



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF JANUARY A.D., 2017, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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| 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 |
| LIZ Q. GONZALEZ | 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.

PRESENTATION OF CEREMONIAL IN OF ALL NEWLY AND RE-ELECTED OFFICIALS TO HAYS COUNTY AND APPROVE THE ACCEPTANCE OF OFFICIAL BONDS

Judge Cobb swore in the following Elected Officials: District Judge, 22nd Judicial District – Bruce Boyer, Constable Pct. 1 – David Peterson, Constable Pct. 2 – Michael Torres, Constable Pct. 3 – Raymond Helm, Constable Pct. 4 – Ron Hood, Constable Pct. 5 – John Ellen, Commissioner Pct. 1 – Debbie Gonzales Ingalsbe, Justice of the Peace Pct. 1-1 – JoAnne Prado, Justice of the Peace Pct. 1-2 – Maggie Hernandez-Moreno, Tax Assessor/Collector – Luanne Caraway, and Hays County Sheriff – Gary Cutler.

Clerk's Note: Court took a break at 9:22 a.m. and returned into open session at 9:42 a.m.

PUBLIC COMMENTS

Constable Pct. 1 – David Peterson presented Commissioner Pct. 1 – Debbie Gonzales Ingalsbe with a Service of Appreciation Plaque.

32108 APPROVE PAYMENTS OF COUNTY INVOICES

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

32109 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 20, 2016

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of December 20, 2016. All present voting "Aye".
MOTION PASSED



32110 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD (TWDB) FOR A FLOOD PROTECTION GRANT IN THE AMOUNT OF \$500,000.00 FOR PARTIAL FUNDING OF THE LOW WATER CROSSING HAZARD/COMPREHENSIVE FLOOD MONITORING SYSTEM PROJECT AND AMEND THE BUDGET ACCORDINGLY

On May 10, 2016 the Commissioners Court authorized a Professional Services Agreement with Half Associates, Inc. for the preparation of a grant application to the Texas Water Development Board (TWDB), Flood Protection Grant program for up to \$1,011,250 in funding to support expansion of a comprehensive flood monitoring system in Hays County. This was followed on June 7, 2016 with the approval of the Commissioners Court to submit the grant application to the TWDB along with a resolution of support for the grant with commitment to carry out the project. The project will entail the installation of up to 25 low water crossing warning systems with telemetry to monitor water levels, rain gages at 10 of the sites, monitoring systems for 5 flood control dams, base stations to receive data, and database development and management software and programming to process data received from the remote sites, all through consultant/contractor services. The TWDB has approved grant funding in an amount not to exceed \$500,000.00 or 24.72% of the total project amount, whichever is less, with the County to provide a match equivalent to 75.28% of the total project costs, up to \$1,522,500.00 in cash and/or in-kind contributions, for a total project amount of up to \$2,022,500.00. *The County has reserved \$1,500,000.00 in project matching funds, and in-kind services may be utilized to supplement the required matching funds of up to \$22,500.00, depending on final project costs. Approval of the TWDB contract is recommended to proceed with the project. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with the Texas Water Development Board (TWDB) for a Flood Protection Grant in the amount of \$500,000.00 for partial funding of the low water crossing hazard/comprehensive flood monitoring system project and amend the budget accordingly. All present voting “Aye”. MOTION PASSED**

32111 APPROVE AND CONFIRM THE APPOINTMENT OF ROBERT LEE ELLER AS DEPUTY CONSTABLE, ARASELI TORRES AMAYA AS DEPUTY CONSTABLE, MARCUS ADRIAN GONZALES AS DEPUTY CONSTABLE, AND JOEL WILLIAM MARTIN AS RESERVE DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 2 OFFICE

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. Sec. 86.011. APPOINTMENT OF DEPUTY CONSTABLE. (a) An elected constable who desires to appoint a deputy must apply in writing to the Commissioners court of the county and show that it is necessary to appoint a deputy in order to properly handle the business of the constable's office that originates in the constable's precinct. The application must state the name of the proposed deputy. The commissioners court shall approve and confirm the appointment of the deputy only if the commissioners court determines that the constable needs a deputy to handle the business originating in the precinct.(b) Each deputy constable must qualify in the manner provided for deputy sheriffs. (c) The constable is responsible for the official acts of each deputy of the constable. The constable may require a deputy to post a bond or security. A constable may exercise any remedy against a deputy or the deputy's surety that a person may exercise against the constable or the constable's surety. (d) A person commits an offense if the person: (1) serves as a deputy constable and the person has not been appointed as provided by Subsection (a); or (2) is a constable and issues a deputyship without the consent and approval of the commissioners court. (e) An offense under Subsection (d) is punishable by a fine of not less than \$50 or more than \$1,000. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe To Approve and confirm the appointment of Robert Lee Eller as Deputy Constable, Araseli Torres Amaya as Deputy Constable, Marcus Adrian Gonzales as Deputy Constable, and Joel William Martin as Reserve Deputy Constable in the Hays County Constable Precinct 2 Office. All present voting “Aye”. MOTION PASSED**



32112 APPROVE AND CONFIRM THE APPOINTMENT OF CHARLES WILLIAMS AS DEPUTY CONSTABLE AND MICHAEL "CODY" FEAGEN AS DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 5 OFFICE

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. Sec. 86.011. APPOINTMENT OF DEPUTY CONSTABLE. (a) An elected constable who desires to appoint a deputy must apply in writing to the commissioners court of the county and show that it is necessary to appoint a deputy in order to properly handle the business of the constable's office that originates in the constable's precinct. The application must state the name of the proposed deputy. The commissioners court shall approve and confirm the appointment of the deputy only if the commissioners court determines that the constable needs a deputy to handle the business originating in the precinct. (b) Each deputy constable must qualify in the manner provided for deputy sheriffs.(c) The constable is responsible for the official acts of each deputy of the constable. The constable may require a deputy to post a bond or security. A constable may exercise any remedy against a deputy or the deputy's surety that a person may exercise against the constable or the constable's surety.(d) A person commits an offense if the person: (1) serves as a deputy constable and the person has not been appointed as provided by Subsection (a); or (2) is a constable and issues a deputyship without the consent and approval of the commissioners court. (e) An offense under Subsection (d) is punishable by a fine of not less than \$50 or more than \$1,000. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant approve and confirm the appointment of Charles Williams as Deputy Constable and Michael "Cody" Feagen as Deputy Constable in the Hays County Constable Precinct 5 Office.. All present voting "Aye". MOTION PASSED**

32113 APPROVE AND CONFIRM THE APPOINTMENT OF JIMMY ZUEHLKE AS DEPUTY CONSTABLE, IN PRECINCT 4

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. Sec. 86.011. APPOINTMENT OF DEPUTY CONSTABLE. (a) An elected constable who desires to appoint a deputy must apply in writing to the commissioners court of the county and show that it is necessary to appoint a deputy in order to properly handle the business of the constable's office that originates in the constable's precinct. The application must state the name of the proposed deputy. The commissioners court shall approve and confirm the appointment of the deputy only if the commissioners court determines that the constable needs a deputy to handle the business originating in the precinct. *B*(b) Each deputy constable must qualify in the manner provided for deputy sheriffs. (c) The constable is responsible for the official acts of each deputy of the constable. The constable may require a deputy to post a bond or security. A constable may exercise any remedy against a deputy or the deputy's surety that a person may exercise against the constable or the constable's surety. (d) A person commits an offense if the person:(1) serves as a deputy constable and the person has not been appointed as provided by Subsection (a); or (2) is a constable and issues a deputyship without the consent and approval of the commissioners court. (e) An offense under Subsection (d) is punishable by a fine of not less than \$50 or more than \$1,000. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve and confirm the appointment of Jimmy Zuehlke as Deputy Constable, in Precinct 4. All present voting "Aye". MOTION PASSED**

32114 AUTHORIZE COMMERCIAL OSSF PERMIT AT 23490 RANCH ROAD 12, DRIPPING SPRINGS, TX 78620

Nicholas and Gay Dotin are proposing an OSSF to serve 4 short term rental cabins. This 10.97-acre property will be served by a private well. The system designer, Kyle DeHart, R.S., has designed a treatment system which consists of pretreatment, flow equalization, 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 23490 Ranch Road 12, Dripping Springs, TX 78620. All present voting "Aye". MOTION PASSED**



32115 AUTHORIZE AN INTERGOVERNMENTAL TRANSFER FOR THE DELIVERY SYSTEM REFORM INCENTIVE PROGRAM (DSRIP) IN THE AMOUNT OF \$680,743.85 FOR CENTRAL TEXAS MEDICAL CENTER AS PART OF THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM (1115 WAIVER)

\$2,000,000 was approved during the budget process for FY 2017 Texas Healthcare Transformation and Quality Improvement Program (1115 Waiver) payments. The 1st opportunity to transfer funds for DSRIP funding during FY 2017 will occur on Jan 4, 2017. At this time Central Texas Medical Center (CTMC) is authorized for a transfer of \$680,743.85 for DY5 round 2. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to Authorize an intergovernmental transfer for the Delivery System Reform Incentive Program (DSRIP) in the amount of \$680,743.85 for Central Texas Medical Center as part of the Texas Healthcare Transformation and Quality Improvement Program (1115 Waiver). All present voting "Aye". MOTION PASSED**

32116 RESCIND ACTION OF THE COMMISSIONERS COURT ON OR ABOUT FEBRUARY 17, 2015, ADOPTING "A REGULATION OF HAYS COUNTY, TEXAS HOLDING A MOTOR VEHICLE OWNER LIABLE FOR THE OWNER'S MOTOR VEHICLE OPERATING IN A SCHOOL-ZONE IN EXCESS OF POSTED SPEED LIMITS AND IMPOSING A CIVIL PENALTY FOR VIOLATION OF THIS REGULATION", PURSUANT TO TEXAS TRANSPORTATION CODE SECTIONS 251.016, 251.151 AND 542.202

On September 20, 2016, the Standard Professional Service Agreement between Hays County and American Traffic Solutions, Inc. (ATS) was terminated; therefore, the Regulation adopted on or about February 17, 2015, is no longer applicable to the school-zones located within Hays County, Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to rescind action of the Commissioners Court on or about February 17, 2015, adopting "A Regulation of Hays County, Texas Holding a Motor Vehicle Owner Liable for the Owner's Motor Vehicle Operating in a School-Zone in Excess of Posted Speed Limits and Imposing a Civil Penalty for Violation of this Regulation", pursuant to Texas Transportation Code Sections 251.016, 251.151 and 542.202. All present voting "Aye". MOTION PASSED**

32117 AUTHORIZE THE HISTORICAL COMMISSION TO ACCEPT VARIOUS DONATIONS FOR THE KYLE DEPOT PROJECT AND AMEND THE BUDGET ACCORDINGLY

The Historical Commission has received donations for the Kyle Depot Projects for misc supplies. Budget Amendment: Increase - 5201 Supplies Increase - 4610 Contributions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Historical Commission to accept various donations for the Kyle Depot Project and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

32118 RECOGNIZE THAT HAYS COUNTY ACCEPTED A DONATION ON DECEMBER 30, 2016, IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00USD) FROM THE HOBBY FAMILY FOUNDATION TO BE USED FOR THE CHILD PROTECTIVE BOARD SERVICES WITHIN HAYS COUNTY AND AMEND THE BUDGET ACCORDINGLY



The Hobby Family Foundation has graciously donated funds to be passed through to the Hays County Child Protective Board for operating expenses associated with programs for the children. Budget Amendment: Increase Contributions - 001-895-98-354.4610 Increase Hays Co Child Protective Board Funding - 001-895-98-354.5800. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to recognize that Hays County accepted a donation on December 30, 2016, in the amount of five thousand dollars (\$5,000.00USD) from the Hobby Family Foundation to be used for the Child Protective Board services within Hays County and amend the budget accordingly. All present voting “Aye”. MOTION PASSED**

32119 ACCEPT BOND NO. SUR23100156 FOR STREET AND DRAINAGE IMPROVEMENTS FOR STONEFIELD SECTION 11 IN THE AMOUNT OF \$2,361,295.12

The final plat for the Stonefield Section 11 Subdivision has been reviewed under the interlocal cooperation agreement with the City of Buda and has been approved by County staff. While the plat has been approved administratively, formal acceptance of fiscal surety is required by Commissioners Court action. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept Bond No. SUR23100156 for street and drainage improvements for Stonefield Section 11 in the amount of \$2,361,295.12. All present voting “Aye”. MOTION PASSED**

32120 SUB-597 SHADOW CREEK PHASE 5, SECTION 1 (145 LOTS) APPROVE FINAL PLAT; ACCEPT CONSTRUCTION BOND NO. K09325116 FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,195,701.17

Caitlyn Hairell, Hays 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 140 single-family residential lots and 5 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. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve SUB-597 Shadow Creek Phase 5, Section 1 (145 lots) to approve final plat; accept Construction Bond No. K09325116 for the construction of street and drainage improvements in the amount of \$1,195,701.17. All present voting “Aye”. MOTION PASSED**

32121 CALL FOR A PUBLIC HEARING ON JANUARY 17, 2017 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 8, VISTA RIDGE ESTATES. WHISENANT/HAIR

Vista Ridge Estates is a recorded subdivision located off of Roy Creek Trail in Precinct 4. The proposed re-plat will divide the 11.09 acre lot 8 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 Whisenant, seconded by Commissioner Ingalsbe to Call for a public hearing on January 17, 2017 to discuss final plat approval of the Replat of Lot 8, Vista Ridge Estates. All present voting “Aye”. MOTION PASSED**



32122 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY AND WATER AND EARTH TECHNOLOGIES, INC., RELATED TO THE INSTALLATION OF LOW-WATER CROSSING WARNING SYSTEMS WITHIN HAYS COUNTY AND AMEND THE BUDGET ACCORDINGLY

Mark Kennedy – General Counsel and Kharley Smith – Office of Emergency Management Director and EMC, spoke. The Office of Emergency Management worked with Purchasing to secure proposals for select low-water crossing sites within Hays County. These sites represent high priority areas for electronic warning systems. Water and Earth Technologies has been awarded the Work and the Office of General Counsel, with assistance from Emergency Management, has negotiated a draft Agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Agreement between Hays County and Water and Earth Technologies, Inc., related to the installation of low-water crossing warning systems within Hays County and amend the budget accordingly. All present voting “Aye”. MOTION PASSED**

CLERK’S NOTE AGENDA ITEM #17 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 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 10:04 a.m. and reconvened into open court at 10:55 a.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.

CLERK’S NOTE AGENDA ITEM #19 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*

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

Today’s Drought Index – 92. Judge Cobb thanked the public for using extreme caution during the holiday season. He also said two cold fronts will be blowing in this week and will bring conditions to a very dry state and he urged the citizens to be aware of their surroundings.

CLERK’S NOTE AGENDA ITEM #21 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 10:56 a.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 January 3, 2017.

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

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

