



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 6<sup>TH</sup> DAY OF DECEMBER 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 WHISENANT JR.	COMMISSIONER, PCT. 4
CHRIS ALANIZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Rabbi Ari 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.

**32043 ADOPT A PROCLAMATION RECOGNIZING DECEMBER 4-10, 2016 AS NATIONAL INFLUENZA VACCINATION**

Hays County Local Health Department Epidemiologist Eric Schneider spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation recognizing December 4-10, 2016 as National Influenza Vaccination. All present voting "Aye". MOTION PASSED

**UPDATE FROM THE OFFICE OF EMERGENCY SERVICES STAFF ON THE PROGRESS OF THE HAYS COUNTY FLOOD WARNING SYSTEM PROJECT**

Justin McInnis from the Hays County Emergency Services gave an update on the Flood Warning System Project.

**PUBLIC COMMENTS**

Harvey Jenkins- a San Marcos resident and Sarah Myers- a San Marcos resident spoke.

**32044 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payment of County invoices in the amount of \$1,863,728.78 by the Hays County Auditor. All present voting "Aye". MOTION PASSED

**32045 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 22, 2016**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of November 22, 2016. All present voting "Aye". MOTION PASSED

**32046 APPROVE AND CONFIRM THE APPOINTMENT OF CODY CHEATHAM AS DEPUTY CONSTABLE AND ASHLEY JACKSON AS RESERVE DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 3 OFFICE EFFECTIVE JANUARY 1, 2017**

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. During the FY17 budget process, the Constable Pct. 3 was approved a new Deputy Constable position effective 1/1/17. Both the new and reserve Deputy Constable have met all TCOLE requirements and have previous experience with Hays County and other law enforcement agencies. Constable Ray Helm spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve and confirm the appointment of Cody Cheatham as Deputy Constable and Ashley Jackson as Reserve Deputy Constable in the Hays County Constable Precinct 3 office effective January 1, 2017. All present voting "Aye". MOTION PASSED

**32047 HOLD ONLINE AUCTION WITH RENE BATES AUCTIONEERS TO DISPOSE OF SURPLUS PROPERTY PURSUANT TO TEXAS LOCAL GOVERNMENT**



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**CODE 263.152 (A) (1) AND AUTHORIZE PURCHASING MANAGER TO ADVERTISE**

The start date for the auction will be December 19th and will close on January 6th. The website for Rene Bates is [www.renebates.com](http://www.renebates.com). Directions on how to bid on items can be found on the website. A list of items to be auctioned will be available for review in the Purchasing office. Items are located at the Hays County Transportation Dept. and the Purchasing Office. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hold online auction with Rene Bates Auctioneers to dispose of surplus property pursuant to Texas Local Government Code 263.152 (a) (1) and authorize Purchasing Manager to advertise. All present voting "Aye". MOTION PASSED**

**32048 AMEND VARIOUS DEPARTMENTAL OPERATING BUDGETS IN PREPARATION FOR THE COUNTY'S FY 2016 YEAR-END PROCESS**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend various departmental operating budgets in preparation for the County's FY 2016 year-end process. All present voting "Aye". MOTION PASSED**

**32049 RATIFY THE DISPOSAL OF SIX AUTOMATED EXTERNAL DEFIBRILLATORS (AED'S), AS A CREDIT ALLOWANCE OF \$1, 200.00 TOWARDS THE PURCHASE OF NEW AED UNITS FOR THE SHERIFF'S JAIL DIVISION**

Per LGC Sec. 263.152. DISPOSITION. (a) The Commissioners Court of a county may: (2) offer the property as a trade-in for new property of the same general type if the Commissioners Court considers that action to be in the best interests of the County. In the FY 17 Budget the Jail was approved to purchase six replacement AED's. The AED's have been ordered and received and the vendor is allotting a credit allowance of \$1,200 for the return of existing devices to be applied to the purchase of the new units. The Sheriff's Office request court approval to dispose of the old units per LGC Sec. 263.152. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the disposal of six Automated External Defibrillators (AED's), as a credit allowance of \$1,200.00 towards the purchase of new AED units for the Sheriff's Jail Division. All present voting "Aye". MOTION PASSED**

**32050 AUTHORIZE COMMERCIAL OSSF PERMIT AT 5401 W FITZHUGH, DRIPPING SPRINGS, TX 78620**

Caroline Bradford of the Liney Moon, LLC is proposing an OSSF to serve 3 short term rental cabins. This 7.593-acre property is Lot 11 of Section II in Madrone Ranch. This system will be served by a rainwater collection system. The owner is in the process of upgrading to a public water system. The system designer, Stephen Jetton, R.S., has designed a treatment system which consists of a pretreatment tank, a flow equalization tank, and an aerobic unit. After treatment, the effluent will be dispersed via surface application for a maximum daily rate of 300 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 5401 W Fitzhugh, Dripping Spring, TX 78620. All present voting "Aye". MOTION PASSED**

**32051 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE EXISTING FUNDS TO PURCHASE A BIOMETRIC RIFLE SAFE FOR SCHOOL RESOURCE OFFICERS ASSIGNED TO HAYS HIGH SCHOOL**

Hays County Sheriff's Deputy B. Robinson spoke. The Sheriff's Office is requesting to purchase a new biometric rifle safe for Hays High School. The existing safe was moved to Chapa Middle School. Purchasing a safe for HHS will allow SRO's to gain quick access to more powerful weapons on school premises in the event of an active shooter. All safety precautions are vigorously maintained so unauthorized personnel - adults & students cannot gain access to the weapons. Savings have been identified in the Law Enforcement Equipment Operating g/l account. No additional funds are needed. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's office to utilize existing funds to purchase a Biometric Rifle Safe for School Resource Officers assigned to Hays High School. All present voting "Aye". MOTION PASSED**

**32052 ACCEPT A DONATION FROM THE HARRY L. WILLETT FOUNDATION FOR THE BUCK WINN MURAL RESTORATION PROJECT AND AMEND THE BUDGET ACCORDINGLY**



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The Historical Commission has received a donation for expenses related to the Buck Winn Mural Restoration Project. Budget Amendment: Increase - Misc Equipment Capital; Increase - Capital Contributions. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept a donation from the Harry L. Willett Foundation for the Buck Winn Mural Restoration Project and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**32053 APPROVE THE REAPPOINTMENTS OF DOYLE KRUMREY, SHARON O'BRIEN AND BOB WILSON TO THE HAYS COUNTY ESD #3 FOR ADDITIONAL TWO YEAR TERMS**

Doyle Krumrey, Sharon O'Brien and Bob Wilson have agreed to serve an additional term, beginning January 1, 2017 and ending December 31, 2018. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the reappointments of Doyle Krumrey, Sharon O'Brien and Bob Wilson to the Hays County ESD #3 for additional two year terms. All present voting "Aye". MOTION PASSED**

**32054 AUTHORIZE DEVELOPMENT & COMMUNITY SERVICES TO ADD A TELEPHONE ALLOWANCE EFFECTIVE DECEMBER 1, 2016 FOR THE ENVIRONMENTAL HEALTH SPECIALIST, SLOT 0235-004 PER THE DATA REQUEST FORM AND AMEND THE BUDGET ACCORDINGLY**

A stipend has been requested and approved via the Request/ Justification Form for Electronics and Related Equipment/Services for the Environmental Health Specialist position. This position travels throughout the county and region related to public health and outreach. It is imperative that they are available to staff and supervisor as well as the community in order to remain productive and performs duties effectively. Savings within the operating budget have been identified to fund this request. Budget Amendment: Decrease 001-657-00.5489; Increase 001-657-00.5194. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Development & Community Services to add a telephone allowance effective December 1, 2016 for the Environmental Health Specialist, slot 0235-004 per the data request form and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**32055 HOLD A PUBLIC HEARING TO ESTABLISH A SCHOOL ZONE SPEED LIMIT OF 30 MPH ON SAWYER RANCH RD FOR THE NEW ELEMENTARY SCHOOL**

This action would establish a school zone speed limit of 30 MPH on Sawyer Ranch Rd to accommodate traffic for the new elementary school situated between Belterra Drive to the north and Highpointe Subdivision to the south, which currently has a speed limit of 50 MPH. Judge Cobb opened the public hearing at 9:53 A.M and closed public hearing at 9:53 A.M. with no public comments made. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish a school zone speed limit of 30 MPH on Sawyer Ranch Rd for the new elementary school. All present voting "Aye". MOTION PASSED**

**32056 HOLD A PUBLIC HEARING TO ESTABLISH A 25 MPH SPEED LIMIT ON BOULDER BLUFF**

This action will be to establish a 25 MPH speed limit on Boulder Bluff as a result of the completion of the road construction project. Judge Cobb opened the public hearing at 9:54 A.M. and closed public hearing at 9:54 A.M. with no public comments made. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish a 25 MPH speed limit on Boulder Bluff. All present voting "Aye". MOTION PASSED**

**32057 HOLD A PUBLIC HEARING TO ESTABLISH A 25 MPH SPEED LIMIT ON OWL HOLLOW RD**

This action will be to establish a 25 MPH speed limit on Owl Hollow Rd as a result of the completion of the road construction project. Judge Cobb opened the public hearing at 9:55 A.M. and closed public hearing at 9:55 A.M. with no public comments made. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to establish a 25 MPH speed limit on Owl Hollow Rd. All present voting "Aye". MOTION PASSED**

**32058 CALL FOR A PUBLIC HEARING ON DECEMBER 20, 2016 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 24, ROLLING OAKS SECTION 1**



Rolling Oaks Section 1 is a recorded subdivision located off of FM 3237 in Precinct 3. The proposed re-plat will divide the 6.02 acre lot 24 into 2 lots. Water service will be provided by individual water wells and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to call for a public hearing on December 20, 2016 to discuss final plat approval of the Replat of Lot 24, Rolling Oaks Section 1. All present voting "Aye". MOTION PASSED**

**32059 ACTION TO APPROVE FINAL PLAT OF THE FARMSTEAD AT DRIFTWOOD SUBDIVISION (1 LOT)**

The proposed Farmstead at Driftwood Subdivision is a 1 lot subdivision located off of Darden Hill Road in Precinct 4. The subdivision will be served by the private well and wastewater service will be provided by individual on-site sewage facilities. County Planner, Caitlyn Hairell spoke. Staff gave recommendation. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Final Plat of The Farmstead at Driftwood Subdivision (1 Lot). All present voting "Aye". MOTION PASSED**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE TEXAS PROPERTY ASSESSED CLEAN ENERGY ACT (PACE) INCLUDING A PRESENTATION ON THE PACE PROGRAM AND CONSIDERATION OF A RESOLUTION OF INTENT REQUIRED FOR ESTABLISHING A PACE PROGRAM IN HAYS COUNTY**

Representatives for the non-profit, Texas PACE authority will make a presentation of the PACE program during Court. PACE enables non-profit, commercial, industrial, multi-family, and agricultural property owners to obtain up to 100 percent of the project financing from low-cost, long-term loans for water conservation, energy efficiency, and onsite generation projects. Currently, there are businesses within Hays County that are considering participating in PACE projects. In order for a business to participate, Hays County must establish a PACE program. Various counties and cities in Texas have established PACE programs, including Travis and Williamson counties. Sharleen Huttenger gave a presentation on the PACE program. Hays County Tax Assessor, Luanne Caraway and General Counsel, Mark Kennedy spoke.

**Clerk's Note: Court took a break at 10:51 a.m. and reconvened back into open session at 11:01 a.m.**

**32060 CONSIDER A BID ON PROPERTY HELD IN TRUST**

Consider bid of \$850.00 for Part of Lots 1 and 2, Block 7 Dan McKie #2, City of San Marcos, Hays County, Texas held in trust of Hays County, City of San Marcos and San Marcos CISD. This property has been off the tax roll since August, 2004. See attached documentation regarding the amount of taxes and court costs due on this property along with a letter and copies of pictures from the bidder. Hays County Tax Assessor, Luanne Caraway spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve bid on property held in trust. All present voting "Aye". MOTION PASSED**

**32061 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH GERLOFF COMPANY INC. FOR MECHANICAL, ELECTRICAL, AND PLUMBING REPAIRS WITHIN THE HAYS COUNTY GOVERNMENT CENTER**

Gerloff Company has been selected to perform construction services at the Hays County Government Center. General Counsel, Mark Kennedy and Clint Garza, Director of Development spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Contract with Gerloff Company Inc. for mechanical, electrical, and plumbing repairs within the Hays County Government Center. All present voting "Aye". MOTION PASSED**

**32062 FORM COMMITTEES FOR THE PLANNING OF ROAD PROJECTS RELATED TO THE 2016 VOTER APPROVED ROAD BOND ELECTION**

Following the approval of the 2016 road bond, the formation of two committees for the planning and coordination of the road projects is needed. The recommendation of Commissioners Conley and Jones is to form two committees, one to focus on county road projects and one to focus on state road projects within Hays County. Commissioners Conley and Jones recommend that they serve on the state road committee and that Commissioners Ingalsbe and Whisenant serve on the county road committee. The commissioners will work with staff and other stakeholders in implementing a plan, timeline, and policy for the projects approved in the 2016 road bond election. Precinct 3 Commissioner Conley and Precinct 4 Commissioner Whisenant spoke. **A motion**



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was made by Commissioner Conley, seconded by Commissioner Whisenant to form committees for the planning of road projects related to the 2016 voter approved road bond election. All present voting "Aye". MOTION PASSED

**32063      AUTHORIZE THE SHERIFF'S OFFICE TO CONVERT DEPUTY, SLOT 055-072 TO AN INSPECTOR UNDER THE OFFICE OF PROFESSIONAL RESPONSIBILITY DIVISION EFFECTIVE DECEMBER 16, 2016**

The Sheriff is requesting the Courts consideration to convert one Deputy Position that is currently assigned to the Government Center Security division to an Inspector (graded as a Sergeant MBS4) under the Office of Professional Responsibility division. The Sheriff's Office currently has one position that oversees Human Resources, internal investigations, background checks and the reserve officer program. Due to growth within the County and the Sheriff's Law Enforcement division it is necessary to have additional manpower to maintain justice, integrity and a high level of service to the County and public. This position will report to the current Inspector (graded as a Lieutenant) and will be responsible for background checks and the reserve officer program. Due to the confidentiality, complexity and strict core values for this division it is necessary to promote individuals that have proven characteristics and accountability. Fiscal Impact: Base salary increase for the remainder of FY 2017 is \$8,246 plus \$1,642 in fringe benefits for a total of \$9,888 required. Salary savings within the department due to vacancies have been identified to fund this request. (\$12,478 - annualized). Hays County Sheriff Gary Cutler and General Counsel Mark Kennedy spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's Office to convert Deputy, slot 055-072 to an Inspector under the Office of Professional Responsibility division effective December 16, 2016. All present voting "Aye". MOTION PASSED**

**HOLD A PUBLIC HEARING AT 10:00AM REGARDING THE PROPOSED METHOD OF DISTRIBUTION FOR \$7,405,319 IN COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM FUNDING AVAILABLE THROUGH THE TEXAS GENERAL LAND OFFICE. POSSIBLE ACTION MAY FOLLOW**

Judge Cobb opened the public hearing at 11:10 a.m. Don Ferguson from the City of Wimberley and Chance Sparks, Interim City Manager for the city of Buda spoke. Jeff Hauff, from the Hays County Grants department gave a presentation on the matter. Judge Cobb closed the public hearing at 11:32 a.m. The U.S. Department of Housing and Urban Development (HUD), through Congressional appropriation, issued Community Development Block Grant - Disaster Recovery funding to Texas for Disaster Events DR-4223 and DR4245 occurring in 2015. The Texas General Land Office (GLO) has been designated by the State as the agency to administer the funding to counties included in the disaster declarations. The GLO has charged the "most impacted" counties (Harris, Hays, Hidalgo and Travis) to develop a Method of Distribution (MOD) for funding distribution to eligible cities within - and including - the County based on objective scoring criteria. As the City of San Marcos received a direct Congressional allocation, it is not included in the Hays County MOD. Of the \$7,405,319 in funding allocated to Hays County, \$2,369,702 (32%) must be spent on Housing needs and \$5,035,617 will be allowed for Non-Housing or Infrastructure needs. Further, at least 70% of the funding (\$5,183,723.30) must be distributed to Low to Moderate Income (LMI) households or on projects whose service areas contain at least 70% LMI individuals/households. Projects may include those generally accepted under the Community Development Block Grant (CDBG) program. The factors and weighting system selected for the Hays County MOD build on the allocation formulas already within the GLO State Action Plan by taking damages incurred from the disasters as the primary factor when considering allocation of funding to the various County entities. This is based on Total Projected Project amounts in dollars as determined by FEMA in calculations for Public Assistance (PA) to governmental entities for Non Housing allocations and, in the case of Housing, the FEMA Verified Loss (FVL) amount as the primary basis for allocation. Also, a secondary factor is included to address the requirement that at least 70% of the funding goes to benefit LMI individuals and groups and is applied to both Housing and Non-Housing allocations. The public hearing will be held to consider public comments on the draft MOD. Upon consideration of any comments received at the public hearing and those written comments received by the deadline date of December 7, 2016 at 5:00pm, the MOD will be submitted for approval by the GLO. Upon approval, applications for funding will be accepted and reviewed by the GLO from the various entities that have been allocated funding through the Hays County MOD.

**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 551.074 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,**



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**ELECTIONS ADMINISTRATOR, DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR, GRANTS ADMINISTRATOR, CHIEF JUVENILE PROBATION OFFICER AND JUVENILE FACILITY ADMINISTRATOR**

Court convened into Executive Session at 12:15 p.m. and reconvened into open court at 1:05 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, and Judge Cobb. No action taken.

**County Clerk's Note Agenda Item #27 RE:** *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- was pulled.*

**32064 DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Hays County Fire Marshal Clint Browning gave an update on the burn ban. The drought index is 23. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to lift the current burn ban. All present voting "Aye". MOTION PASSED**

**County Clerk's Note Agenda Item #29 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR. POSSIBLE ACTION MAY FOLLOW- was pulled.*

**ADJOURNMENT**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 1:22 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 December 6, 2016.



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

