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STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 20<sup>TH</sup> 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	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
OSCAR MEJIA JR	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Bishop Gene Massey gave the invocation and 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**

Robert Pugh, General Manager of West Travis PUA and Ari Axelrod spoke of Wimberley made a public comment.

**31849 ADOPT A PROCLAMATION DECLARING OCTOBER 4, 2016 AS NATIONAL NIGHT OUT**

Sheriff Gary Cutler spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a proclamation declaring October 4, 2016 as National Night Out. All voting "Aye".  
**MOTION PASSED**

**31850 ADOPT A PROCLAMATION CELEBRATING INTERNATIONAL DAY OF PEACE ON SEPTEMBER 21, 2016**

Center Director of Gary Job Corps. Lonnie Hall and Randolph Goodman, Gary Job Corps Business Community Liason spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation celebrating International Day of Peace on September 21, 2016. All voting "Aye".  
**MOTION PASSED**

**31851 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$1,328,571.87 as submitted by the County Auditor. All voting "Aye".  
**MOTION PASSED**

**31852 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 13, 2016**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court minutes of September 13, 2016. All voting "Aye".  
**MOTION PASSED**

**31853 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR FUNDING TO SUPPORT THE HAYS COUNTY VETERANS COURT IN THE AMOUNT OF \$101,583.75**

On February 23, 2016 the Commissioners Court approved submission of a grant application and accompanying resolution to the Governor's Office, Criminal Justice Division for funding to support the Hays County Veterans Court. The Veterans Court provides a voluntary intensive treatment program for those military veterans who suffer from combat-related trauma and have been diagnosed with mental health issues, PTSD, or TBI, and have been arrested for a non-violent offense. The grant award is to continue the support and operations of the Court, and includes funding for a Court Coordinator, travel and training expenses, office supplies, and contractual services including drug/alcohol testing and monitoring and Court-appointed defense attorney fees. The grant project period is from September 1, 2016 through August 31, 2017. The statement of award and required conditions for CJD recipients are attached and acceptance is done electronically. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to accept a grant award from the Office of the Governor, Criminal Justice Division for funding to support the Hays County Veterans Court in the amount of \$101,583.75. All voting "Aye".  
**MOTION PASSED**



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**31854            AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 17361 IH 35, BUDA, TX, 78610**

BNT Holdings, LLC is proposing an OSSF to serve a 32,000 square foot office/warehouse. This building will have no more than 30 employees and 5 daily visitors. This 9.459 acre property is Lot 1 of the Cotton Development 2 Subdivision and lies within the City of Buda. Water will be supplied by a public water supply. The system designer, Steve Wenzel, R.S., has designed a system, which consists of standard treatment with dispersal by a low pressure pipe drain field. The maximum daily usage rate is 260 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 17361 IH 35, Buda, TX, 78610. All voting “Aye”. MOTION PASSED**

**31855            AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 980 SOUTH LOOP 4, BUDA, TX, 78610**

GM AG Holdings, LLC is proposing an OSSF to serve a 43,000 square foot Chip Semiconductor business. This building will have no more than 50 employees and 15 daily visitors. This 19.97 acre property is Lot 1 of the GM AG Holdings Subdivision. Water will be supplied by a public water supply. The system designer, Derrick Lormand, R.S., has designed a system, which consists of standard treatment with dispersal by a low pressure pipe drain field. The maximum daily usage rate is 560 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 980 South Loop 4, Buda, TX, 78610. All voting “Aye”. MOTION PASSED**

**31856            AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 13526 W HIGHWAY 290, AUSTIN, TX**

Lasco Polo Club Partners, LTD is proposing an OSSF to serve a Children's Learning Center child care facility at 13526 W Highway 290 in Precinct 4. This property is 12.07 acres in size and water will be supplied by public water supply. The components of this on-site sewage facility will be a grease interceptor, pretreatment tank, equalization tanks, and 2 aerobic treatment units. After treatment, effluent will be dispersed to a drip irrigation field. The system was designed by Erin Banks for an equalized flow of 2743 GPD over a 7 day period. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 13526 W Highway 290, Austin, TX. All voting “Aye”. MOTION PASSED**

**31857            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TEXAS GENERAL LAND OFFICE (GLO) TO ADDRESS ACCESS AND HANDLING OF DATA PHYSICALLY OR ELECTRONICALLY ACQUIRED BY THE GLO REGARDING RECOVERY NEEDS WITHIN THE CBDG-DR PROGRAM**

The MOU specifies terms and conditions of data acquisition, use, storage, privacy and security and monitoring. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Memorandum of Understanding (MOU) with the Texas General Land Office (GLO) to address access and handling of data physically or electronically acquired by the GLO regarding recovery needs within the CBDG-DR Program. All voting “Aye”. MOTION PASSED**

**31858            AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT TO DISPOSE OF CERTAIN SALVAGE PROPERTY IN THE POSSESSION OF THE DEVELOPMENT SERVICES DIVISION, PURSUANT TO CHAPTER 263 OF THE TEXAS LOCAL GOVERNMENT CODE**

Until 2010, the Development Services Division produced paper map books for use by emergency responders, Hays County staff, elected officials, etc. Extra copies were made available for sale to the public. Current roadmap information is provided digitally and current technology has eliminated any demand for the 137 remaining paper books. Staff has determined the map books are now obsolete and have no value for the purpose originally intended. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Development and Community Services Department to dispose of certain salvage property in the possession of the Development Services Division, Pursuant to Chapter 263 of the Texas Local Government Code. All voting “Aye”. MOTION PASSED**

**31859            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION CERTIFYING THAT THE COUNTY HAS APPROVED A \$13,000 GRANT FOR FY 2017 TO COMBINED COMMUNITY ACTION, AN ORGANIZATION THAT PROVIDES HOME DELIVERED MEALS TO HOMEBOUND PERSONS IN THE COUNTY THAT ARE ELDERLY OR HAVE A DISABILITY**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a resolution certifying that the County has approved a \$13,000 grant for FY**



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2017 to Combined Community Action, an organization that provides home delivered meals to homebound persons in the County that are elderly or have a disability. All voting "Aye". MOTION PASSED

**31860 ACCEPT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TERMINATION OF STANDARD PROFESSIONAL SERVICE AGREEMENT BETWEEN HAYS COUNTY AND AMERICAN TRAFFIC SOLUTIONS, INC. (ATS)**

Ari Axelrod- a Wimberley resident spoke. General Counsel Mark Kennedy spoke. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept and authorize the County Judge to execute a Termination of Standard Professional Service Agreement between Hays County and American Traffic Solutions, Inc. (ATS). All voting "Aye". MOTION PASSED

**31861 ACTION TO ABANDON PLATTED BUT NON-EXISTING ROADWAY IN THE KYLE INDUSTRIAL PARK (BUNNY COVE) WITHIN PRECINCT 2, PURSUANT TO CHAPTER 251 OF THE TEXAS TRANSPORTATION CODE**

William Holms- a Hays County resident spoke. Director of Development & Community Services, Clint Garza spoke. The Kyle Industrial Park, which was originally platted in 1985. Landowner of three tracts has asked Hays County to abandon the "paper streets" to ensure the dedication made via the plat is rescinded. Sec. 251.051. GENERAL AUTHORITY OF COMMISSIONERS COURT. (a) The commissioners' court of a county shall: (1) order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered; and (2) assume control of streets and alleys in a municipality that does not have an active de facto municipal government. (b) A unanimous vote of the commissioners court is required to: (1) close, abandon, or vacate a public road; or (2) alter a public road, except to shorten it from end to end (c) The commissioners court of a county may not discontinue a public road until a new road designated by the court as a replacement is ready to replace it (d) The commissioners court may not discontinue, close, or abandon an entire first-class or second-class road unless the road has been vacated or unused for at least three years. Acts 1995, 74th Leg., Ch. 165, Sec. 1, eff. Sept. 1, 1995. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to abandon platted but non-existing roadway in the Kyle Industrial Park (Bunny Cove) within Precinct 2, Pursuant to Chapter 251 of the Texas Transportation Code. All voting "Aye". MOTION PASSED

**Clerk's Note – Court took a break at 10:07 a.m. and reconvened into open session at 10:26 a.m.**

**31862 ACTION TO RESCIND RESOLUTION NO. 30665 OF COMMISSIONERS COURT ADOPTED ON MAY 12, 2015, AND TO APPOINT MAGGIE HERNANDEZ MORENO, PURSUANT TO LOCAL GOVERNMENT CODE SECTION 87.041, TO FILL THE VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE, PRECINCT 1, PLACE 2, EFFECTIVE OCTOBER 1, 2016**

Maggie Hernandez Moreno spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to rescind Resolution No. 30665 of Commissioners Court adopted on May 12, 2015, and to appoint Maggie Hernandez Moreno, pursuant to Local Government Code Section 87.041, to fill the vacancy in the Office of Justice of the Peace, Precinct 1, Place 2, effective October 1, 2016. Commissioner Conley, Commissioner Ingalsbe and Judge Cobb voting yes. Commissioner Whisenant and Commissioner Jones voting no. MOTION PASSED

**31863 ACTION TO AMEND THE CONTRACT WITH PIONEER TECHNOLOGY GROUP FOR ACCESS TO THE COUNTY CLERK'S OFFICIAL PUBLIC RECORDS EFFECTIVE OCTOBER 1, 2016**

Hays County Clerk, Liz Q. Gonzalez spoke. The Court approved a new vendor for the County Clerk's OPR Records on March 29, 2016. The initial contract had a 75/25 shared cost for copies obtained over the internet. With 75% going to the vendor and 25% going to the County Clerk. With the new vendor the County Clerk is now offering the public access to view all documents recorded in the Official Public Records and only charging for printing of any pages. Currently, the County Clerk has not been collecting money for copies via the internet. All requests are sent directly to the Clerk's office for processing. The Court approved the vendor for credit card use on September 13, 2016. PTG is requesting to forego their shared cost in lieu of an increase in the annual maintenance fee. The current yearly maintenance fee is \$26,000. The requested yearly maintenance fee would go to \$48,000. The County Clerk is formally requesting the Court's consideration for this request which will be effective on October 1, 2016 and will have a budget impact for FY 2017. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to amend the contract with Pioneer Technology Group for access to the County Clerk's Official Public Records effective October 1, 2016. All voting "Aye". MOTION PASSED



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**County Clerk's Note Agenda Item # 16 RE:** ACTION TO APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS EXPRESSING INTENT TO REIMBURSE PROJECT EXPENDITURES FROM PROCEEDS OF FUTURE TAX-EXEMPT OBLIGATIONS, COMMONLY KNOWN AS A REIMBURSEMENT RESOLUTION, RELATED TO PROPERTY OWNED BY HAYS COUNTY ON CLOVIS BARKER ROAD IN SAN MARCOS, TEXAS- was pulled

**31864 REAPPOINT RAY WHISENANT TO THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "WTCPUA") EFFECTIVE OCTOBER 1, 2016 FOR A FOUR YEAR TERM**

Commissioner Conley spoke. Commissioner Whisenant initial term ends on September 30, 2016. A motion was made by Commissioner Conley, seconded by Commissioner Jones to reappoint Ray Whisenant to the Board of Directors of the West Travis County Public Utility Agency (The "WTCPUA") effective October 1, 2016 for a four year term. All voting "Aye". MOTION PASSED

**31865 HOLD A PUBLIC HEARING ON THE FY 2017 HAYS COUNTY PROPOSED BUDGET - 1:30 P.M**

Judge Cobb opened public hearing. Public input was received by Mary Cauble, Karen Brown, and Joe Papick-members of the Hays County Child Protective Board. Vickie Dorsett from the Hays County Auditor's Office spoke. A motion was made by Commissioner Conley, seconded by Commissioner Jones to adopt the recommended changes into the overall proposal in which the court has proposed. All voting "Aye". MOTION PASSED

**31866 ACTION TO SET THE FY 2017 SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to set the FY 2017 salaries and allowances for Hays County Elected Officials. All voting "Aye". MOTION PASSED

**31867 ACTION TO ADOPT THE FY 2017 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES AS A RESULT OF THE PUBLIC HEARING**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt the FY 2017 Hays County budget after making any final changes as a result of the public hearing. All voting "Aye". MOTION PASSED

**31868 ACTION TO RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY 2017 HAYS COUNTY BUDGET**

Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the Commissioner's Court to ratify the property tax increase reflected in the budget. This budget will raise more total property taxes than last year's budget by \$4,415,636 or 6.24%, and of that amount \$3,792,503 is tax revenue to be raised from new property added to the tax roll this year. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the property tax increase reflected in the FY 2017 Hays County budget. All voting "Aye". MOTION PASSED

**31869 ACTION TO APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY 2017 AND LEVY THE TAXES**

A motion was made by Judge Cobb, seconded by Commissioner Jones to approve an order adopting the tax rate for FY 2017 and levy the taxes. All voting "Aye". MOTION PASSED

**WORKSHOP TO INCLUDE A DISCUSSION AND POSSIBLE ACTION REGARDING THE ESTABLISHMENT OF A LIMITATION ON COUNTY PROPERTY TAX INCREASES ON THE RESIDENCE HOMESTEADS OF PERSONS WHO ARE DISABLED OR OVER SIXTY-FIVE YEARS OF AGE AS AUTHORIZED BY SECTION 1-B (H), ARTICLE VIII OF THE TEXAS CONSTITUTION**

Commissioner Conley, Judge Cobb, Commissioner Ingalsbe, Chief of Staff Lon Shell, Hays County Tax Assessor Luanne Caraway, Commissioner Whisenant, and Commissioner Jones all spoke on the matter. Section 1-b (h), Article VIII of the Texas Constitution (attached) provides the ability for adopting a tax limitation (tax freeze) on the residence homestead of a person who is disabled or over 65 years of age. Section 1-b (h) states: "The governing body of a county, a city or town, or a junior college district by official action may provide that if a person who is disabled or is sixty-five (65) years of age or older receives a residence homestead exemption prescribed or authorized by this section, the total amount of ad valorem taxes imposed on that homestead by the county, the city or town, or the junior college district may not be increased while it remains the



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residence homestead of that person or that person's spouse who is disabled or sixty-five (65) years of age or older and receives a residence homestead exemption on the homestead." Section 11.261 of the Texas Tax Code (attached) provides the requirements for implementation and administration of the freeze. Once enacted, the tax freeze may not be repealed by the County. The tax freeze may be transferred to a surviving spouse in certain circumstances, and the tax freeze may be transferred to another homestead within Hays County by following the method described in 11.261 (g) of the Texas Tax Code. Will be brought back to court next week for discussion.

**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**

Court convened into Executive Session at 12:50 p.m. and reconvened into open court at 1:30 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, and General Counsel Mark Kennedy. No action taken.

**County Clerk's Note Agenda Item # 25 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 PROPOSED FM110 IN PCT. 1. POSSIBLE ACTION TO FOLLOW IN OPEN COURT- was pulled*

**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 HUMPTY DUMPTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into Executive Session at 12:15 p.m. and reconvened into open court at 12:24 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Tammy Crumley 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. POSSIBLE ACTION TO FOLLOW IN OPEN COURT**

Court convened into Executive Session at 12:24 p.m. and reconvened into open court at 12:50 p.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. POSSIBLE ACTION MAY FOLLOW**

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 278 and peak was 287 on September 12th for the week of September 11 to September 17, 2016. The maximum female capacity is 76 inmates. Last week's average was 72 and peak was 78 on 9/13/2016. The maximum male capacity is 256 inmates. Last week's average was 206 and peak was 216 on 9/15/2016. Inmate at Guadalupe County: 84; Inmate at Caldwell County: 0; Inmate at Bastrop County: 25; Inmate at Walker County: 14; Inmate at Gillespie County: 8; Inmate at Blanco County: 3; Inmate at Burnet County: 41.

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

Burn Ban will remain lifted. Judge Cobb urged the citizens to use extreme caution when conducting outdoor burning.

**County Clerk's Note Agenda Item #30 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 2:23 p.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 September 20, 2016.

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

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

