



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 20th 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:

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.

PUBLIC COMMENTS

Dan Lyon – San Marcos resident, Abel Velasquez – San Marcos resident, made public comments.

32562 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$4,588,689.54 as submitted by the County Auditor. All present voting “Aye”. MOTION PASSED

32563 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 6, 2017

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of June 6, 2017 as presented by the County Clerk. All present voting “Aye”. MOTION PASSED

32564 AUTHORIZE THE HAYS COUNTY OFFICE OF EMERGENCY SERVICES TO ACCEPT A DONATION OF A 2004 KAWASAKI MULE AND TRAILER FROM WIMBERLEY FIRE RESCUE FOR USE BY THE HAYS COUNTY CERT ORGANIZATION AND AMEND THE BUDGET ACCORDINGLY

The Hays County OES has received a donation of a Mule and a trailer for the use by the CERT team and its community activities. Estimated value of trailer \$500 and Mule \$2,000. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Hays County Office of Emergency Services to accept a donation of a 2004 Kawasaki Mule and Trailer from Wimberley Fire Rescue for use by the Hays County CERT Organization and amend the budget accordingly. All present voting “Aye”. MOTION PASSED

32565 AUTHORIZE COMMERCIAL OSSF PERMIT AT 1570 SATTERWHITE RD., BUDA TX 78610

Satterwhite Rd is proposing an OSSF to serve 9 gypsy tiny homes along with a bar/pavilion. This property is a 4.7 acre tract out of a total 7.9 acres of land from the Edward Burleson Survey. This property is served by a public water supply. The designer, Daniel Gonzalez, R.S. has designed a standard treatment system which consists of two drip irrigation fields. The system is designed to treat 1,000 gallons per day. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Commercial OSSF Permit at 1570 Satterwhite Rd., Buda, TX 78610. All present voting “Aye”. MOTION PASSED

32566 AUTHORIZE COMMERCIAL OSSF PERMIT AT 1906 PROCHNOW ROAD, DRIPPING SPRINGS, TX 78620

Alex Worlow of Nomad Tiny Homes is proposing an OSSF to serve a 4500 square foot warehouse/shop that builds tiny homes. This system will serve up to 5 employees. This 11.626-acre tract of land will use rainwater



collection as a potable water supply. The system designer, Stan Burrier, P.E., has designed a standard treatment system. After treatment, the effluent will be dispersed to a low-pressure pipe drainfield for a maximum daily rate of 240 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Commercial OSSF Permit at 1906 Prochnow Road, Dripping Springs, TX 78620. All present voting "Aye". MOTION PASSED**

32567 APPROVE UTILITY PERMITS

Permit Road Name Utility 1025 Winters Mill Parkway Zayo Group/RMWT (fiber optic line) 1026 Knox Drive (Hillside Terrace subd) Goforth SUD (water line) 1027 Rohde Road Goforth SUD (water line) 1028 Engelke Road Goforth SUD (water line) 1029 Schubert Lane Goforth SUD (water line) 1030 Rocking M Road (Dove Hollow Estates subd. SLP Cable (cable TV line) **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Utility Permit #1025 on Winters Mill Parkway issued to Zayo Group/RMWT, Permit #1026 on Knox Drive issued Goforth SUD, Permit 1027 on Rohde Road issued to Goforth SUD, Permit #1028 on Engelke Road issued to Goforth SUD, Permit #1029 on Schubert Lane issued to Goforth SUD and Permit #1030 on Rocking M Road issued to SLP Cable as presented by the Transportation Department. All present voting "Aye". MOTION PASSED**

32568 AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO PURCHASE A NEW SWINGLINE 175X SHREDDER UTILIZING DRUG FORFEITURE FUNDS AND AMEND THE BUDGET ACCORDINGLY

The District Attorney's Office is in need of an additional heavy duty shredder for their administrative staff. The current shredder is not functional for large jobs. The Swingline 175X Shredder features a cross-cut shred for confidentiality and durable cutters that slice through CDs, paper clips and staples allowing for more efficient purging of files. DA Drug Forfeiture Funds are available to fund this request. Increase .5711_400 Office Eqpt., Reduce .5436 Expert Witness. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the District Attorney's Office to purchase a new Swingline 175X Shredder utilizing Drug Forfeiture Funds and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

32569 AUTHORIZE COMMERCIAL OSSF PERMIT AT 8995 FM 150, DRIFTWOOD, TX

Tamra and Travis Tindol are proposing an OSSF to serve a restaurant at 8995 FM 150 in Precinct 3. This on-site sewage facility will completely replace the two existing OSSF's on the property. This property is 2.33 acres in size and water will be supplied by a public water supply well on the property. The system designer, David McGhee, R.S. has designed a non-standard treatment system consisting of a grease trap, trash tank, equalization tank, and a Bio Microbics High Strength treatment unit. After treatment, the effluent will be dispersed through a Drip Tech control unit to a drip irrigation field for a maximum daily rate of 1123 gallons. The system was oversized to accommodate 1800 gallons per day but the establishment will be limited to 1123 gallons based on Hays County rules that limit gallons per day per acre. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit at 8995 FM 15, Driftwood, TX. All present voting "Aye". MOTION PASSED**

32570 AMEND THE JUVENILE PROBATION OFFICE OPERATING BUDGET FOR ADDITIONAL TRAVEL FUNDS RELATED TO THE SPECIAL NEEDS DIVERSIONARY PROGRAM

Additional travel funds are needed for the Juvenile Probation Officer that oversees the Special Needs Diversionary Program due to a shortage in the Juvenile Probation fleet. This program provides specialized supervision for mental health juveniles in order to rehabilitate juvenile offenders and prevent them from penetrating further into the criminal justice system. Savings within the operating budget have been identified to fund this request. Budget Amendment: Decrease Youth Services 001-686-00.5360, Increase Travel 001-686-00.5501. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to amend the Juvenile Probation Office Operating Budget for additional travel funds related to the Special Needs Diversionary Program. All present voting "Aye". MOTION PASSED**

32571 AWARD IFB 2017-B05 REGULATORY ROAD SIGNS TO VULCAN SIGNS, PATHMARK TRAFFIC PRODUCTS OF TEXAS, INC., NSTS, LLC, AND OSBURN ASSOCIATES, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

Purchasing received 5 bids from Vulcan Signs, Pathmark Traffic Products of Texas, Inc., NSTS, LLC, Osburn Associates, Inc., and Custom Products Corporation. Pathmark Traffic Products of Texas, Inc. and Osburn



Associates, Inc. are two of the five vendors that currently hold contracts and have performed the services satisfactorily. These contracts are due to expire on June 30, 2017. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to award IFB 2017-B05 Regulatory Road Signs to Vulcan Signs, Pathmark Traffic Products of Texas, Inc., NSTS, LLC and Osburn Associates, Inc. and authorize the County Judge to execute same. All present voting "Aye". MOTION PASSED**

32572 APPROVE THE APPOINTMENT OF JOHN M. SHELLHORN AS A DEPUTY CONSTABLE FOR PRECINCT 3

John started his career with Hays County 6 years ago as a Reserve Deputy, then found employment with Austin Community College. John holds an Intermediate Peace Officer license and has been a Licensed Peace Officer for 6 years. He meets all the criteria for this slot and has not had any disciplinary actions against him. 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 Conley, seconded by Commissioner Ingalsbe to approve the appointment of John M. Shellhorn as a Deputy Constable for Precinct 3. All present voting "Aye". MOTION PASSED**

32573 REJECT ALL COMPETITIVE BIDS SUBMITTED FOR IFB 2017-B04 FLEET FUEL FOR TANKS AS AUTHORIZED BY LOCAL GOVERNMENT CODE SEC. 262.02

On April 25, 2017 the Court authorized Purchasing to solicit for bids for Fleet Fuel for the above ground tanks at the Transportation and Sheriff's Departments. Two bids were received, however per gallon pricing is higher than the current vendor utilized through the Choice Partners Cooperative Contract. Staff recommends rejecting all bids received per LGC Sec. 262.027 and continue utilizing cooperative purchasing options. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to reject all competitive bids submitted for IFB 2017-B04 Fleet Fuel for tanks as authorized by Local Government Code Sec. 262.02. All present voting "Aye". MOTION PASSED**

32574 AUTHORIZE THE SHERIFF'S OFFICE TO PROCURE A CREDIT CARD IN AN AMOUNT NOT TO EXCEED \$5,000, FROM THE COUNTY DEPOSITORY BANK

The Sheriff's Office is requesting a Hays County credit card for making department purchases, travel reservations, and other miscellaneous expenses that would normally be charged to the Countywide credit card, held by the Purchasing Department. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Sheriff's Office to procure a credit card in an amount not to exceed \$5,000, from the County Depository Bank. All present voting "Aye". MOTION PASSED**

32575 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH REGION VIII EDUCATION SERVICE CENTER TO BECOME A MEMBER WITH THE INTERLOCAL PURCHASING SYSTEM (TIPS) PROGRAM TO PROVIDE COOPERATIVE PURCHASING SERVICES FOR HAYS COUNTY

The Interlocal Purchasing System (TIPS) Program is a free membership to state and local governments and non-profit organizations. TIPS is a national purchasing cooperative that offers access to competitively procured purchasing contracts to its members. The purpose of the TIPS Program is to obtain substantial savings for participating School Districts, Universities, Colleges, Community Colleges, Cities, Counties or Other Public Agencies through cooperative purchasing. TIPS is housed at and managed by the Region 8 Education Service Center located in Pittsburg, Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Agreement with Region VIII Education Service Center to become a member with the Interlocal Purchasing System (TIPS)**



Program to provide Cooperative Purchasing Services for Hays County. All present voting "Aye".
MOTION PASSED

32576 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE BUSINESS ASSOCIATE CONTRACT WITH ZYWAVE, INC

Hays County has let an RFP for health and dental benefits. Zywave, Inc. will conduct data analysis and alternate plan modeling on the bids abiding by the strict rules of HIPAA. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute the Business Associate Contract with Zywave, Inc. All present voting "Aye". MOTION PASSED**

32577 APPROVE RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES AGREEMENT WITH TEXPOOL

We need to update our representatives on the TexPool Account since the retirement of our Accountant in the Tax Office. We are removing Nancy Heathman and adding Shauna Brace. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Resolution amending Authorized Representatives Agreement with TexPool. All present voting "Aye". MOTION PASSED**

32578 SUB-806; MA MAISON (2 LOTS) APPROVE PRELIMINARY PLAN AND GRANT A VARIANCE TO SECTION 721.5.07 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS

County Planner Marcos Pacheco spoke. The proposed Ma Maison Subdivision is a 2 lot subdivision across 22.72 acres along Bell Springs Road in Precinct 4. The subdivision will create one 19.23 acre lot with water service accomplished by a TCEQ water tank for water pumped and hauled from Dripping Springs Water Supply Corporation and one 3.49 acre lot with water service accomplished by an individual water well. Both lots will be served by individual on-site sewage facilities for their respective wastewater service. Section 721.5.07 of the Hays County Development Regulations establishes criteria for determining if a development can utilize an easement instead of constructing a County maintained road. This section states that only developments which will be used for single family residences only shall be permitted to utilize a shared access driveway as means of access to a regulated roadway. The owner is requesting that the proposed lot 1 be allowed to utilize a shared access driveway as means of access. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve preliminary plan and a grant a variance to Section 721.5.07 of the Hays County Development Regulations for SUB-806 Ma Maison (2 Lots). All present voting "Aye". MOTION PASSED**

32579 SUB-694 BURNET RANCH SECTION 6 (4 LOTS) APPROVE PRELIMINARY PLAN AND FINAL PLAT

County Planner Marcos Pacheco spoke. Staff gave recommendation. The proposed Burnet Ranch Section 6 Subdivision is a 4 lot subdivision across 14 acres located along Sandy Point Road & Circle Drive in Precinct 3. The subdivision will create three 3.60 acre lots and one 3.20 acre lot, each served by individual water wells and rainwater collection for water service. Wastewater service will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve preliminary plan and final plat for SUB-694 Burnet Ranch Section 6 (4 Lots). All present voting "Aye". MOTION PASSED**

32580 SUB-742 REPLAT OF LOT 19, HILL COUNTRY ESTATES SECTION 3 APPROVE FINAL PLAT

County Planner Marcos Pacheco spoke. Hill Country Estates Section 3 is a recorded subdivision located off of Hugo Road in Precinct 3. The proposed re-plat will divide the 5.60 acre lot 19 into 2 lots. Water service will be provided by rain water collection and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve final plat for SUB-742 Replat of Lot 19, Hill Country Estates Section 3. All present voting "Aye". MOTION PASSED**

32581 APPROVE ASSESSMENT AND COLLECTION AGREEMENT WITH SPRINGHOLLOW MUNICIPAL UTILITY DISTRICT BEGINNING WITH THE 2017 TAX YEAR



Tax Assessor/Collector, Luanne Caraway, spoke. Springhollow Municipal Utility District held its election on May 6, 2017. At their May 17, 2017 meeting, the Board of Directors approved the Assessment and Collection Agreement between the District and Hays County. The agreement is in our standard form for assessing and collecting functions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Assessment and Collection Agreement with Springhollow Municipal Utility District beginning with the 2017 Tax Year. All present voting "Aye". MOTION PASSED**

32582 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER AUTHORIZATION NO. 3 BETWEEN HAYS COUNTY AND CAHABA DISASTER RECOVERY, LLC FOR WORK RELATED TO THE HAYS COUNTY FLOOD DEBRIS REMOVAL PROGRAM

Director of Development and Community Services, Clint Garza, spoke. The Development and Community Services Department would like to amend the current contract between the County and Cahaba Disaster Recovery, LLC to update the schedule of values to reflect the actual amount of debris removed from each site on the project. The project has reached completion for the most current phase and an updated bid schedule is necessary to close out the project. This will be a no cost change order and has no fiscal impact on the project. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute Change Order Authorization No. 3 between Hays County and Cahaba Disaster Recovery, LLC for work related to the Hays County Flood Debris Removal Program. All present voting "Aye". MOTION PASSED**

32583 AUTHORIZE THE TRANSPORTATION DIRECTOR TO HIRE THE VACANT ROAD MAINTENANCE WORKER, SLOT 1080-009 AT THE 50TH PERCENTILE EFFECTIVE JUNE 26, 2017

Jerry Borcharding, Transportation Director, requests the court approval to hire the vacant Road Maintenance Worker position at the 50th percentile. The candidate is a current county employee with prior experience that merits the salary exception request. His experience in operating heavy equipment, small equipment repair, knowledge of the county road system as well as his dedication and leadership qualities will greatly benefit the department. Salary savings (due to vacancies) within the department have been identified to fund this request. FY17 fiscal impact - \$2,048 Annualized impact - \$7,680. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Transportation Director to hire the vacant Road Maintenance Worker, Slot 1080-009 at the 50th Percentile effective June 26, 2017. All present voting "Aye". MOTION PASSED**

32584 SUPPORT THE 2017 ANNUAL RAINWATER FESTIVAL

Commissioner Whisenant spoke. The purpose of this event is to educate, promote and celebrate rainwater collection. The event will include a day-long schedule of presentations by professionals and users of rainwater from across Texas. There will be water conservation-related business vendor booths, rainwater system displays and experts to provide guidance, information and services. The level of Sponsorship will be determined in Court and the suggested source of funding would be the LCRA Fund. The County has sponsored this festival in the past. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to support the 2017 Annual Rainwater Festival with sponsorship at \$1,000 and booth space at \$200. All present voting "Aye". MOTION PASSED**

32585 APPOINT COMMISSIONERS TO THE BOARD OF THE NEWLY-CREATED EMERGENCY SERVICES DISTRICT NO.9 (ESD#9), AND MATTERS RELATED THERETO

Creation of ESD#9 was authorized during the November 2016 election. Pursuant to 775.034 of the Texas Health and Safety Code, the Commissioners Court is authorized to appoint the 5-person board. Other matters related to ESD#9 may be discussed during this item. **A motion was made by Judge Cobb, seconded by Commissioner Ingalsbe to appoint Diane Hervoll as Commissioner to the Board of the newly-created Emergency Services District No. 9 (ESD #9), and matters related thereto. All present voting "Aye". MOTION PASSED**

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 – was pulled*



Clerk's Note Agenda Item #26 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 – 387. Burn Ban will remain lifted. Judge Cobb urged the citizens of Hays County to use extreme caution while conducting outdoor burning.

Clerk's Note Agenda Item #28 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

Court was adjourned at 9:41 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 June 20, 2017.



Handwritten signature of Liz Q. Gonzalez in cursive.

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

