



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF OCTOBER A.D., 2017, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
LON SHELL	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR.	COMMISSIONER, PCT. 4
ROXANNE SANCHEZ	DEPUTY COUNTY CLERK

WITH COUNTY JUDGE, ALBERT H. COBB, JR., BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe called for a moment of silence. Commissioner Ingalsbe led the court in the Pledge of Allegiance to the United States and Texas flags. Commissioner Ingalsbe called the meeting to order.

PUBLIC COMMENTS

Rodrigo Amaya – San Marcos resident and Dan Lyon – San Marcos resident spoke.

32988 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve payments county invoices in the amount of \$2,747,052.30 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

32989 APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve payments of juror checks in the amount of \$1,158.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

32990 APPROVE THE PAYMENT OF HUMANA CLAIMS

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve payment of Humana claims of \$244,806.93 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

32991 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 17, 2017

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve Commissioners Court minutes of October 17, 2017 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

32992 APPROVE THE PAYMENT OF THE OCTOBER 31, 2017 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,555,560.00 EFFECTIVE OCTOBER 31, 2017 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

Approve the October end of the month payroll disbursements not to exceed \$3,555,560.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve the payment of the October 31, 2017 payroll disbursements in an amount not to exceed \$3,555,560.00 effective October 31, 2017 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

32993 AUTHORIZE THE EXECUTION OF A COMMERCIAL LIGHTING RETROFIT PROGRAM APPLICATION TO THE CITY OF SAN MARCOS



AS PART OF THE COUNTYWIDE ENERGY EFFICIENCY PROJECT AND AUTHORIZE THE EXECUTIVE DIRECTOR OF COUNTYWIDE OPERATIONS TO SUBMIT APPLICATIONS AND SUPPORTING DOCUMENTATION

Commissioner Ingalsbe and Clint Garza – Chief of Staff spoke. Requesting the approval of a Lighting Rebate Application. The rebate is in the amount of \$11,875 for the Jail located at 1307 E. Uhland Rd. The rebate will be awarded to the County as a result of the lighting retrofits that will take place in the facility as part of the Countywide Energy Upgrade Project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of a Commercial Lighting Retrofit Program application to the City of San Marcos as part of the Countywide Energy Efficiency Project and authorize the Executive Director of Countywide Operations to submit applications and supporting documentation. All present voting “Aye”. MOTION PASSED**

32994 AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT A DONATION TO THE VICTIM SERVICES PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation of \$1,000 from the San Marcos Lions Club and is requesting for the donation to be used for the Victim Service Program. Budget Amendment: Increase 001-618-99-899.4610 Contributions \$1,000.00; Increase 001-618-99-899.5201 General Supplies \$500.00; Increase 001-618-99-899.5551 Continuing Ed \$500.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's Office to accept a donation to the Victim Services Program and amend the budget accordingly. All present voting “Aye”. MOTION PASSED**

32995 AUTHORIZE COMMERCIAL OSSF PERMIT AT 130 W CONCORD CIRCLE, DRIFTWOOD, TEXAS 78737

Rich Goldstein – Austin resident and Mary Buchanan – Austin resident spoke. Roxie McInnis - Development Services, Mark Kennedy – Office of General Counsel and Commissioner Whisenant spoke. Black Market Investments, LLC is proposing an OSSF to serve an office, a future restaurant, and two wedding venues. This 63.74-acre tract of land will be served by a public water well. The system designer, Erin Banks, P.E., has designed a non-standard treatment system, which consists of pretreatment, flow-equalization, and secondary treatment. After treatment, the effluent will be dispersed via drip irrigation tubing for a maximum daily rate of 2000 gallons. **A motion was made by a Commissioner Whisenant, seconded by Commissioner Shell to authorize a Commercial OSSF Permit at 130 W Concord Circle, Driftwood, Texas 78737. All present voting “Aye”. MOTION PASSED**

32996 APPROVE SPECIFICATIONS FOR IFB 2018-B01 METAL PIPE AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve specifications for IFB 2018-B01 Metal Pipe and authorize Purchasing Manager to solicit for bids and advertise. All present voting “Aye”. MOTION PASSED

32997 APPROVE SPECIFICATIONS FOR RFP 2018-P01 COUNTYWIDE JANITORIAL SERVICES AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR PROPOSALS AND ADVERTISE

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve specifications for RFP 2018-P01 Countywide Janitorial Services and authorize Purchasing Manager to solicit for proposals and advertise. All present voting “Aye”. MOTION PASSED

32998 ACCEPT A DONATION IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) FROM THE REMME FAMILY TO BE USED FOR THE CHILD PROTECTIVE BOARD SERVICES WITHIN HAYS COUNTY AND AMEND THE BUDGET ACCORDINGLY

Commissioner Shell thanked the Remme family for their donation. Kaare & Brenda Remme have 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 Shell, seconded by Commissioner Jones to accept a donation in the**



amount of ten thousand dollars (\$10,000.00) from the Remme Family to be used for the Child Protective Board services within Hays County and amend the budget accordingly. All present voting "Aye". MOTION PASSED

32999 AUTHORIZE A NEW LEASE CONTRACT WITH RICOH FOR A COPIER FOR THE COUNTY CLERK PRECINCT 3 SATELLITE OFFICE

The County Clerk has a new satellite office in the Pct. 3 Building. A copier is needed to provide services to the public. Funds were budgeted in the Records Management Fund during the FY18 budget process for this lease. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize a new lease contract with RICOH for a copier for the County Clerk Precinct 3 satellite office. All present voting "Aye". MOTION PASSED**

33000 AUTHORIZE COMMERCIAL OSSF PERMIT AT 931 SYCAMORE CREEK ROAD, DRIPPING SPRINGS, TX 78620

Trevathan, LLC is proposing an OSSF to serve 9 short-term rental cottages. There will be 2 one-bedroom cottages and 7 two-bedroom cottages. The cottages will be served by a private well. The system designer, Stephen Jetton, R.S., has designed a non-standard treatment system which consists of pretreatment, flow equalization, and secondary treatment. After treatment, the effluent will be dispersed to a drip field for a maximum daily rate of 960 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize a Commercial OSSF Permit at 931 Sycamore Creek Road, Dripping Springs, TX 78620. All present voting "Aye". MOTION PASSED**

33001 AUTHORIZE COMMERCIAL OSSF PERMIT AT 3801 CREEK RD, DRIPPING SPRINGS, TX 78620

Whit Hanks of Camp Lucy is proposing an OSSF to serve a new poolhouse. The poolhouse will have a restaurant and bar that will have 60 seats. The building will also serve as an office and check-in for guests. This system will be served by a public water supply. The system designer, Erin Banks, P.E., has designed a non-standard treatment system, which consists of a grease tank, pre-treatment, flow equalization, and secondary treatment. After treatment, the effluent will be dispersed to a drip irrigation drainfield for a maximum daily rate of 1000 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize a Commercial OSSF Permit at 3801 Creek Rd, Dripping Springs, TX 78620. All present voting "Aye". MOTION PASSED**

33002 APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve Utility Permit .1050 Springlake Drive (Springlake subd.) issued to DSWSC (water line) and Utility Permit # .1051 Marsh Ln & Heron Dr (Shadow Creek subd.) issued to CenterPoint Energy (gas line) and .1052 Heritage Oaks Drive (Heritage Oaks subd.) issued to WTCPUA (water line). All present voting "Aye". MOTION PASSED

33003 AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH MCLIFF COFFEE & VENDING FOR VENDING SERVICES AT THE HAYS COUNTY GOVERNMENT CENTER

The County Wide Operations Department would like to enter into a services agreement with Mcliff Coffee & Vending to bring vending services to the Hays County Government Center. Mcliff offers a number of vending options that will be available to employees and the public at no cost to the County. Services are to include the following: 1st floor: Mini mart in Employee breakroom; 2nd floor: (1) Drink (1) Snack in public area; 3rd floor: (1) Drink (1) Snack in public area, (1) Drink (1) Snack in employee break area. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of an agreement with Mcliff Coffee & Vending for vending services at the Hays County Government Center. All present voting "Aye". MOTION PASSED**

33004 AUTHORIZE THE EXECUTION OF A CONTRACT RENEWAL WITH TRANS UNION (TLO) FOR INVESTIGATIVE SERVICES IN THE DISTRICT ATTORNEY'S OFFICE

The District Attorney uses this agency to locate witnesses and victims during investigations for upcoming jury trials and cases. The cost for this service are increasing from \$110 per month to \$150 per month for one Chief and currently three Investigators to access this database. The required funding has already been approved during the FY2018 budget process. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of a contract renewal with Trans**



Union (TLO) for Investigative Services in the District Attorney's Office. All present voting "Aye".
MOTION PASSED

33005 RECEIVE THE COUNTY JUDGE'S ACCEPTANCE OF THE RESIGNATION OF WILL CONLEY AS HAYS COUNTY COMMISSIONER PCT. 3 AND APPOINTMENT OF LON SHELL HIS SUCCESSOR IN OFFICE, EFFECTIVE OCTOBER 17, 2017

Commissioner Ingalsbe, Commissioner Jones and Commissioner Whisenant spoke. Mark Kennedy – Office of General Counsel spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to receive the County Judge's acceptance of the resignation of Will Conley as Hays County Commissioner Pct. 3 and appointment of Lon Shell his successor in office, effective October 17, 2017. All present voting "Aye". MOTION PASSED**

33006 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND #SUR23100156 IN THE AMOUNT OF \$2,361,295.12, AND ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #EACX088000028 IN THE AMOUNT OF \$140,012.47 FOR STONEFIELD SUBDIVISION, SECTION 11

Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements, release of the construction bond #SUR23100156 in the amount of \$2,361,295.12, acceptance of the 2-year maintenance bond #EACX088000028 in the amount of \$140,012.47 for Stonefield subdivision, Section 11. All present voting "Aye". MOTION PASSED**

33007 SUB-884 DRIFTWOOD DIESEL (1 LOT). GRANT A VARIANCE TO TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES

Marcus Pacheco – Development Services spoke and Clint Garza – Chief of Staff spoke. Commissioner Jones and Whisenant spoke. The proposed Driftwood Diesel Subdivision is located off of FM 1626 in Precinct 2. The subdivision will create only one lot, Lot 1, Water service will be provided by Private Well and Wastewater service will be accomplished by an Individual On-Site Sewage Facility. An existing residence resides on the property that previously utilized the existing private well. A new commercial shop will be constructed on the lot utilizing this existing private well for water and a new advanced on-site sewage facility for wastewater. The Hays County current minimum lot size for a lot served by an individual private well and advanced OSSF is 3 acres. When the parcel was created the minimum lot size at the time for a private well and on-site sewage facility was 1 acre and the parcel met the rules in place at the time it was divided. Lot 1 does not meet the current minimum lot size as a 1.502 acre tract. The applicant is seeking a Variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities. This plat is being reviewed under the County's 1445 agreement with the City of Buda. This action will allow the plat to move forward with County's process for final approval with the City of Buda. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to grant a variance to Table 10-1 of the Hays County Rules for On-Site Sewage Facilities. All present voting "Aye". MOTION PASSED**

33008 AUTHORIZE THE FILING OF THE RECORD PLAT FOR BUDA BUSINESS PARK, LOTS 1,2,3,6, & 7, BLOCK "A"

Clint Garza – Chief of Staff spoke. This subdivision is located within the incorporated limits of the City of Buda. The plat was approved by the City on February 17, 2009; however, the plats were not recorded with the County Clerk within 12 months. The applicant is requesting authorization to file the approved plats. The City of Buda has approved recordation and will be recording the plat themselves. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the filing of the record plat for Buda Business Park, Lots 1,2,3,6 & 7, Block "A". All present voting "Aye". MOTION PASSED**

33009 APPROVE THE APPOINTMENT OF COMMISSIONER LON SHELL TO THE DOWNTOWN SAN MARCOS TAX INCREMENT REINVESTMENT ZONE NO. 5 BOARD OF DIRECTORS

Commissioner Shell will replace former Commissioner Will Conley on the TIRZ 5 board for the remainder of the two year term which will end on Dec. 31, 2018. **A motion was made by Commissioner Jones,**



seconded by Commissioner Ingalsbe to approve the appointment of Commissioner Lon Shell to the downtown San Marcos Tax Increment Reinvestment Zone No. 5 board of Directors. A present voting “Aye”. MOTION PASSED

33010 APPOINT TWO COMMISSIONERS COURT MEMBERS TO THE COMBINED EMERGENCY COMMUNICATION CENTER (CECC) EXECUTIVE BOARD

Commissioner Lon Shell spoke. The Court approved the CECC ILA between Hays County, the City of Kyle, and the City of Buda on 10-10-17. The ILA requires the appointment of two court members to serve on the executive board. The Executive Board bylaws are attached, see the board Composition and Term sections of the ILA below. 5.02 Composition. The Executive Board will be composed of the following members: two members of the Hays County Commissioners Court, the city manager of Kyle (or designee), one member of the Kyle City Council, the city manager of Buda (or designee), one member of the Buda City Council, and a representative who shall be an appointed commissioner of an Emergency Services District and shall be mutually selected by a majority of the ESDs of Hays County. Four Members of the Executive Board constitutes a quorum to conduct business. 5.04 Terms. All Executive Board members serve at the pleasure of their appointing governing body or agency. The Executive Board’s ESD representative shall serve for a term of two (2) years and may not be appointed from the same ESD for two (2) consecutive terms. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to appoint two Commissioners Court members to the Combined Emergency Communication Center (CECC) Executive Board. All present voting “Aye”. MOTION PASSED**

33011 AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 26 BETWEEN HAYS COUNTY AND WOOD AND THOMASON CONSTRUCTION, LP FOR INSTALLATION OF COUNTER TOPS AND MILLWORK AT THE COUNTY CLERK PRECINCT 3 SUBSTATION

Clint Garza – Chief of Staff and Commissioner Shell spoke. The County Clerk’s office is in need of countertop and millwork at the Precinct 3 facility. During the planning phase of the Precinct 3 renovation workspace, the County Clerk’s office countertops were overlooked. Funds are available in County Wide misc. capital improvements for unspecified projects that were budgeted during the FY 2018 budget process. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the execution of Change Order No. 26 between Hays County and Wood and Thomason Construction, LP for installation of counter tops and millwork at the County Clerk Precinct 3 substation. All present voting “Aye”. MOTION PASSED**

Clerk’s Note: Court took a break at 9:43 a.m. and returned into open session at 9:50 a.m.

RECEIVE SUBMITTAL OF A GUARANTEED MAXIMUM PRICE ("GMP") PROPOSAL FROM TURNER CONSTRUCTION COMPANY, CONSTRUCTION MANAGER AT RISK, FOR THE JAIL AND PUBLIC SAFETY BUILDING PHASES OF CONSTRUCTION; AND TO ACCEPT OR DECLARE UNACCEPTABLE SAID GMP

Brenda Jenkins – ECM and Codi Newsom – ECM spoke. Mike Kaiman, Kevin Machcinski - Turner Construction spoke. Commissioners Ingalsbe, Commissioner Whisenant and Commissioner Shell spoke. Clint Garza - Chief of Staff spoke. Mark Kennedy – Office of General Counsel spoke and asked for an Amended GMP to be submitted. Hays County’s architect, program manager, its building committee, and its executive committee have been working with Turner Construction to achieve a GMP proposal. The Parties previously agreed to segment out a smaller Phase I of construction, which consists of some sitework at the Umland property as well as construction of the Fleet Maintenance Building. GMP for that smaller Phase I was accepted by the Hays County Commissioners Court on or about July 18, 2017. Turner is now prepared to deliver GMP for all remaining phases of construction and will give a presentation regarding that GMP in open court. Under the Construction Manager at Risk contract, the GMP must be prepared and delivered in the format that includes the Construction Manager at Risk’s General Conditions originally submitted in the RFP response, estimated Costs of Work organized by trade; allowance amounts by item; contingency amounts; the Construction Phase Fee originally submitted in the RFP response, a Contract Time and date of Substantial Completion. If Hays County does not accept Turner’s GMP proposal, it may seek Competitive Sealed Proposals from 3rd parties while keeping Turner’s GMP on hold for 90 days. No Action Taken.

Clerks Note Re: Item #26 - HOLD A PUBLIC HEARING AT 10:00 AM IN ACCORDANCE WITH SECTION 293.101 OF THE TEXAS HEALTH AND SAFETY CODE, INCLUDING BUT NOT LIMITED TO DISCUSSION AND POSSIBLE ACTION TO ESTABLISH THE ASSESSMENT RATE AND STATE FISCAL YEAR 2018 MANDATORY PAYMENTS, AND AUTHORIZE THE INTERGOVERNMENTAL TRANSFER OF THE FUNDS DERIVED FROM THOSE MANDATORY



PAYMENTS TO PROVIDE THE NONFEDERAL SHARE OF THE SUPPLEMENTAL PAYMENT PROGRAM AUTHORIZED UNDER THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM ("SEC 1115") WAIVER – **WAS PULLED**

Clerks 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**

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 PREP SCHOOL. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into Executive session at 10:36 a.m. and reconvened into open court at 10 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, Clint Garza - Chief of Staff, Mark Kennedy – Office of General Counsel, Tammy Crumley, Mike Kamerlander and Ann Miller. No Action Taken.

Clerks Note Re: Item #29 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 – 309. Fire Marshall recommends the Burn Ban remain lifted.

Clerks Note Re: Item #31 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 Shell to adjourn court at 10:49 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 **October 24, 2017**.



Liz Q Gonzalez

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

