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STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 5<sup>TH</sup> DAY OF DECEMBER 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 A. SHELL	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR.	COMMISSIONER, PCT. 4
CHRISTINE RODRIGUEZ	CHIEF DEPUTY COUNTY CLERK

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

Deputy Constable Gregg Grumbles gave the invocation. 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 resident of San Marcos and Dan Lyon resident of San Marcos made public comments.

#### **33122 ADOPT A PROCLAMATION RECOGNIZING DECEMBER 3<sup>RD</sup>-9<sup>TH</sup>, 2017 AS NATIONAL INFLUENZA VACCINATION WEEK**

Eric Schneider, Epidemiologist of the Hays County Local Health Department spoke. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a proclamation recognizing December 3<sup>rd</sup>-9<sup>th</sup>, 2017 as National Influenza Vaccination Week. All present voting "Aye". MOTION PASSED

#### **33123 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of \$4,601,964.65 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

#### **33124 APPROVE PAYMENTS OF JUROR CHECKS**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of juror checks in the amount of \$4,834.00 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

#### **33125 APPROVE THE PAYMENT OF HUMANA CLAIMS**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the payment of Humana claims in the amount of \$330,083.65 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

#### **33126 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 21, 2017**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioner Court Minutes of November 21, 2017 as submitted by the County Clerk. All present voting "Aye". MOTION PASSED

#### **33127 AUTHORIZE THE TREASURER'S OFFICE TO HIRE TEMPORARY PERSONNEL (NOT TO EXCEED 120 HOURS) UTILIZING DEPARTMENTAL SALARY SAVINGS TO ASSIST WITH YEAR-END PROCESSING, SCANNING AND FILING**



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The Hays County Treasurer would like to utilize salary savings from a vacant Financial Analysis position to hire temporary personnel for up to 120 hours at \$11.20 per hour. The upcoming months are exceptionally busy due to end of the year processes as well as scanning projects and filing. Additionally, a part-time clerk position will be vacant as of 12/1 which will increase the need for temporary personnel to ensure the electronic scanning processes are maintained in a timely manner. Salary savings within the department due to a vacant position is available to fund this request. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Treasurer's Office to hire temporary personnel (not to exceed 120 hours) utilizing departmental salary savings to assist with year-end processing, scanning and filing. All present voting "Aye". MOTION PASSED**

**33128            AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 17361 IH 35, BUDA, TX, 78610**

BNT Holdings, LLC is proposing an OSSF to serve a 32,000 square foot office/warehouse. This building will have no more than 30 employees and 5 daily visitors. This 9.459 acre property is Lot 1 of the Cotton Development 2 Subdivision and lies within the City of Buda. Water will be supplied by a public water supply. The system designer, Steve Wenzel, R.S., has designed a system, which consists of standard treatment with dispersal by a low pressure pipe drainfield. The maximum daily usage rate is 260 gallons. The OSSF permit was originally issued 9/21/16. The OSSF was never installed, so the permit is being re-issued. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize institutional OSSF Permit at 17361 IH 35, Buda, TX, 78610. All present voting "Aye". MOTION PASSED**

**33129            AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE SAVINGS TO PURCHASE A REPLACEMENT CARD ACCESS SYSTEM FOR THE PUBLIC SAFETY BUILDING AND AMEND THE BUDGET ACCORDINGLY.**

The Sheriff is requesting a replacement card access system for the public safety building. The existing system experienced damage from a power surge in February 2017; since that time the system has had multiple repairs and remains nonfunctional. It would be beneficial and more cost effective to have the system replaced. The system provides security access for staff and also records the card user's time and date. Savings within the Sheriff's operating budget have been identified to fund this request. Budget Amendment: Decrease 001-618-00.5715\_400 Communication Eqpt\_Op (\$707), Decrease 001-618-00.5717\_700 Law Enforcement Eqpt\_Capital (\$2,500) and Increase 001-618-00.5719\_400 Miscellaneous Eqpt\_Op \$3,207. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Sheriff's Office to utilize savings to purchase a replacement card access system for public safety building and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33130            APPROVE AWARD OF RFP 2018-P03 COUNTYWIDE PLUMBING SERVICES TO SI MECHANICAL, LLC AND AUTHORIZE EXECUTION OF A CONTRACT**

Purchasing received 2 proposals from Texas State Plumbing and SI Mechanical, LLC. After evaluation and scoring of the proposals by staff, it is recommended that contract award be made to SI Mechanical, LLC. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve award of RFP-P03 Countywide Plumbing Services to SI Mechanical, LLC and authorize execution of a contract. All present voting "Aye". MOTION PASSED**

**33131            APPROVE SPECIFICATIONS FOR IFB 2018-B04 DOMESTIC WATER TREATMENT SYSTEM AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR BIDS AND ADVERTISE**

**A motion was made by Commissioners Shell, seconded by Commissioner Whisenant to approve specifications for IFB 2018-B04 Domestic Water Treatment System and authorize Purchasing Manager to solicit for bids and advertise. All present voting "Aye". MOTION PASSED**

**33132            APPROVE UTILITY PERMITS**



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Permit, Road Name and Utility: 1058, Post Rd & CR 158, CenterPoint Energy (gas line). **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve Utility Permit #1058, Post Rd & CR 158 issued to Centerpoint Energy (gas line) as submitted by the Transportation Director. All present voting "Aye". MOTION PASSED**

**33133            RATIFY THE PURCHASE OF A REPLACEMENT 10-TON CARRIER A/C UNIT FOR THE JUVENILE DETENTION CENTER AND AMEND THE BUDGET ACCORDINGLY**

The Juvenile Detention Center is in need of a replacement a/c unit for the kitchen area. The current unit is over 16 years old and has had multiple repairs. SI Mechanical is currently the vendor under contract for all county a/c repairs and has exhausted all potential repair fixes and recommends replacement of the unit. It would be cost prohibitive to continue repairs to the unit, which are now exceeding the cost for replacement. Savings within the departments operating budget have been identified to fund this request. Budget Amendment: Decrease Medical Insurance and Increase Misc. Equipment Capital. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to ratify the purchase of a replacement 10-Ton Carrier A/C Unit for the Juvenile Detention Center and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33134            ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION PERFORMANCE BOND #PB03010404348 IN THE AMOUNT OF \$416,005.00, AND ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #1060749 IN THE AMOUNT OF \$156,832.00 FOR SUNFIELD SUBDIVISION, PH. 2, SEC. 9**

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 Whisenant to accept road construction and drainage improvements, release of the subdivision performance bond #PB0310404348 in the amount of \$416,005.00, and acceptance of the 2-year maintenance bond #1060749 in the amount of \$156,832.00 for Sunfield subdivision, Ph. 2, Sec. 9. All present voting "Aye". MOTION PASSED**

**33135            RELEASE OF THE MAINTENANCE BOND #58S208141 FOR \$169,794.15, AND ACCEPTANCE OF THE ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR BELTERRA SUBDIVISION, PH. 1A, SECS. 16 & 17**

Staff recommends acceptance of the roads into the county maintenance system. The roads from both sections include: Brentwood Drive (3,026 ft.), Tabago Court (673 ft.), Challis Court (570 ft.), Mendocino Lane (888 ft.), Prescott Drive (1,296 ft.), Noahs Court (442 ft.), and segments of Mesa Verde Drive (1,733 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to release of the maintenance bond #55S208141 for \$169,794.15, and acceptance of the roads into the county road maintenance system for Belterra subdivision, Ph. 1A, Secs. 16 & 17. All present voting "Aye". MOTION PASSED**

**33136            RELEASE THE MAINTENANCE BOND #K08698351 FOR \$3,223,047.77, AND ACCEPTANCE OF THE ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR CALITERRA SUBDIVISION, PH. 1, SECS. 1 & 2**

Staff recommends acceptance of the roads into the county maintenance system. The roads from both sections include: White Rock Court (628 ft.), Brins Way (913 ft.), Wynnpage Drive (2,342 ft.), Caliterra Parkway (1,536 ft.), Waters View Court (670 ft.), Evelyn Court (550 ft.) and Emmanuelle Court (287 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to release the maintenance bond #K0869351 for \$3,233,047.77, and acceptance of the roads into the county road maintenance system for Caliterra subdivision, Ph. 1, Secs. 1 & 2. All present voting "Aye". MOTION PASSED**



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**33137      SELECT COBB FENDLEY FOR ENGINEERING DESIGN SERVICES (PS&E) AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT FOR IMPROVEMENTS TO THE OLD BASTROP HIGHWAY (CR 266)/HWY80 AND HWY 80/MILITARY DRIVE INTERSECTIONS IN PCT. 1 AS PART OF THE FY 16 BOND PROGRAM**

Commissioner Ingalsbe spoke. Jerry Borcharding, Transportation Director spoke. This project is part of the FY 16 bond program and is a named project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to select Cobb Findley for engineering design services (PS&E) and authorize staff and counsel to negotiate a contract for improvements to the Old Bastrop Highway (CR 266)/Hwy 80 and Hwy 80/Military Drive intersections in Pct. 1 as part of the FY 16 Bond Program; CAMPO will be funding in the amount of \$1.5 Million. All present voting “Aye”. MOTION PASSED**

**33138      SELECT RPS FOR ENGINEERING DESIGN SERVICES (PS&E) AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT FOR IMPROVEMENTS TO THE RR12/FM3237 INTERSECTION IN PCT. 3 AS PART OF THE FY 16 BOND PROGRAM**

Commissioner Shell spoke. This project is part of the FY 16 bond program and is a named project. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to select RPS for engineering design services (PS&E) and authorize staff and counsel to negotiate a contract for improvements to the RR12/FM3237 intersection in Pct. 3 as part of the FY 16 Bond program. All present voting “Aye”. MOTION PASSED**

**33139      VACATE THE AMENDED PLAT OF LOTS 16 & 17 IN THE VISTA RIDGE ESTATES SUB-945**

County Planner Caitlyn Strickland spoke. The Vista Ridge Estates is a platted subdivision located off Roy Creek Trail in NW PCT 4. In 2017, the owners of lots 16 and 17 applied for and were granted permission for an amended plat that would move the parcel lines between the two lots. The owner now wishes to vacate the amended plat and put the lots back to the original configurations. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to vacate the amended plat of lots 16 & 17 in the Vista Ridge Estates. All present voting “Aye”. MOTION PASSED**

**33140      APPROVE FINAL PLAT; HOLD PUBLIC HEARING FOR SUB-913; REPLAT OF LOT 2, FAMILY TREE SUBDIVISION**

Commissioner Ingalsbe opened the Public Hearing. No Public input was received. Commissioner Ingalsbe closed the Public Hearing. County Planner Marcus Pacheco spoke and gave staff recommendation. Family Tree Subdivision is a recorded subdivision located off of Fitzhugh Rd and Preslar Circle in Precinct 4. The proposed re-plat will remove the plat note from the original Family Tree plat restricting TCEQ (then TNRCC) prohibited activities. Water service will be provided by private wells and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve final plat SUB-913; Replat of Lot 2, Family Tree Subdivision; hold public hearing. All present voting “Aye”. MOTION PASSED**

**33141      APPROVE FINAL PLAT; HOLD PUBLIC HEARING FOR SUB-903; REPLAT OF LOT 9B, PIONEER RANCH SUBDIVISION**

Commissioner Ingalsbe opened the Public Hearing. No Public input was received. Commissioner Ingalsbe closed the Public Hearing. County Planner Marcus Pacheco spoke and gave staff recommendation. Pioneer Ranch Subdivision is a recorded subdivision located off of Pioneer Trail in Precinct 4. The proposed re-plat will divide the original 4.99 acre Lot 9B tract into two tracts. Water service will be provided by private wells and rainwater collection. Wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat SUB-903; Replat of Lot 9B, Pioneer Ranch Subdivision; hold public hearing. All present voting “Aye”. MOTION PASSED**



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**33142 GRANT A VARIANCE TO SECTION 721.5.05 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS TO SUB-816; UMC SUBDIVISION (1 LOT)**

County Planner Marcus Pacheco spoke. General Counsel Mark Kennedy spoke. Chief of Staff Clint Garza spoke. The proposed UMC Subdivision is a 1 lot subdivision across 10.013 acres along Clovis Barker Road in Precinct 1. Water and Wastewater service will be provided by the City of San Marcos. Section 721.5.05 of the Hays County Development Regulations states the following: "Flag lots shall not be permitted, except if approved by the Commissioners Court as consistent with the intent and spirit of these Regulations. The Department shall advise the Commissioners Court if a proposed Lot constitutes a "flag lot" and the Commissioners Court shall, in reviewing all the circumstances, make the final determination." The owner is requesting that the proposed lot 1 be allowed to utilize a flag lot development. Justification for the variance is included in backup. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to grant a variance to Section 721.5.05 of the Hays County Development Regulations to SUB-816; UMC Subdivision (1 lot). All present voting "Aye". MOTION PASSED**

**33143 GRANT A VARIANCE FROM SECTION 10 C-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND GRANT A DEVELOPMENT AUTHORIZATION TO THE OWNER OF A PORTION OF A LOT 81, SUNRISE ACRES SUBDIVISION**

County Planner Marcus Pacheco spoke. The owner applied for a development authorization permit to construct an On-Site Sewage Facility. Hays County Regulations do not allow staff to issue any permits on parcels not in compliance with platting requirements. The owner has requested a variance from Section 10 C-1 of the Hays County Rules for On-Site Sewage Facilities which will allow him to start construction OSSF. The property owner was been made aware of the platting requirement, and the plat is already in the review process. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to grant a variance from Section 10 C-1 of the Hays County Rules for On-Site Sewage Facilities and grant a development authorization to the owner of a portion of a Lot 81, Sunrise Acres Subdivision. All present voting "Aye". MOTION PASSED**

**33144 EXECUTE A RESOLUTION IN SUPPORT OF DRIPPING SPRINGS' SUBMITTAL OF A NOMINATION FOR FUNDING THROUGH CAMPO'S PLATINUM PLANNING STUDY PROGRAM**

J.Gandolf Burrus, President of Grant Development Services Inc, spoke. General Counsel Mark Kennedy spoke. Commissioner Ingalsbe spoke. Commissioner Whisenant spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to execute a resolution in support of Dripping Springs' submittal of a nomination for funding through CAMPO's Platinum Planning Study Program. All present voting "Aye". MOTION PASSED**

**33145 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 9:55 a.m. and reconvened into open court at 9:58 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Whisenant, General Counsel Mark Kennedy, Chief of Staff Clint Garza, Director of Transportation Jerry Borcharding and Tammy Crumley. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize execution of a Purchase Agreement between Hays County and B&B Family Partnership, Ltd., Barbara Baugh, and Baugh Management, LLC., related to the acquisition of approximate 28.77 acres of Right of Way and approximate 1.005 acres of Utility easement along proposed FM 110, as presented in Executive Session. All present voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY**





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Court convened into Executive session at 9:58 a.m. and reconvened into open court at 10:48 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Whisenant, General Counsel Mark Kennedy, Chief of Staff Clint Garza, Director of Transportation Jerry Borcharding and Tammy Crumley. No action taken.

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE VALUE, PURCHASE AND/OR SALE OF PROPERTIES ASSOCIATED WITH THE HAYS COUNTY SURPLUS PROPERTY PROGRAM**

Court convened into Executive session at 10:48 a.m. and reconvened into open court at 10:59 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Whisenant, General Counsel Mark Kennedy, Chief of Staff Clint Garza, Director of Transportation Jerry Borcharding and Tammy Crumley. No action taken.

**33146 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 19.939 ACRES IN FEE SIMPLE AND 1.50 ACRES OF A DRAINAGE EASEMENT INTEREST FROM PROPERTY LOCATED IN HAYS COUNTY NEAR COUNTY ROAD 159 (YARRINGTON ROAD), OWNED BY LASALLE HOLDINGS, LTD., A TEXAS LIMITED PARTNERSHIP, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED FM 110M ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (PARCEL 3N (PARTS 1-3) AND PARCEL 3N-E (PARTS 1-2))**

Court convened into Executive session at 11:11 a.m. and reconvened into open court at 11:28 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Whisenant, General Counsel Mark Kennedy, Chief of Staff Clint Garza, Director of Transportation Jerry Borcharding and Tammy Crumley. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize execution of a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 19.939 acres in fee simple and 1.50 acres of a drainage easement interest from property located in Hays County near County Road 159 (Yarrington Road), owned by LaSalle Holdings, Ltd., a Texas Limited Partnership, and which is required for the construction of the proposed FM 110M intersection roadway improvements, and take other appropriate action. All present voting "Aye". MOTION PASSED**

**CLERK'S NOTE AGENDA ITEM #28 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**

Drought Index – 456. Fire Marshall recommends that the Burn Ban will remain lifted.

**CLERK'S NOTE AGENDA ITEM #30 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**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 11:33a.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 December 05, 2017 .

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

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

