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STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 6<sup>th</sup> DAY OF JUNE 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
LIZ Q. GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Jim Lanning 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.

#### **PUBLIC COMMENTS**

Dan Lyon – San Marcos resident, Matt Ocker – Buda resident, Sam Brannon – San Marcos resident, Cristin Hearne – Austin resident, Brian McAuliffe – San Marcos resident, Sara Lee Underwood Myers – San Marcos resident, David Crowell – Kyle resident, Katie Brewer – Driftwood resident, Ida Miller – San Marcos resident and representing the League of Women Voters, Ashley Whittenberger – Dripping Springs resident, Naomi Narvaiz – San Marcos resident, Pat Chisholm – Buda resident, and Trent Pool - spoke.

#### **32544 ADOPT A PROCLAMATION DECLARING JUNE 15, 2017 AS ELDER ABUSE AWARENESS DAY IN HAYS COUNTY**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring June 15, 2017 as Elder Abuse Awareness Day in Hays County. All present voting "Aye". MOTION PASSED

#### **32545 ADOPT A PROCLAMATION DECLARING JUNE 2017 AS JUNETEENTH MONTH IN HAYS COUNTY**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a Proclamation declaring June 2017 as Juneteenth Month in Hays County. All present voting "Aye". MOTION PASSED

#### **32546 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 \$1,460,143.63 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

#### **32547 APPROVE COMMISSIONERS COURT MINUTES OF MAY 30, 2017**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of May 30, 2017 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

#### **32548 AUTHORIZE COMMERCIAL OSSF PERMIT AT 13701 TRAUTWEIN RD, AUSTIN, TX 78737**

Tommy and Jana Gillis of DMG Holdings, LLC are proposing an OSSF to serve a 13-bedroom group home located at 13701 Trautwein Road. The system will serve up to 16 residents and up to 4 staff members. This is a 9.58-acre property that will be served by a private well. The system designer, Stan Burrier, P.E., has designed a system which consist of standard treatment. After treatment, the effluent will be dispersed to a low-pressure pipe drainfield at a maximum daily rate of 840 gallons. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 13701 Trautwein Rd., Austin, TX 78737. All present voting "Aye". MOTION PASSED**



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**32549 APPROVE OUT OF STATE TRAVEL FOR LIEUTENANT JOE FAULKNER TO ATTEND THE NATIONAL HOMELAND SECURITY CONFERENCE IN BUFFALO, NY**

On March 21, 2017 Commissioner's Court approved Out of state travel for Lt. David Burns to attend the National Homeland Security Conference in Buffalo, New York. However, due to unforeseen circumstances Lt. Burns is not able to attend. The Sheriff's Office would like for Lt Joe Falkner to attend the National Homeland Security Conference on June 6-8, 2017 in his place. This conference is where Law Enforcement, Public Safety and Intelligence personnel meet to discuss case studies and technologies when it comes to sharing information, training and prevention. Public and private partnerships will have a chance to connect and share best practices with those that are tasked with keeping our nation safe. Lt. Faulkner will have the opportunity to network with Homeland Security professionals, Emergency Managers, representatives from Local, State and Federal Government as well as subject matter experts from the private sector. Registration, travel expenses and per diem will be paid for out of the Sheriff's Office Continuing Ed general ledger. Austin Regional Intelligence Center will reimburse the county for all expenses incurred. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve out of state travel for Lieutenant Joe Faulkner to attend the National Homeland Security Conference in Buffalo, NY. All present voting "Aye". MOTION PASSED**

**32550 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Utility Permit #1024 on Sawyer Ranch Road issued to Frontier Communications as recommended by the Transportation Department. All present voting "Aye". MOTION PASSED

**32551 AMEND THE JUSTICE OF THE PEACE, PRECINCT 3 OPERATING BUDGET FOR CONTINUING EDUCATION EXPENSES RELATED TO COURT PERSONNEL AND LEGISLATIVE UPDATE CONFERENCES**

Additional funds are needed for conference registration, travel and meal per diems for the Justice of the Peace and Court Trainer to attend related conferences. Savings within their operating budget are available to fund this request. Budget Amendment: Increase Cont. Ed - \$490 Decrease Books - (\$200) Decrease Time Pymt Exp - (\$150) Decrease Memberships - (\$140). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Justice of The Peace, Precinct 3 operating budget for Continuing Education expensed related to Court Personnel and Legislative Update Conferences. All present voting "Aye". MOTION PASSED**

**32552 ACCEPT THE 2016 HAYS ESD #5 AUDIT REPORT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the 2016 Hays EDS #5 Audit Report. All present voting "Aye". MOTION PASSED

**32553 AUTHORIZE THE COUNTY JUDGE TO SIGN AN AGREEMENT WITH CHEM-FREE ORGANIC PEST AND LAWN SERVICES FOR JACOB'S WELL NATURAL AREA NATURE CENTER**

The Development and Community Services- Parks Division would like to enter into an agreement with Chem-Free Organic Pest and Lawn Services for termite control services at JWNA. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to sign an Agreement with Chem-Free Organic Pest and Lawn Services for Jacob's Well Natural Area Nature Center. All present voting "Aye". MOTION PASSED**

**32554 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE SHERIFF'S OFFICE FEDERAL DISCRETIONARY FUND, SHERIFF'S OFFICE JAIL COMMISSARY FUND, SHERIFF'S OFFICE FORFEITURE FUND AND CHAPTER 59 ASSET FORFEITURE REPORT, DISTRICT ATTORNEY'S OFFICE FORFEITURE FUND AND CHAPTER 59 ASSET FORFEITURE REPORT, AND THE JUSTICE OF THE PEACE PCT. 4 OFFICE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the delivery of the Internal Examination Reports for the Sheriff's Office Federal Discretionary Fund, Sheriff's Office Jail Commissary Fund, Sheriff's Office Forfeiture Fund and Chapter 59 Asset Forfeiture Report, District Attorney's Office Forfeiture Fund and Chapter 59 Asset Forfeiture Report, and the Justice of the Peace Pct. 4 Office. All present voting "Aye". MOTION PASSED



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**32555      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROGERS DESIGN SERVICES, PLLC TO PERFORM DESIGN AND PROJECT MANAGEMENT SERVICES FOR THE RECONSTRUCTION PROJECT ON MT. GAINOR ROAD NEAR DRIPPING SPRINGS AND AMEND THE BUDGET ACCORDINGLY**

Transportation Director, Jerry Borcharding gave staff recommendation. If authorized, Rogers Design Service (RDS) will update the existing plan set for Mount Gainor Road to prepare it for construction by contract forces. RDS will also provide construction phase services, prepare letting documents (project manual, specifications, quantity takeoffs, etc.) and assist in relocation of utilities as needed. Remaining funds from the '06 bond issue are available to fund this request. Budget Amendment: Decrease .5611\_700 Increase .5621\_700. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Rogers Design Services, PLLC to perform Design and Project Management Services for the Reconstruction Project on Mt. Gainor Road near Dripping Springs and amend the Budget accordingly. All present voting "Aye". MOTION PASSED**

**32556      AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AGREEMENT #1 WITH COSTELLO INC., FOR ENGINEERING WORK ON THE FM 2770 PROJECT IN KYLE, TEXAS AND AMEND THE BUDGET ACCORDINGLY**

Transportation Director, Jerry Borcharding, gave staff recommendation. If authorized, this supplemental agreement provides for additional scope of work that has been requested by the Transportation Department. The original scope of work provided for the design of a 25-year storm event. It was found during that design that with assistance from TxDOT with traffic control that a 100-year storm event could be accommodated for a small increase in the construction price. This supplemental covers the additional design fees associated with the larger structure and the more complex traffic control plan. Budget Amendment: Decrease Road Material and Supplies: .5351 - \$14,858.00 Increase Contract Services Consultant: .5448\_008 - \$14,858.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Agreement #1 with Costello Inc., for engineering work on the FM 2770 Project in Kyle, Texas and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**Clerk's Note: Court took a break at 10:04 a.m. and reconvened into open session at 10:19 a.m.**

**32557      APPROVE ADVANCE FUNDING AGREEMENT AMENDMENT NO. 3 BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE HAYS COUNTY-TXDOT PARTNERSHIP PROGRAM AND AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 3 ON BEHALF OF HAYS COUNTY**

Commissioners Conley spoke. On December 18, 2013, Hays County and the Texas Department of Transportation entered into an Advance Funding Agreement (AFA) which outlined the roles and fiscal responsibilities of both parties regarding the project development and construction of various roadway improvements included in the Hays County-TxDOT Partnership Program. The AFA was amended on August 12, 2014 to address changes to the RM 12 project and again on December 12, 2015 to address TxDOT assuming development responsibility for the I-35 northbound ramp project and expanding the scope of the project. The currently-proposed Amendment No 3 provides updated information regarding project costs for which the County is responsible. County funds have already been identified to adequately cover these updated project costs. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Advance Funding Agreement Amendment No. 3 between Hays County and the Texas Department of Transportation (TxDOT) for the Hays County TxDOT Partnership Program and authorize County Judge to execute Amendment No. 3 on behalf of Hays County. All present voting "Aye". MOTION PASSED**

**32558      ACCEPT A PROPOSAL WITH BOLDPLANNING, INC. TO ASSIST THE OFFICE OF EMERGENCY SERVICES WITH DEVELOPMENT OF A CONTINUITY OF OPERATIONS PLAN (COOP) AND AN EMERGENCY OPERATIONS PLAN (EOP) AND AMEND THE BUDGET ACCORDINGLY**

Kharley Smith, Director of Office of Emergency Management, spoke. The BOLDplanning.com system is a web based system that will be uniquely designed for the county's planning and preparedness requirements. The COOP module is designed to ensure that the county has addressed and identified the issues of relocation and protected its ability to continue to perform essential functions. The EOP module will help develop our Incident Command System allowing the county to respond more effectively to events by systematically developing standardized and integrated IOPs. The OES Director budgeted funds (\$80k) during the FY17 budget process to assist with the development of these plans. The additional \$3,600 needed will include software to assist with the accreditation process for the local Health Department as well as continuity of operations planning for each individual department within Hays County. Savings within the OES operating budget are available for the



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additional funds needed. Budget Amendment: Decrease .5461 - (\$1,057) Decrease .5429 - (\$2,543). The vendor is an approved contractor on the US General Services Administration (GSA) Federal Acquisition Service; contract number GS-35F-0301Y. Per Local Government Code, Sec. 271.103(a) A local government may purchase goods or services available under Federal supply schedules of the United States General Services Administration to the extent permitted by federal law. (b) A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept a Proposal with BOLDplanning, Inc. to assist the Office of Emergency Services with development of a Continuity of Operations Plan (COOP) and an Emergency Operations Plan (EOP) and amend the budget accordingly. All present voting “Aye”. MOTION PASSED**

**32559 MUTUALLY TERMINATE THE LEASE FOR COMMERCIAL DINING SPACE BETWEEN HAYS COUNTY AND BECERRA CORP. DBA THE MANSKE ROLL CAFÉ IN THE GOVERNMENT CENTER, LOCATED AT 712 SOUTH STAGECOACH TRAIL, SAN MARCOS, TEXAS AND SUBSTITUTE A VENDING MACHINE LEASE AGREEMENT**

General Counsel, Mark Kennedy, spoke. The Manske Roll Café has ceased providing food other than vending on the 1st floor of the Government Center. The lease will be mutually terminated and Becerra Corp.'s will enter into a Vending Machine Lease Agreement with Hays County to provide 3 vending machines on the 1st floor near the entrance to the café. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to mutually Terminate the Lease for Commercial Dining Space between Hays County and Becerra Corp., dba The Manske Roll Café in the Government Center, located at 712 South Stagecoach Trail, San Marcos, Texas and substitute a Vending Machine Lease Agreement. All present voting “Aye”. MOTION PASSED**

**32560 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**

Court convened into Executive Session at 11:07 a.m. and reconvened into opened court at 11:27 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel, Mark Kennedy, Chief of Staff, Lon Shell, Tammy Crumley, Intern-Brandon Muniz, and David Baylor of LAN. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to Authorize General Counsel to issue a settlement policy for offers of possession and use agreements with incentive payments on FM110, as discussed in Executive Session. All present voting “Aye”. MOTION PASSED**

**32561 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 GW HASCHKE LANE IN PCT 3**

Court convened into Executive Session at 10:47 a.m. and reconvened into opened court at 11:07 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel, Mark Kennedy, Chief of Staff, Lon Shell a Tammy Crumley, Intern-Brandon Muniz, and David Baylor of LAN. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve counteroffers on Haschke Road of approximately 50% of market value for unencumbered land as reflected in the County’s Appraisals for Right of Way along Haschke Lane. All present voting “Aye”. MOTION PASSED**

**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 – was pulled*

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

Today’s Drought Index – 246. The Burn Ban will remain lifted. Judge Cobb urged the residents to use extreme caution while conducting outdoor burning.

**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 – was pulled*



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## ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adjourn court at 11:39 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 June 6, 2017.



*Liz Q Gonzalez*

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

