commissioner Conley. They met with both during the recovery effort and would like to recognize Judge Cobb and Commissioner Conley formally during this presentation by awarding them each with a partnership medallion.

31829 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 \$1,483,949.77 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

31830 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 6, 2016 AND SEPTEMBER 8, 2016

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of September 6, 2016 and September 8, 2016 as presented by the County Clerk. All voting "Aye". MOTION PASSED

31831 AUTHORIZE COMMERCIAL OSSF PERMIT AT 12501 PAUL'S VALLEY RD, AUSTIN, TX, 78736

Scott Hemphill is proposing an OSSF to serve 5 office/warehouse buildings. Each building may have up to 2 offices per building and no more than 6 employees per building. This 3.50 acre property is Lot 1 of the Hemphill Subdivision. These buildings will be served by rainwater collection. The system designer, Hugo Elizondo, P.E., has designed a treatment system, which consists of a lift station, a flow equalization tank, and an aerobic treatment unit. After treatment, the effluent will be dispersed to a drip irrigation field. The system is designed for a daily usage rate of 300 gallons.



A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 12501 Paul's Valley Rd, Austin, TX, 78736. All voting "Aye". MOTION PASSED

AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT ADDITIONAL GRANT FUNDING FROM THE TEXAS JUVENILE JUSTICE DEPARTMENT CONTRACT AMENDMENT NO. 8 EFFECTIVE AUGUST 31ST AND AMEND THE BUDGET ACCORDINGLY

The Texas Juvenile Justice Department awarded the Hays County Juvenile Probation Department an additional \$16,232.00 for expenses related to contract detention placement of juveniles in pre/post-adjudication facilities. This additional funding will be distributed through TJJD Grant A (State Aid) and is for expenses incurred between July 1 and August 31, 2016. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Juvenile Probation Department to accept additional grant funding from the Texas Juvenile Justice Department Contract Amendment No. 8 effective August 31st and amend the budget accordingly. All voting "Aye". MOTION PASSED

31833 AUTHORIZE COMMERCIAL OSSF PERMIT AT 13187 FITZHUGH ROAD, AUSTIN, TEXAS, 78736

Chad Nemec of Blackstone Vineyard Development is proposing an OSSF to serve a 5000 square foot wedding barn that will serve up to 400 visitors every weekend. This property is 111 acres and will be served by a public water supply. The system designer, Jon Maass, R.S., has designed a treatment system which consists of a septic tank, a flow equalization tank, and an aerobic treatment unit. After treatment, the effluent will be dispersed by surface application with a maximum daily usage rate of 240 gallons. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 13187 Fitzhugh Road, Austin, Texas, 78736. All voting "Aye". MOTION PASSED

31834 RATIFY THE COUNTY JUDGE'S ACKNOWLEDGEMENT OF RECEIPT OF THE NRCS DAMAGE SUMMARY REPORTS FOR THE UPPER SAN MARCOS WATERSHED DAM SITES 1-5

NRCS conducted site evaluations of the five dam sites and provided Hays County a plan of action for repair. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the County Judge's acknowledgement of receipt of the NRCS Damage Summary Reports for the Upper San Marcos Watershed dam sites 1-5. All voting "Aye". MOTION PASSED

31835 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE CONSTABLE PRECINCT 3 AND CONSTABLE PRECINCT 5 OFFICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Constable Precinct 3 and Constable Precinct 5 Offices. All voting "Aye". MOTION PASSED

31836 RATIFY THE COUNTY JUDGE'S AUTHORIZATION TO EXECUTE BKM FLOOR PLAN AND QUOTES #177990 & 178257 FOR OFFICE FURNITURE FOR THE JUSTICE OF THE PEACE, PRECINCT 1-2 OFFICE AND AMEND THE BUDGET ACCORDINGLY

The Building Maintenance Department is currently working on a re-model at the Government Center for office space for the new Justice of the Peace, Precinct 1-2. The office furniture needed for the Judge's Chambers has been ordered so that the furniture will be received and the office space built out and functional when the new Justice of the Peace takes office. Amount Required \$17,852; Line item 001-645-00.5711_700; BKM Quote #177990 - \$10,808.66; BKM Quote #178257 - \$7,042.45; BKM Floor Plan; Possible funding source: County-Wide contingencies - 001-645-00.5399. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the County Judge's authorization to execute BKM Floor Plan and Quotes #177990 & 178257 for office furniture for the Justice of the Peace, Precinct 1-2 Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

31837 APPROVE THE USE OF CERTIFIED PAYMENTS FOR CREDIT CARD USE IN THE COUNTY CLERK'S OFFICE

The County Clerk is requesting to continue using Certified Payments as their credit card provider. Certified Payments was charging a 3% convenience fee with a \$1.00 minimum for all credit card transactions. They recently lowered their convenience fee to 2.30% with a \$1.00 minimum. The convenience fee is passed on to customers. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to



approve the use of certified payments for credit card use in the County Clerk's office. All voting "Aye". MOTION PASSED

31838 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUBSCRIPTION SERVICE AGREEMENT WITH ADVENTOS CORPORATION FOR THE SHERIFF'S OFFICE INTELLIGENCE COLLABORATION SOFTWARE

The Adventos (Smart Force) Software subscription is currently budgeted in the FY17 budget. The Sheriff's Office would like to execute the subscription agreement in order to begin the software build out and training process. There is no fee associated with the build out and training. Therefore, authorizing the vendor to begin this project now will allow for a quicker transition to begin using the product on 10/1. This product will enhance communication and delivery of intelligence as well as increasing accountability for crime reduction. Amount required \$9,950 - FY17; Line item number 001-618-00.5718_700. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Subscription Service Agreement with Adventos Corporation for the Sheriff's Office Intelligence Collaboration software. All voting "Aye". MOTION PASSED

31839 APPROVE SPECIFICATIONS FOR SLURRY SEAL PAVEMENT TREATMENT AND TO ISSUE AN INVITATION FOR BID ON A CONTRACT TO APPLY SLURRY SEAL TO THE SIERRA WEST, HERITAGE WEST, AND THE WOODLANDS SUBDIVISIONS

The subdivisions of Sierra West, Heritage West, and The Woodlands have been identified by the County Transportation Department as being good candidates for the application of a slurry seal pavement treatment. Slurry Seal adds an additional layer of pavement similar to chip seal with better surface characteristics more suitable for subdivision roads, which will help preserve the road and lower maintenance costs. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve specifications for slurry seal pavement treatment and to issue an Invitation For Bid on a contract to apply slurry seal to the Sierra West, Heritage West, and The Woodlands Subdivisions. All voting "Aye". MOTION PASSED

31840 HOLD A PUBLIC HEARING RELATED TO THE IMPROVEMENT OF BLUE CREEK ROAD IN PRECINCT 4 OF HAYS COUNTY, PURSUANT TO CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE

Judge Cobb opened public hearing. Public input was received by Connie Burman. Judge Cobb closed public hearing. General Counsel Mark Kennedy presented the proposed ballot for the Court's consideration. Transportation Director Jerry Borcherding spoke. The proposed estimated cost is \$394,968. The assessed amount per the 27 property owners is \$7,314 for 10 years, or \$732 yearly on 4,500 lineal feet. By statute there is 0% interest charged to the homeowners. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to call for a vote related to the improvements necessary for public health, safety, or welfare of residents of the county for Blue Creek Road in Precinct 4 of Hays County, pursuant to Chapter 253 of the Texas Transportation Code. All voting "Aye". MOTION PASSED

APPROVE THE RESULTS OF THE RETURNED BALLOTS OF THE PROPERTY OWNERS WHO VOTED ON THE PROPOSED IMPROVEMENTS OF RIVER MOUNTAIN ROAD FROM RM 3237 TO THE CATTLE GUARD AT THE ENTRANCE OF THE RIVER MOUNTAIN RANCH SUBDIVISION (TOTAL OF 6,130 LINEAL FEET), WHICH SERVES THE FOX HOLE SUBDIVISION, THE WHITE WINGS SUBDIVISION, THE RIVER MOUNTAIN RANCH SUBDIVISION, AND THE HERMOSA PALOMA SUBDIVISION (NOW INCORPORATED INTO THE RIVER MOUNTAIN RANCH SUBDIVISION) IN PRECINCTS 3 AND 4 OF HAYS COUNTY, PURSUANT TO CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE

The Commissioners' Court held a public hearing on August 9, 2016 and agreed to submit ballots to the property owners along River Mountain Road to vote on improving the roadway. The purpose of this request to present the tabulation results of said ballots. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the results of the returned ballots of the property owners who voted on the proposed improvements of River Mountain Road from RM3237 to the cattle guard at the entrance of the River Mountain Ranch subdivision (total of 6,130 lineal feet), which serves the Fox Hole Subdivision, the White Wings Subdivision, the River Mountain Ranch Subdivision, and the Hermosa Paloma Subdivision (now incorporated into the River Mountain Ranch Subdivision) in Precincts 3 and 4 of Hays County, pursuant to Chapter 253 of the Texas Transportation Code. All voting "Aye". MOTION PASSED



31842 SUB-607 PEDERNALES VIEWS SUBDIVISION (5 LOTS) APPROVE FINAL PLAT

Hays County Planner, Caitlyn Hairell gave staff recommendation. Pedernales Views Subdivision is a proposed 5 lot subdivision across 43.81 acres. This proposed subdivision is located off of Fitzhugh Road in Precinct 4. Water service will be provided by private wells. Wastewater treatment will be accomplished by individual on-site sewage facilities. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve final plat SUB-607 Pedernales Views Subdivision (5 lots). All voting "Aye". MOTION PASSED

31843 WAIVE COUNTY DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY

This is a non-profit community assistance organization that utilizes volunteers to build homes for low income families. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive County development fees for the Wimberley Valley Habitat for Humanity. All voting "Aye". MOTION PASSED

31844 ADOPT THE FY 2017 HOLIDAY CALENDAR

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt the FY 2017 Holiday Calendar. All voting "Aye". MOTION PASSED

AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS FOR THE EVALUATION AND/OR INSPECTION OF DAM STRUCTURES THROUGHOUT THE COUNTY AND AMEND THE BUDGET ACCORDINGLY

Office of Emergency Management Director, Kharley Smith spoke. Hays County dams, low water crossings, and impoundment structures saw more than normal volume during the floods of 2013 and 2015, occasionally making contact with flood debris, including vehicles, homes, and trees. Staff feels the increase in flow and possible wear warrants further inspection by Engineers qualified to evaluate and make an assessment for these structures, located throughout Hays County. The Emergency Services, Transportation and Development Services departments will work with Freese and Nichols to complete these safety inspections. Additionally, Freese and Nichols will evaluate the Damage Summary Report drafted by the NRCS on auxiliary spillway and erosion management for the five dams in the Upper San Marcos Watershed. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Professional Services Agreement with Freese and Nichols for the evaluation and/or inspection of dam structures throughout the county and amend the budget accordingly. All voting "Aye". MOTION PASSED

31846 AUTHORIZE PAYMENT TO THE CORPORATION FOR NATIONAL & COMMUNITY SERVICE FOR SERVICES PROVIDED DURING THE MEMORIAL DAY 2015 FLOODS FOR EMERGENCY SERVICES FUNCTION (ESF) #6 - MASS CARE IN AN AMOUNT OF \$11,233.37 AND AMEND THE BUDGET ACCORDINGLY

Office of Emergency Management Director, Kharley Smith spoke. CNCS assisted in volunteer oversight and clean-up activities throughout San Marcos and Wimberley areas during the 2015 Memorial Day floods as needed. The cost will be split between Hays County and San Marcos. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize payment to the Corporation for National & Community Service for services provided during the Memorial Day 2015 Floods for Emergency Services Function (ESF) #6 - Mass Care in an amount of \$11,233.37 and amend the budget accordingly; money will come out of contingencies. All voting "Aye". MOTION PASSED

31847 AUTHORIZE COUNTY JUDGE TO SIGN A PSA WITH HALFF ASSOCIATES FOR THE DEVELOPMENT OF A COUNTY DRAINAGE CRITERIA MANUAL AND AMEND THE BUDGET ACCORDINGLY

Clint Garza, Director of Development and Community Services spoke. Halff Associates, if approved, shall begin the development of a County Drainage Manual, which will be used to standardize the methodology used for the design and regulation of detention, retention, conveyance, erosion control, and other facets of hydraulics and hydrology as they apply to construction in Hays County. Amount required \$25,000.00; Increase Contract Services Consultant 020-710-00.5448_008 - \$25,000; Decrease Equipment Maintenance and Repair 020-710-00.5411 - (\$25,000). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize County Judge to sign a PSA with Halff Associates for the development of a County Drainage Criteria Manual and amended the budget accordingly. All voting "Aye". MOTION PASSED



31848 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SANITARY CONTROL EASEMENT BETWEEN HAYS COUNTY AND CRYSTAL CLEAR SPECIAL UTILITY DISTRICT RELATED TO A WATER WELL OPERATED BY CRYSTAL CLEAR SPECIAL UTILITY DISTRICT ON PROPERTY ADJACENT TO PROPERTY OWNED BY HAYS COUNTY. COBB

Director of Development & Community Services, Clint Garza spoke. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a Sanitary Control Easement between Hays County and Crystal Clear Special Utility District related to water well operated by Crystal Clear Special Utility District on property adjacent to property owned by Hays County. All voting "Aye". MOTION PASSED

HOLD A PUBLIC HEARING ON THE FY 2017 PROPOSED TAX INCREASE - 1:30 P.M

Judge Cobb opened public hearing. Public input was received by Arice Axelrod – Hays County resident, Pat Chisholm – Buda resident, Dan Lyon – San Marcos resident, and Alice Chisholm – Buda resident spoke. Judge Cobb closed public hearing. County Auditor announced public hearing to vote on proposed tax increase and proposed budget - September 20th @ 1:30 p.m. at the Commissioner's Courtroom, 111 E. San Antonio Street, 3rd Floor.

ITEMIZED TAX RATE

Hays County - Fiscal Year 2017 Commissioner's Court Proposed - 08/30/2016 **ESTIMATED PROPERTY** TAX TAX VALUATION **FUNDS RATE COLLECTION** General M&O 16,269,382,421 29.16 46,492,689 Ċ (1 cent = \$1,594,399 @ 98% collection) 16,293,339,255 **General Debt** 12.46 ¢ 19,895,471 (1 cent = \$1,596,747 @ 98% collection) 16,401,368,869 Road & Bridge M&O 4.38 ¢ 7,040,124 (1 cent = \$1,607,334 @ 98% collection) Ad Valorem Tax Rate 46.00 73,428,283 **ASSESSED TAXES** 74,926,819 **Effective Tax** Rate 44.65 ¢ Recommended **Tax Rate** 46.00 Ċ Rollback Tax Rate 49.16 Ċ



417,513,819 (1 cent = \$41,751 @ 100% collection)	General M&O		29.16	¢		1,217,470
393,556,985 (1 cent = \$39,356 @ 100% collection)	General Debt		12.46	¢		490,372
201,516,548 (1 cent = \$20,152 @ 100% collection)	Road & Bridge M&O		4.38	¢		88,264
		Ad Valorem Tax Rate	46.00	¢		1,796,107
					TOTAL ASSESSED	

ASSESSED 76,722,926

County Clerk's Note Agenda Item # 25 RE: EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE VETERANS SERVICE OFFICER, EMERGENCY MANAGEMENT COORDINATOR, IT DIRECTOR, HUMAN RESOURCES DIRECTOR, TRANSPORTATION DIRECTOR, GENERAL COUNSEL, ELECTIONS ADMINISTRATOR, DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR, GRANTS ADMINISTRATOR, CHIEF JUVENILE PROBATION OFFICER AND JUVENILE FACILITY ADMINISTRATOR - was pulled

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 PROPOSED FM110 IN PCT. 1

Court convened into Executive Session at 10:52 a.m. and reconvened into open court at 10:57 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY LAW ENFORCEMENT ASSOCIATION

Court convened into Executive Session at 10:57 a.m. and reconvened into open court at 11:03 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.

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

Court convened into Executive Session at 11:03 a.m. and reconvened into open court at 11:28 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 recommendation to 311. The jail's daily average was 273 and peak was 286 on September 7th for the week of September 4 to September 10, 2016. The maximum female capacity is 76 inmates. Last week's average was 69 and peak was



73 on 9/7/2016. The maximum male capacity is 256 inmates. Last week's average was 204 and peak was 213 on 9/7/2016. Inmate at Guadalupe County: 80; Inmate at Caldwell County: 0; Inmate at Bastrop County: 26;

Inmate at Walker County: 11; Inmate at Gillespie County: 9; Inmate at Blanco County: 3; Inmate at Burnet County: 30.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

SIONER.

Today's Drought Index is 317. Burn Ban will remain lifted. Judge Cobb urged the citizens to use extreme caution when conducting outdoor burning.

County Clerk's Note Agenda Item #31 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 2:41 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 <u>September 13, 2016</u>.

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

14