



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF FEBRUARY A.D., 2017, 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
CHRISTOPHER ALANIZ	DEPUTY COUNTY CLERK
MICHAEL MACIAS	DEPUTY 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.

32219 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices. All present voting "Aye". MOTION PASSED

32220 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 31, 2017

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of January 31, 2017. All present voting "Aye". MOTION PASSED

32221 APPROVE OUT OF STATE TRAVEL FOR COMMUNICATIONS DIRECTOR ERICA CARPENTER TO ATTEND THE NAVIGATOR CONFERENCE IN NEW ORLEANS, LOUISIANA

Out of state travel is needed to send Director Erica Carpenter to attend the Navigator Conference in New Orleans, Louisiana on April 12-14, 2017. The conference covers topics directly related to 911 Dispatch including police, fire, ems dispatching, 911 call taking, quality improvement and management. Erica has been asked to be a guest speaker during the conference and as a result the conference registration, hotel fees and airfare will be paid for by IAED. Per diem and cab fare to and from the airport will be paid for out of the Sheriff's Office Continuing Ed general ledger. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve out of state travel for Communications Director Erica Carpenter to attend the Navigator Conference in New Orleans, Louisiana. All present voting "Aye". MOTION PASSED

32222 APPROVE THE RE-APPOINTMENT OF CHUCK WARE, EDDIE GUMBERT AND RON SPANGENBERG AS MEMBERS OF HAYS COUNTY EMERGENCY SERVICES DISTRICT #4

This is for a 2 year term ending December 2018. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the re-appointment of Chuck Ware, Eddie Gumbert and Ron Spangenberg as members of Hays County Emergency Services District #4. All present voting "Aye". MOTION PASSED

32223 AUTHORIZE THE CONSTABLE PRECINCT 3 OFFICE TO PURCHASE A NEW POLICE 21 PATROL BICYCLE AND AMEND THE BUDGET ACCORDINGLY

The current police bike has been in use for three years and is in need of multiple repairs. It will be used as backup when needed. The new police bike will allow the Deputy Constable to patrol park areas and have continued presence as needed. Quote from Pedal Power Bicycles Budget Amendment Possible funding source County Wide contingencies. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Constable Precinct 3 office to purchase a new Police 21 Patrol Bicycle and amend the budget accordingly. All present voting "Aye". MOTION PASSED



32224 AUTHORIZE THE COMMUNICATIONS SPECIALIST TO CREATE AND MAINTAIN A FACEBOOK PAGE FOR JACOB'S WELL NATURAL AREA PURSUANT TO THE HAYS COUNTY SOCIAL MEDIA POLICY

Clerks Note: Clint Garza spoke on the matter

The Parks Department staff would like a mechanism to communicate more directly with citizens about Jacob's Well Natural Area operations, activities and educational opportunities. Staff feels only including the information on the County official page, limits exposure to these important messages. The Department will not have access to making page changes, updates, or comments. All communication will be approved by the Hays County Communications Specialist in collaboration with the Information Technology Department. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Communications Specialist to create and maintain a Facebook Page for Jacob's Well Natural Area pursuant to the Hays County Social Media Policy. All present voting "Aye". MOTION PASSED**

32225 AUTHORIZE THE PARKS DEPARTMENT STAFF TO ACCEPT DONATIONS FROM THE PUBLIC VISITING JACOB'S WELL NATURAL AREA

Many of the visitors to Jacob's Well have offered to make a donation to the Parks Department to help further improve the Natural Area. Staff would like to accept cash and check donations, issue receipts, present donations to court on a monthly basis. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Parks Department staff to accept donations from the public visiting Jacob's Well Natural area. All present voting "Aye". MOTION PASSED**

32226 AMEND THE TRANSPORTATION DEPARTMENTS BUDGET FOR ROAD-BUILDING MATERIALS VALUED AT \$35,918 RECEIVED FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE 2017 TXDOT SURPLUS PROGRAM

The Transportation Department will receive road-building materials offered to Hays County by the State through the 2017 TxDOT Surplus Program. This year the Department has requested cold-mix material totaling approximately 600 tons for use on any county-maintained roadway. Attachment: TxDot Surplus Program Purchase Order. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Transportation Departments budget for road-building materials valued at \$35,918 received from the Texas Department of Transportation through the 2017 TxDOT Surplus Program. All present voting "Aye". MOTION PASSED**

32227 APPROVE THE CANCELLATION OF COURT ON THE FOLLOWING DATES IN 2017: MARCH 14, MAY 23, JUNE 13, JULY 4, SEPTEMBER 26, NOVEMBER 28 AND DECEMBER 26 AND AMEND THE HAYS COUNTY 2017 HOLIDAY CALENDAR BY REPLACING THE PREVIOUSLY APPROVED HOLIDAY OF DECEMBER 27 WITH DECEMBER 22

Court dates have been presented for cancellation due to Holidays or County association conferences. The 2017 Hays County Holiday Calendar was approved on Sept. 13, 2016. The proposed amended County Calendar replaces Dec. 27 with Dec. 22. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the cancellation of Court on the following dates in 2017: March 14, May 23, June 13, July 4, September 26, November 28 and December 26 and amend the Hays County 2017 Holiday Calendar by replacing the previously approved Holiday of December 27 with December 22. All present voting "Aye". MOTION PASSED**

32228 AUTHORIZE THE COUNTY JUDGE TO ACCEPT THE FY2017 FORMULA GRANT AWARD FROM THE TEXAS INDIGENT DEFENSE COMMISSION IN THE AMOUNT OF \$129,892.00

Clerks Note: Kharley Smith spoke on the matter

On October 6, 2016 the Commissioners Court authorized submission of a formula grant application to the Texas Indigent Defense Commission (TIDC). These funds have been utilized by Hays County for a number of years to help offset costs associated with indigent defense. A Resolution was submitted as a required document to complete the application process. Although the Resolution is considered the County's acceptance of the grant when awarded by TIDC, it has been the practice of Hays County to formally accept the award by Commissioners Court action. The Statement of Grant Award for the FY2017 formula grant is attached. The award (\$129,892.00) reflects a \$9,021.00 increase from program funding in FY2016 (\$120,871.00). The funding period for this grant is October 1, 2016 through September 30, 2017. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to accept the FY2017 Formula Grant Award from the Texas Indigent Defense Commission in the amount of \$129,892.00. All Present Voting "Aye". MOTION PASSED**



32229 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A FEDERAL ASSISTANCE APPLICATION TO THE NATURAL RESOURCES CONSERVATION SERVICE FOR FUNDING THROUGH THE EMERGENCY WATERSHED PROTECTION PROGRAM FOR AUXILIARY SPILLWAY REPAIR WORK ON THE UPPER SAN MARCOS DAM SYSTEM

Following the All Saints Weekend Flood, Hays County requested an assessment be conducted on all five NRCS dams in the Upper San Marcos Dam system. This assessment determined erosion repairs and control measures were necessary in the auxiliary spillways at these sites. Federal funding for these activities is available through the EWP program, in which Hays County has been approved to participate. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to submit a federal assistance application to the Natural Resources Conservation Service for funding through the Emergency Watershed Protection program for auxiliary spillway repair work on the Upper San Marcos Dam system. All present voting "Aye". MOTION PASSED**

32230 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION FOR EMERGENCY WATERSHED PROTECTION PROGRAM MATCHING FUNDS TO THE TEXAS STATE SOIL AND WATER CONSERVATION BOARD REGARDING THE AUXILIARY SPILLWAY REPAIR AND CONTROL MEASURES FOR THE UPPER SAN MARCOS DAM SYSTEM PROJECT

The Emergency Watershed Protection program through NRCS can provide 75% of the funds necessary for the auxiliary spillway repair and control but Hays County would be responsible for the remaining 25%. Through this program, the TSSWC could offset the County's required match by up to 95%. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to authorize the County Judge to submit an application for Emergency Watershed Protection Program Matching Funds to the Texas State Soil and Water Conservation Board regarding the auxiliary spillway repair and control measures for the Upper San Marcos Dam System project. All present voting "Aye". MOTION PASSED**

32231 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER AUTHORIZATION NO. 4 BETWEEN HAYS COUNTY AND WOOD AND THOMASON CONSTRUCTION, LP FOR WORK RELATED TO THE RENOVATIONS AT THE COUNTY OWNED FACILITY AT 200 STILLWATER, IN PRECINCT 3; AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR TO APPROVE FUTURE CHANGE ORDERS UP TO \$10,000 INDIVIDUALLY AND CUMULATIVELY NOT TO EXCEED 5% OF PROJECT COST

CO #4: Scope: 11 columns to be wrapped, Replace Plywood on floor in rooms 802,806,807,704. Design Fee's for Conference Room Change. Additionally, the Development and Community Services Director wishes authorization to approve future change orders on the critical construction path to prevent delays in construction. As written, the authorization would allow staff to approve change orders not exceeding 10,000 per CO and combined not exceeding 5% of total project cost. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute Change Order Authorization No. 4 between Hays County and Wood and Thomason Construction, LP for work related to the renovations at the County Owned Facility at 200 Stillwater, in Precinct 3; authorize the Development and Community Services Director to approve future change orders up to \$10,000 individually and cumulatively not to exceed 5% of project cost. All present voting "Aye". MOTION PASSED**

32232 APPROVE THE INTERGOVERNMENTAL TRANSFER (IGT) OF LOCAL PROVIDER PARTICIPATION FUNDS (LPPF) FOR CENTRAL TEXAS MEDICAL CENTER AND SETON MEDICAL CENTER HAYS FOR DY 6 UNCOMPENSATED CARE (UC) PAYMENTS AS PART OF THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM (1115 WAIVER)

A date for transfer of DY6 UC 1115 waiver funds was announced on January 27. All LPPF funds are collected from Hays County Hospitals and are budgeted. Though the IGT of these funds do not require specific Court approval, having them approved (If sufficient notice is given by the State) or ratified (if sufficient notice is not provided by the State) ensures the Court and the public are informed of the process. IGT amount (settlement date of 2-9-17): \$3,178,849.26. CTMC amount: \$1,359,429.19. Seton Hays amount: \$1,819,420.07. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the Intergovernmental Transfer (IGT) of Local Provider Participation Funds (LPPF) for Central Texas Medical Center and Seton Medical Center Hays for DY 6 Uncompensated Care (UC) payments as part of the**



Texas Healthcare Transformation and Quality Improvement Program (1115 Waiver). All present voting "Aye". MOTION PASSED

32233 APPROVE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE FEE PROPOSAL WITH HOK FOR PHASE 2 OF THE HAYS COUNTY PUBLIC SAFETY BOND PROJECT

A motion was made by Commissioner Jones, Seconded By Commissioner Whisenant to approve and authorize the County Judge to execute Fee Proposal with HOK for Phase 2 of the Hays County Public Safety Bond project. All Present Voting "Aye". MOTION PASSED

32234 AUTHORIZE COUNTY JUDGE TO SIGN A PSA WITH COSTELLO, INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF CULVERT IMPROVEMENTS ON FM2770.

If approved, Costello Inc. will begin the hydraulic and hydrologic study of the existing culvert on FM 2770 south of Meadow Woods Drive. Once the hydraulic and hydrologic study is complete, Costello will design the necessary improvements to mitigate flooding in the area due to insufficient culvert capacity. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize County Judge to sign a PSA with Costello, Inc. to provide engineering services for the design of culvert improvements on FM2770. All present voting "Aye". MOTION PASSED

32235 ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS & SPEED LIMITS) IN ELLIOTT RANCH.

This action will be to establish the following traffic regulations, enforceable by Hays County (see map): Stop signs on Little Bear Road at Oak Grove Road (1), on Little Bear Road at Overlook Mountain (2), on Little Bear Road at Overlook Mountain East (2), on Overlook Mountain at Little Bear Road (2), on Whitney Run at Overlook Mountain West (2), on Elliott Ranch Road at Overlook Mountain East (4), on Overlook Mountain East at Elliott Ranch Road (4), on Elliott Ranch Road at Little Bear Road (1), on Blythe Wilson Road at Little Bear Road (1), on Overlook Mountain East at Little Bear Road (1), and a speed limit of 30 MPH throughout the subdivision. A public hearing was opened and closed on January 31, 2017; however, the item was not posted for ACTION. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish traffic regulations (stop signs & speed limits) in Elliott Ranch. All present voting "Aye". MOTION PASSED

32236 CALL FOR A PUBLIC HEARING ON FEBRUARY 21, 2017 TO ESTABLISH TRAFFIC REGULATIONS (3-WAY STOP) AT THE INTERSECTION OF MESA VERDE DRIVE AND ESTES DRIVE IN BELTERRA SUBDIVISION.

This action will be to establish two new stop sign locations on Mesa Verde Drive, one on either side of the intersection with Estes Drive, to create a 3-way stop with accompanying stop bars on the pavement. Estes Drive currently has a posted stop sign at that intersection. Commissioner Whisenant spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on February 21, 2017 to establish traffic regulations (3-way stop) at the intersection of Mesa Verde Drive and Estes Drive in Belterra subdivision. All present voting "Aye". MOTION PASSED

32237 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AGREEMENT #1 WITH PAPE-DAWSON ENGINEERS FOR THE FISCHER STORE ROAD TURN LANES PROJECT NEAR WIMBERLEY, TEXAS TO INCREASE THE COMPENSATION CAP BY \$62,000.00.

This supplemental agreement is for additional work requested by the Transportation Department in regards to the addition of an acceleration lane from Fischer Store Road to FM 2325. It was determined that the addition of an acceleration lane to the original scope of the project would enhance safety by facilitating a merging movement onto a high speed facility, in lieu of having vehicles join traffic from a stop condition. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute supplemental work agreement #1 with Pape-Dawson Engineers for the Fischer Store Road Turn Lanes project near Wimberley, Texas to increase the compensation cap by \$62,000.00. All present voting "Aye". MOTION PASSED

CLERK'S NOTE AGENDA ITEM #20 RE: SUB-721 MEDLIN CREEK RANCH PHASE 1 (4 LOTS). DISCUSSION AND POSSIBLE ACTION TO APPROVE PRELIMINARY PLAN.- was pulled



32238 CONSIDER THE APPOINTMENT OF JOE PENDLETON TO REPLACE CARL SCUDDERS AS A MEMBER OF HAYS COUNTY EMERGENCY SERVICES DISTRICT #4.

This is to complete a two year term ending December 2017. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to appoint Joe Pendleton to replace Carl Scudders as a member of Hays County Emergency Services District #4. All present voting "Aye". MOTION PASSED

32239 PROMOTE AND FUND HEALTH CHECK 2017 FOR HAYS COUNTY EMPLOYEES AND ELIGIBLE DEPENDENTS, AND AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to promote and fund Health Check 2017 for Hays County employees and eligible dependents, and authorize payroll deduction of additional fees for optional services employees may elect. All present voting "Aye". MOTION PASSED

32240 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, TEXAS AND HOUSTON FORENSIC SCIENCE CENTER, INC. RELATED TO FORENSIC SERVICES, IN PARTICULAR AUDIO VIDEO SERVICES.

Capt. Cumberland with the Sheriff's Office spoke on the matter. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Cooperation Agreement between Hays County, Texas and Houston Forensic Science Center, Inc. related to forensic services, in particular Audio Video Services. All present voting "Aye". MOTION PASSED

32241 AUTHORIZE THE DISTRICT ATTORNEY TO USE DRUG FORFEITURE FUNDS TO HIRE ONE (1) TEMPORARY FULL-TIME ADMINISTRATIVE ASSISTANT II POSITION EFFECTIVE FEBRUARY 16, 2017 THROUGH SEPTEMBER 30, 2017 AND AMEND THE BUDGET ACCORDINGLY.

Clerks Note: District Attorney Wes Mau spoke on the matter. The District Attorney is requesting the Courts authorization to hire one temporary full-time Admin II position, effective February 16th and ending September 30th to be funded with Drug Forfeiture funds received. This temporary full-time position is needed to assist the Intake Division with evidence management. The Division currently has a backlog of pending cases that are in need of processing. This increased case load is due to several high profile cases that has a considerable amount of evidence to review and mark. The burden on the Intake Division has increased tremendously and in order to ensure each case has all of the evidence available, additional manpower is needed. Funds are available within the DA Drug Forfeiture fund to process this request. Budget Amendment: Decrease Misc Expense - (\$18,956) Increase Staff Salaries - \$17,609 Increase FICA - \$1,092 Increase Medicare - \$255 A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the District Attorney to use Drug Forfeiture Funds to hire one (1) temporary full-time Administrative Assistant II position effective February 16, 2017 through September 30, 2017 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

32242 AUTHORIZE THE RENAMING OF OLD FM 1626 TO LONGLEY TRACE.

The name needed to be changed for the purpose of 911 addressing because of the completion of the new alignment of FM 1626 north of FM 967. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the renaming of Old FM 1626 to Longley Trace. All present voting "Aye". MOTION PASSED

32243 ADOPT A POLICY FOR COUNTY PARTICIPATION IN AGREEMENTS RELATED TO REINVESTMENT ZONES CREATED BY MUNICIPALITIES WITHIN HAYS COUNTY.

This proposed policy has been prepared by the Office of General Counsel and the Chief of Staff. It represents an effort to commit many of Hays County's existing (and proposed) policies to writing. If passed by the Court, these standards shall be committed to any Interlocal Agreements associated with reinvestment zones. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Policy For County Participation in Agreements Related to Reinvestment Zones Created by Municipalities Within Hays County. All present voting "Aye". MOTION PASSED



Clerk's Note Re: Item 27 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**

32244 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 RENEW.

Court convened into Executive Session at 10:40 a.m. and reconvened into open court at 10:48 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy. **A first motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe. To rescind action taken on October 18, 2016. Authorizing the County Judge to execute a Chapter 381 Economic Development Incentive Agreement between Hays County and RSI, Inc. All present voting "Aye". MOTION PASSED. A second motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize County Judge to execute an inter local agreement related to the economic development between Hays County and the City of Kyle as presented by counsel in executive session. All present voting "Aye". MOTION PASSED**

CLERK'S NOTE AGENDA ITEM #29 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

Hays County Fire Marshal Clint Browning spoke on the matter, Burn Ban to remain in effect.

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. POSSIBLE ACTION MAY FOLLOW - **was pulled**

ADJOURNMENT

A motion was made by Judge Cobb, seconded by Commissioner Jones to adjourn court at 10:53 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 February 7, 2017.




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

