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STATE OF TEXAS \*  
 COUNTY OF HAYS \*

**ON THIS THE 13<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:**

<b>ALBERT H. COBB JR</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>MARK JONES</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RAY O. WHISENANT JR.</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LIZ Q. GONZALEZ</b>	<b>COUNTY CLERK</b>

**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.

**32065 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$1,002,587.40 as presented by the Hays County Auditor. All voting "Aye". MOTION PASSED

**32066 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 6, 2016**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of December 6, 2016. All voting "Aye". MOTION PASSED

**32067 APPROVE THE RE-APPOINTMENT OF JULIA NEW AND MICHAEL FLOREANI TO THE EMERGENCY SERVICE DISTRICT #7 BOARD FOR TWO YEAR TERMS EXPIRING DECEMBER 31, 2016**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the re-appointment of Julia New and Michael Floreani to the Emergency Service District #7 board for two year terms expiring December 31, 2016. All voting "Aye". MOTION PASSED

**32068 APPROVE SPECIFICATION FOR RFP#2017-P02, MANAGEMENT SERVICES, FOR A CEDAR OAK MESA WATER SUPPLY CORPORATION - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE**

The Cedar Oak Mesa Water Supply Corporation (COMWSC) would like to continue improvements to their aging water supply system and has asked Hays County to serve as sponsor for a grant application as it has done in the past. Per new requirements from the Texas Department of Agriculture (TDA), Community Development Block Grant (CDBG) program, both grant management and engineering services must now be procured prior to grant application development and submission in order to utilize the same consultants for grant implementation. This is designed to prevent real or perceived competitive solicitation conflicts resulting from "insider" information. Per the attached RFP, Hays County is seeking to enter into a professional services contract with a competent management/consulting firm to assist in the overall management required by the County for the development of a grant application and – pending funding award - implementation of a Texas Community Development Block Grant Program, Community Development Fund project administered through the Texas Department of Agriculture for FY2017-2018. Upon selection of a consultant, clauses can be included in the subsequent contract for services that make payment contingent on grant award for the project. Matching funds will be provided by the COMWSC upon grant award to facilitate project implementation. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve specification for RFP#2017-P02, Management Services, for a Cedar Oak Mesa Water Supply Corporation – Community Development Block Grant Program Project and authorize Purchasing to solicit for proposals and advertise. All voting "Aye". MOTION PASSED**

**32069 APPROVE SPECIFICATION FOR RFQ#2017-P03, ENGINEERING SERVICES, FOR A CEDAR OAK MESA WATER SUPPLY CORPORATION - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE**

The Cedar Oak Mesa Water Supply Corporation (COMWSC) would like to continue improvements to their aging water supply system and has asked Hays County to serve as sponsor for a grant application as it has done in the past. Per new requirements from the Texas Department of Agriculture (TDA), Community Development Block Grant (CDBG) program, both grant management and engineering services must now be procured prior to grant application development and submission in order to utilize the same consultants for grant implementation. This is designed to prevent real or perceived competitive solicitation conflicts resulting from "insider" information. Per the attached RFQ, Hays County is seeking to enter into a professional engineering services contract with a



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state-registered engineer for the development of a grant application and – pending funding award – implementation of a Texas Community Development Block Grant (CDBG) Program, Community Development Fund project administered through the Texas Department of Agriculture for FY2017-2018. Upon selection of a firm, clauses can be included in the subsequent contract for services that make payment contingent on grant award for the project. Matching funds will be provided by the COMWSC upon grant award to facilitate project implementation. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve specification For RFQ#2017-P03, Engineering Services, for a Cedar Oak Mesa Water Supply Corporation - Community Development Block Grant Program project and authorize Purchasing to solicit for qualifications and advertise. All voting “Aye”. MOTION PASSED**

**32070 AUTHORIZE THE HISTORICAL COMMISSION TO ACCEPT VARIOUS DONATIONS FOR RESTORATION PROJECTS AND AMEND THE BUDGET ACCORDINGLY**

The Historical Commission has received donations for the Woods Memorial and Kyle Depot Projects. Budget Amendment: Increase – Travel; Increase – Contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Historical Commission to accept various donations for restoration projects and amend the budget accordingly. All voting “Aye”. MOTION PASSED**

**32071 AMEND ITEM 31951 FROM THE OCTOBER 25, 2016 MINUTES OF THE HAYS COUNTY COMMISSIONERS COURT TO CHANGE EWALD ROAD TO EWALD DRIVE**

Due to the road sign being mislabeled, Ewald Drive was incorrectly identified as Ewald Road during the October 25, 2016 meeting. This action is to amend the minutes to correct all instances of "Ewald Road" and replace them with "Ewald Drive." Additionally, a work order has been created to change the existing road sign to "Ewald Drive" consistent with the Hays County map book. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend item 31951 from October 25, 2016 minutes of the Hays County Commissioners Court to change Ewald Road to Ewald Drive. All voting “Aye”. MOTION PASSED**

**32072 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE SHERIFF DRUG FORFEITURE FUNDS TO PURCHASE A RIFLE AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office is seeking approval to utilize Sheriff Drug Forfeiture Funds for the purchase of a specialized rifle for use by the SWAT Sniper Team. In a recent assessment of operational needs, the sniper section identified a need for a specialized round that can penetrate industrial glass found in modern construction such as the Government Center and other high-rise locations in San Marcos and Texas State University. Coupled with the ever increasing threat from vehicles being used as weapons, the round must also be effective in stopping large vehicles by disabling the engine. After multiple tests conducted by Texas DPS, Austin SWAT and Hays County SWAT the .338 Lapua was identified as meeting these needs. The total cost of the rifle is \$3,900 and the scope is \$2,100. No additional funds are needed, Sheriff Drug Forfeiture Funds will be used for this purchase. Budget Amendment; Decrease 053-618-00.5391 Misc. (\$6,000.00); Increase 053-618-00.5717\_400 \$6,000.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to utilize Sheriff Drug Forfeiture Funds to purchase a rifle and amend the budget accordingly. All voting “Aye”. MOTION PASSED**

**32073 APPROVE UTILITY PERMITS**

Permit; .1001. Road Name; Elder Hill Road. Utility; Time Warner Cable (communications). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Utility Permit #1001 on Elder Hill Road issued to Time Warner Cable as authorized by the Transportation Department. All voting “Aye”. MOTION PASSED**

**32074 CALL FOR A PUBLIC HEARING REGARDING AMENDMENT OF THE HAYS COUNTY ANIMAL CONTROL ORDINANCE AT REGULAR MEETING OF COMMISSIONERS COURT ON JANUARY 24, 2017; AUTHORIZE GENERAL COUNSEL TO PUBLISH LEGAL NOTICE OF SAID PUBLIC HEARING**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to call for a Public Hearing regarding Amendment of the Hays County Animal Control Ordinance at Regular Meeting of Commissioners Court on January 24, 2017; Authorize General Counsel to publish Legal Notice of said Public Hearing. All voting “Aye”. MOTION PASSED**

**32075 APPROVE AND CONFIRM THE APPOINTMENT OF CODY FEAGAN AS RESERVE DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 3 OFFICE EFFECTIVE JANUARY 1, 2017**

The Hays County Sheriff's Office has provided suggested amendments to the existing Animal Control Ordinance. Most changes are practical changes meant to make the Ordinance function better, and/or to bring it within compliance with state and constitutional standards. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve and confirm the Appointment of Cody Feagan as**



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Reserve Deputy Constable in the Hays County Constable Precinct 3 Office effective January 1, 2017. All voting "Aye". MOTION PASSED

**32076 AUTHORIZE THE DEVELOPMENT SERVICES OFFICE TO ADD A TELEPHONE ALLOWANCE EFFECTIVE DECEMBER 15, 2016 FOR THE PLANNER, SLOT NUMBER 1166-002 AND AMEND THE BUDGET ACCORDINGLY**

A stipend has been requested and approved for the Planner position via the Request/Justification Form for the Electronics and Related Equipment/Services. This position travels throughout the County and region attending meeting and planning events. It is imperative that this position be available to staff and supervisors as well as the community in order to remain productive and perform duties effectively. Budget Amendment. Decrease 001-657-00.5489 Telephone & Data Lines (\$335) Increase 001-657-00.5194 Telephone Allowance \$3335. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Development Services Office to add a telephone allowance effective December 15, 2016 for the Planner, Slot Number 1166-002 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**32077 AUTHORIZE COMMISSIONER CONLEY TO EXECUTE SUPPLEMENTAL NO. 6 TO WORK AUTHORIZATION NO. 1 OF HDR ENGINEERING, INC. PROFESSIONAL SERVICES AGREEMENT FOR PROGRAM MANAGEMENT SERVICES ON THE PRIORITY ROAD BOND PROGRAM**

The Professional Services Agreement (PSA) and Work Authorization No. 1 (WA1) for HDR Engineering, Inc. to provide program management services to Hays County for the Priority Road Bond Program was approved by Commissioner's Court on April 7, 2009. The termination date of WA1 was extended to December 31, 2016 by Supplement No. 4. Currently there are two on-going projects that still require oversight (RM 12 Parkway ROW & Dacy Lane ROW) and Therefore HDR is requesting to extend the termination date for WA1 to December 31, 2017. No additional funds are being requested at this time. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Commissioner Conley to execute Supplemental No. 6 to Work Authorization No. 1 of HDR Engineering, Inc. Professional Services Agreement for Program Management Services on the Priority Road Bond Program. All voting "Aye". MOTION PASSED**

**32078 AUTHORIZE COMMISSIONER CONLEY TO EXECUTE SUPPLEMENTAL NO. 2 TO WORK AUTHORIZATION NO. 1 OF HDR ENGINEERING, INC. PROFESSIONAL SERVICES AGREEMENT FOR RIGHT OF WAY ACQUISITIONS SERVICES ON THE RM 12 PARKWAY PROJECT**

The Professional Services Agreement (PSA) and Work Authorization No. 1 (WA1) for HDR Engineering, Inc. to provide right of way acquisition services to Hays County for 48 parcels on the RM 12 Parkway project was approved by Commissioner's Court on December 12, 2014. The termination date of WA1 was extended from May 31, 2016 to December 31, 2016 by Supplement No. 1. Currently there are four parcels remaining to close out the project. These parcels are currently expected to go to eminent domain proceedings. Therefore HDR is requesting to extend the termination date for WA1 to December 31, 2017. No additional funds are being requested at this time. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Commissioner Conley to execute Supplemental No. 2 to Work Authorization No. 1 of HDR Engineering, Inc. Professional Services Agreement for Right of Way Acquisitions Services on the RM 12 Parkway Project. All voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #15 RE:** *DISCUSSION AND POSSIBLE ACTION TO CONSIDER COMMENTS RECEIVED ON THE PROPOSED METHOD OF DISTRIBUTION FOR 2015 FLOODS CDBG - DISASTER RECOVERY ALLOCATION FUNDING AND APPROVAL OF FINAL DOCUMENT FOR SUBMISSION TO THE TEXAS GENERAL LAND OFFICE FOR REVIEW – was pulled*

**Clerk's Note Agenda Item #16 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 – 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, ELECTIONS ADMINISTRATOR, DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR, GRANTS ADMINISTRATOR, CHIEF JUVENILE PROBATION OFFICER AND JUVENILE FACILITY ADMINISTRATOR**

Court convened into Executive session at 9:19 a.m. and reconvened into open court at 11:15 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.



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**Clerk's Note Agenda Item #18 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 - was pulled*

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

Judge Cobb gave the current Drought Index - 30. The Burn Ban will remain lifted. Judge Cobb urged the public to use extreme caution when conducting outdoor burning.

**Clerk's Note Agenda Item #20 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*

**ADJOURNMENT**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 11:17 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 December 13, 2016.

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

