

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF FEBRUARY A.D., 2018, 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:

Velma Resendiz of the Pentecostal Church 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

Dan Lyon, San Marcos resident and Rodrigo Amaya, San Marcos resident made public comment.

PRESENTATION ON HAYS COUNTY FLOOD EARLY WARNING SYSTEM

Justin McInnis, Asst. Emergency Management Coordinator spoke. Kharley Smith, Office of Emergency Management Director and EMC, spoke. Over the past year Hays County, in partnership with Texas Water Development Board, has designed, constructed and implemented a countywide Flood Early Warning System. Through the utilization of grant and local funding the Office of Emergency Services has implemented an in-depth data collection and dissemination platform that will better serve and protect citizens from future flooding.

33391A 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 \$57,612.70 (Ratify) for week ending 2/20/18 and \$2,238,088.20 for week ending 2/27/18 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33392A APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of Juror Checks in the amount of \$528.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33393A APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of United HealthCare Claims in the amount of \$335,514.19 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33394A APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 13, 2018

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of February 13, 2018 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

33395A APPROVE THE PAYMENT OF THE FEBRUARY 28, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,560,000.00 EFFECTIVE FEBRUARY 28, 2018 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of the February 28, 2018 Payroll Disbursements in an amount not to exceed \$3,560,000.00 effective February 28, 2018 and post totals for wages, withholdings, deductions and benefits on the Hays County Website once finalized. All present voting "Aye". MOTION PASSED



33396A APPROVE AND CONFIRM THE APPOINTMENTS OF JESSICA MONTANA AS DEPUTY CONSTABLE AND CAROL JO COOLEY AS RESERVE DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 1 OFFICE, EFFECTIVE DATE FEBRUARY 27, 2018

Constable Pct. 1, David Peterson spoke. 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 Whisenant, seconded by Commissioner Jones to approve and confirm the appointments of Jessica Montana as Deputy Constable and Carol Jo Cooley as Reserve Deputy Constable in Hays County Constable Precinct 1 Office, effective date February 27, 2018. All present voting "Aye". MOTION PASSED**

33397A APPROVE THE APPOINTMENTS OF AILEEN HAYS AND BONNIE HERNANDEZ TO THE HAYS COUNTY CHILD PROTECTIVE BOARD, 3 YEAR TERM ENDING 12/31/20

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointments of Aileen Hays and Bonnie Hernandez to the Hays County Child Protective Board, 3 year term ending 12/31/2020. All present voting "Aye". MOTION PASSED

33398A APPROVE THE REAPPOINTMENT OF SAMANTHA TUZO TO THE HAYS COUNTY CHILD PROTECTIVE BOARD, 3 YEAR TERM ENDING 12/31/20

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the reappointment of Samantha Tuzo to the Hays County Child Protective Board, 3 year term ending 12/31/2020. All present voting "Aye". MOTION PASSED

33399A AUTHORIZE COMMERCIAL OSSF PERMIT AT 3992 E HWY 290, DRIPPING SPRINGS, TEXAS 78620

RABD Holdings, LLC is proposing an OSSF to serve a 2 office/warehouse buildings and 2 buildings that will serve a bakery manufacturer. This 1.8021-acre property is Lot 7 of Section 2-C in the Sunset Canyon Subdivision. The property is served by a public water supply. The system designer, Stephen Jetton, R.S., has designed a non-standard treatment system, which consists of a grease tank, pretreatment, flow-equalization, and secondary treatment. After treatment, the effluent will be dispersed via drip irrigation tubing for a maximum daily rate of 400 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 3992 E. Hwy. 290, Dripping Springs, Texas 78620. All present voting "Aye". MOTION PASSED**

33400A AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE DONATED FUNDS FROM THE VICTIM'S ASSISTANCE PROGRAM TO SEND A VICTIM'S ASSISTANCE VOLUNTEER TO THE EVERY VICTIM EVERY TIME CONFERENCE AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office is seeking court approval to utilize donated funds to send one HCSO VA Volunteer to attend the Every Victim Every Time Conference in Bryan, Texas beginning April 24-25, 2018. The individual has been a VA Volunteer for more than five years and the S.O. feels this would be a great opportunity for her to network with other victim service professionals and learn information about current victim issues related to the criminal justice system. The S.O. is sending two employees in addition to the volunteer utilizing donated funds. The total cost for the volunteer is \$122.00; overall cost for two employees and one volunteer is \$866 to attend the Every Victim Every Time Conference. Donated funds are available in a supply line item to cover the amount needed for all attendees. Budget Amendment: Decrease 001-618-99-899.5201 General Supplies (\$366.00) Increase 001-618-99-899.5551 Continuing Ed \$366.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Sheriff's Office to utilize donated funds from the Victim's Assistance Program to send a Victim's Assistance Volunteer to the Every Victim Every Time Conference and amend the budget accordingly. All present voting "Aye". MOTION PASSED**



33401A AUTHORIZE THE EXECUTION OF A MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT WITH RICOH USA INC. RELATED TO THE ECOPY SOFTWARE FOR THE SHERIFF'S OFFICE

The Sheriff's Office is requesting approval of a maintenance and software support agreement for eCopy software. Renewing the maintenance and support agreement ensures continued coverage and access to telephone support, important patches/updates and upgrades. The total cost of the agreement is \$162.00 for one year; funds have been identified in the Sheriff's Office Software Maintenance and Licensing g/l. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of a Maintenance and Software Support Agreement with Ricoh USA Inc. related to the Ecopy Software for the Sheriff's Office. All present voting "Aye". MOTION PASSED**

33402A AUTHORIZE COMMERCIAL OSSF PERMIT AT 14707 FITZHUGH ROAD, AUSTIN, TEXAS 78736

Dubb Smith of the Fitzhugh Business Center is proposing an OSSF to serve 8 office/warehouse buildings. The system is designed to accommodate up to 80 employees and customers. This 3.75-acre property is Lot 2-A of the Family Tree Subdivision. Each building will be connected to its own rainwater collection system. The system designer, Jon Maass, R.S., has designed an aerobic 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 480 gallons. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 14707 Fitzhugh Road, Austin, Texas 78736. All present voting "Aye". MOTION PASSED**

33403A ACCEPT THE RACIAL PROFILING REPORT FOR CONSTABLE PRECINCT 5

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to accept the Racial Profiling Report for Constable Precinct 5. All present voting "Aye". MOTION PASSED

33404A AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT A DONATION IN THE AMOUNT OF \$500.00 TO THE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation of \$500 from Rhadha Madhav Dham. The temple is requesting for the donation to be distributed for the following programs. Jr. Deputy Academy \$250.00 Sunshine Kids \$150.00 Citizen's Academy \$100.00 Budget Amendment Increase 052-618-00.4610 Contributions \$500.00 Increase 052-618-00.5222 Special Projects \$500.00. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Sheriff's Office to accept a donation in the amount of \$500.00 to the Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33405A APPROVE UTILITY PERMITS

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve Utility Permit #1065 on multiple roads in Stonefield Subdivision, Section 12 issued to CenterPoint Energy as submitted by the County Transportation Department. All present voting "Aye". MOTION PASSED

33406A AUTHORIZE THE COURT TO EXECUTE A TYLER TECHNOLOGY QUOTE RELATED TO TICKET WRITER MODULE ENHANCEMENTS AND AMEND THE BUDGET ACCORDINGLY

The IT Department is working with Tyler Technology on a module enhancement to allow data to be imported from SO Patrol Officers ticket writers when completing crash reports. This information is currently being manually entered into Odyssey. JP 3 Judge Andy Cable has agreed to fund this purchase with the JP Technology Fund. Attachments: Tyler Technology Quote #2018-43776 Budget Amendment: Increase Software Operating - .5718_400 Decrease Computer Eqpt Operating - .5712_400. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Court to execute a Tyler Technology Quote related to Ticket Writer Module Enhancements and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33407A AUTHORIZE PAYMENT TO GT DISTRIBUTOR'S FOR CONSTABLE PCT. 3 LAW ENFORCEMENT SUPPLIES IN WHICH NO PURCHASE ORDER WAS ISSUED OR QUOTES OBTAINED AS REQUIRED PER COUNTY PURCHASING POLICY

The Constable Pct. 3 Office purchased law enforcement supplies and did not obtain a purchase order per County Purchasing Policy. Funds are available within their operating budget to pay for these charges. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize payment to GT Distributor's for Constable Pct. 3 Law Enforcement Supplies in which no Purchase Order was**



issued or quotes obtained as required per County Purchasing Policy. All present voting "Aye".
MOTION PASSED

33408A AUTHORIZE PAYMENT TO AMTEX SCALE FOR THE DPS LICENSE & WEIGHT SCALE REPAIRS IN WHICH NO PURCHASE ORDER WAS ISSUED OR QUOTES OBTAINED AS REQUIRED PER COUNTY PURCHASING POLICY

Rodrigo Amaya, resident of San Marcos spoke. The DPS License & Weights Division had scale repairs completed at the SB IH 35 weigh station and did not obtain a purchase order per County Purchasing Policy. Funds are available within their operating budget to amend for these charges. Budget Amendment: Increase Equipment Maintenance & Repair - .5411 Decrease Telephone and Data Lines - .5489. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize payment to AMTEX Scale for the DPS License & Weight Scale repairs in which no Purchase Order was issued or quotes obtained as required per County Purchasing Policy. All present voting "Aye". MOTION PASSED**

33409A AUTHORIZE PAYMENT TO AXON ENTERPRISES, INC. FOR THE DISTRICT COURTS BAILIFF EQUIPMENT IN WHICH NO PURCHASE ORDER WAS ISSUED OR QUOTES OBTAINED AS REQUIRED PER COUNTY PURCHASING POLICY

The District Court received law enforcement equipment for their bailiffs prior to obtaining a purchase order per County Purchasing Policy. Funds were budgeted during the FY18 budget process for this equipment. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize payment to Axon Enterprises, Inc. for the District Courts Bailiff equipment in which no Purchase Order was issued or quotes obtained as required per County Purchasing Policy. All present voting "Aye". MOTION PASSED**

33410A AUTHORIZE THE EXECUTION OF A LETTER AMENDMENT TO THE INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HAYS COUNTY, TEXAS, HAYS COUNTY CONSTABLE PRECINCT 3 AND CITY OF WIMBERLEY FOR ENFORCEMENT OF TRAFFIC-RELATED LAW ENFORCEMENT WITHIN THE CITY LIMITS

Darrell Ayers spoke. This Letter Amendment modifies the conditions under Article 1. Constable's Rights and Duties, of the Interlocal Cooperation Agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the execution of a Letter Amendment to the Interlocal Cooperative Agreement between Hays County, Texas, Hays County Constable Precinct 3 and City of Wimberley for enforcement of traffic-related law enforcement within the City Limits. All present voting "Aye". MOTION PASSED**

33411A AUTHORIZE THE EXECUTION OF AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH GARVER, LLC FOR PHASE 2 ENGINEERING FOR THE DESIGN OF IMPROVEMENTS OF VARIOUS LOW WATER CROSSINGS THROUGHOUT PRECINCTS 1 & 2

General Counsel Mark Kennedy spoke. The amount of \$375,000.00 will be out of the Road and Bridge and the remainder of the amount will be out of Road Bond. In Professional Services Agreement with Garver LLC, to perform Phase 2 engineering services on 7 low water crossings identified throughout Precincts 1 & 2 which consists of surveying, environmental services, geotechnical services, ROW acquisition, public involvement, plans, specifications and estimates, bidding and construction phase services for Bunton Lane 1, 2, 3, Francis Harris Lane, S. Turnersville Road, Grist Mill Road, and Cotton Gin Road sites, the not to exceed amount was incorrectly listed as \$529,834.00. All services listed are part of the voter approved 2016 Bond package. 034. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the execution of an amended Professional Services Agreement with Garver, LLC for Phase 2 engineering for the design of improvements of various low water crossings throughout Precincts 1 & 2. All present voting "Aye". MOTION PASSED**

33412A APPROVE SELECTION OF LJA ENGINEERING, INC. FOR FINAL PS&E ENGINEERING SERVICES ON THE DACY LANE PROJECT; AND AUTHORIZE STAFF TO NEGOTIATE SCOPE, FEE, AND CONTRACT FOR CONSIDERATION BY COMMISSIONERS COURT

General Counsel, Mark Kennedy spoke. 7 Firms responded to the RFQ for final PS&E Engineering Services. 4 firms were selected from those Statements of Qualifications for interview. After interview by a 6-person panel of County representatives, LJA has been selected for recommendation to Court for this work. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve selection of LJA Engineering, Inc. for Final PS&E Engineering Services on the Dacy Lane project; and authorize staff to negotiate scope, fee, and contract for consideration by Commissioners Court. All present voting "Aye". MOTION PASSED**



33413A AUTHORIZE THE PURCHASE OF A REPLACEMENT 3.5-TON SEER SPLIT HEATING AND COOLING SYSTEM AND AMEND THE BUDGET ACCORDINGLY

The Transfer Stations Driftwood Road Yard is in need of a replacement heating and cooling system. The current unit is over 20 years old and has had multiple repairs. SI Mechanical is currently the vendor under contract for all county HVAC issues and has recommended replacement of unit due to its age. Additionally, the current unit is now obsolete which makes it difficult to secure parts for repairs and maintenance issues. Funds within the building maintenance and repair have been identified to fund this request. Budget Amendment: Decrease Building Maintenance and Repair 001-695-00.5451 Increase Transfer Station Misc. Equipment_Operating 001-716-00.5719_400. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the purchase of a replacement 3.5-Ton Seer Split Heating and Cooling System and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33414A ACCEPT THE RACIAL PROFILING REPORT FOR CONSTABLE PRECINCT 2

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the Racial Profiling Report for Constable Precinct 2. All present voting "Aye". MOTION PASSED

33415A ACCEPT A FEE SCHEDULE FOR THE JUVENILE PROBATION OFFICE RELATED TO GED TESTING FEES

On May 9, 2017 the Commissioner's Court recognized the Juvenile Probation Department as an approved GED testing site to administer the HiSET GED test through the Education Testing Service. The attached fee schedule outlines the costs associated with the testing to be billed to other County entities that have juveniles residing at the Hays County Juvenile Detention Center. The Juvenile Probation Department is the administrator of the GED program and will collect all associated fees to be deposited into the general fund. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a Fee Schedule for the Juvenile Probation Office related to GED Testing Fees. All present voting "Aye". MOTION PASSED**

33416A APPROVE OUT OF STATE TRAVEL FOR THE EXECUTIVE DIRECTOR OF COUNTYWIDE OPERATIONS FOR THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS ANNUAL NATIONAL CONFERENCE IN PHOENIX, ARIZONA. THE TRAVEL DATES WILL BE FROM JUNE 17TH THROUGH JUNE 21ST OF 2018

The Association of State Floodplain Managers is the world's largest and most comprehensive floodplain management conference. The workshops provided will offer a variety of topics that will further strengthen the administration of the county's floodplain management program. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve out of state travel for the Executive Director of Countywide Operations for the Association of State Floodplain Managers Annual National Conference in Phoenix, Arizona. The travel dates will be from June 17th through June 21st of 2018. All present voting "Aye". MOTION PASSED**

33417A AUTHORIZE THE PURCHASE OF A REPLACEMENT FIRE PANEL AND SMOKE DETECTORS AT THE COURTHOUSE AND AMEND THE BUDGET ACCORDINGLY

The fire panel located at the Courthouse is at the end of its useful life and needs to be replaced. In addition, the replacement panel will no longer be able to communicate with the existing smoke detectors; therefore all detectors (23 units) will be replaced as well. Funds are available in the Maintenance and Repair budget to cover to cost of the smoke detectors, but will be amended to cover the cost of the fire panel replacement (controlled asset). Budget Amendment: Decrease Building Maint. & Repair .5451 - (\$3,819) Increase Misc. Eqpt_Operating .5719_400 - \$3,819 (fire panel). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the purchase of a replacement fire panel and smoke detectors at the Courthouse and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33418A AUTHORIZE GENERAL COUNSEL TO EXECUTE AN ENGAGEMENT LETTER WITH THE LAW OFFICE OF STEPHEN C. DICKMAN FOR LEGAL SERVICES ASSOCIATED WITH REVISIONS TO DEVELOPMENT REGULATIONS, TAKINGS IMPACT ASSESSMENTS, AND RELATED WORK

General Counsel Mark Kennedy spoke. Mr. Dickman has provided these services to Hays County in the past. Since the last time the County engaged his services, he left his firm and opened his own law office. The attached Engagement Letter proposes to replace the former one. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize General Counsel to execute an Engagement Letter with the Law Office of Stephen C. Dickman for legal services associated with revisions to development regulations, Takings Impact Assessments, and related work. All present voting "Aye". MOTION PASSED**



33419A RATIFY THE EXECUTION OF A CONTRACT AMENDMENT WITH HUMANA RELATED TO 2017 PLAN AMENDMENTS TO THE COUNTY HEALTH & DENTAL BENEFIT PLAN

Changes to Original Plan included: I. Additional Administrative Services – removed. II. Clinical Program Services - amended Exhibit C III. Schedule of Fees - amended - includes processing run-out claims Exhibit F (estimated financial impact \$138k) IV. Private Health Information - amended Exhibit G V. Pharmacy Management - amended Exhibit H VI. Humana Vitality Program – removed. VII. Humana Wellness Solutions Services - added Exhibit J. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the execution of a contract amendment with Humana related to 2017 Plan Amendments to the County Health & Dental Benefit Plan. All present voting “Aye”. MOTION PASSED**

33420A AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 2550 FM 967, BUDA, TX, 78610

Neighbor's Storage is proposing an OSSF to serve a storage facility with two employees and no public restroom. This is a 2.18 acre property and lies outside the City of Buda. Water will be supplied by a public water supply. The system designer, John F. Fox, RS, has designed a system, which consists of an aerobic treatment unit with dispersal by drip tubing. The maximum daily usage rate is 120 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 2550 FM 967, Buda, TX, 78610. All present voting “Aye”. MOTION PASSED**

33421A RELEASE THE MAINTENANCE BOND #58S208126-01 FOR \$102,105.00, RELEASE THE MAINTENANCE BOND #58S208129-01 FOR \$76,673.50, RELEASE THE REVEGETATION BOND #58S208129-01 FOR \$14,428.00, AND ACCEPT THIS SEGMENT OF ROAD INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR BUSH RANCH SUBDIVISION, PH. 3, SEC. 1

Jerry Borcharding, Hays County Transportation Director gave staff recommendation. Staff recommends acceptance of this road segment into the county maintenance system. The road segment includes: Four Star Boulevard (172 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to Release the Maintenance Bond #58S208126-01 for \$102,105.00, Release the Maintenance Bond #58S208129-01 for \$76,673.50, Release the Revegetation Bond #58S208129-01 for \$14,428.00, and accept this segment of road into the County Road Maintenance System for Bush Ranch subdivision, Ph. 3, Sec. 1. All present voting “Aye”. MOTION PASSED**

33422A ACCEPT A RIGHT OF WAY DEDICATION DEED FOR PROPERTY OWNED BY EPISCOPAL CHURCH CORPORATION IN WEST TEXAS AT OR NEAR THE INTERSECTION OF HWY 290 AND HAYS COUNTRY ACRES ROAD IN PCT. 4

Commissioner Whisenant spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to accept a Right Of Way Dedication Deed for property owned by Episcopal Church Corporation in West Texas at or near the intersection of Hwy 290 and Hays Country Acres Road in Pct. 4. All present voting “Aye”. MOTION PASSED**

33423A SUB-936; PASTERNAK RANCH SUBDIVISION (1 LOT) APPROVE THE FINAL PLAT

Marcus Pacheco, Hays County Planner, gave staff recommendation. Pasternak Ranch is a proposed 1 lot subdivision located along Oakwood Loop in PCT 3. Water service will be provided by private well and wastewater service will be accomplished by individual OSSF. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the final plat of SUB-936 Pasternak Ranch Subdivision (1 Lot). All present voting “Aye”. MOTION PASSED**

33424A SUB-837; YULI-POSADA SUBDIVISION (3 LOTS) APPROVE PRELIMINARY PLAN

Marcus Pacheco, Hays County Planner, gave staff recommendation. Yuli-Posada is a proposed 3 lot subdivision located along Mathias Lane in PCT 2. Water service will be provided by GoForth SUD and wastewater service will be accomplished by individual OSSFs. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan for SUB-837 Yuli-Posada Subdivision (3 Lots). All present voting “Aye”. MOTION PASSED**

33425A SUB-924 RAINBOW RANCH, LOTS 77A & 78A (2 LOTS) APPROVE PRELIMINARY PLAN AND GRANT A VARIANCE TO SECTION 721.5.05 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS

Marcos Pacheco, Hays County Planner, spoke. Rainbow Ranch is an unrecorded subdivision located off of N. Rainbow Ranch Rd. in Precinct 3. Portion of Lots 77 and 78 are currently being plated into two parcels, Lots 77A and 78A. Water service will be provided by private well and wastewater service will be accomplished by

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individual conventional OSSF. 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 owners of the lot are requesting the proposed lot 78A to utilize a flag lot development. The property has been in its current configuration since 2010, owners are now platting the property to become compliant with Hays County Development Regulations and to subdivide the property into two tracts. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve preliminary plan and Grant a Variance to Section 721.5.05 of the Hays County Development Regulations for SUB-924 Rainbow Ranch, Lots 77A & 78A (2 Lots). All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #37 RE: *AUTHORIZE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT FOR MOBILE RADIO SERVICES AND EQUIPMENT BETWEEN HAYS COUNTY AND LOWER COLORADO RIVER AUTHORITY (LCRA) – was pulled*

33426A AUTHORIZE STAFF TO UNIFORMLY ADMINISTER FLOODPLAIN AND STORM WATER MANAGEMENT REGULATIONS FOUND IN CHAPTER(S) 705, 725, & 735 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS, BY REMOVING CERTAIN REQUIREMENTS FROM CHAPTER 705

Marcos Pacheco, Hays County Planner spoke. The current Hays County Development Regulations were adopted last February 21st, 2017. This section pertaining to Flood Plain and Storm Water Management Information was revised to only exempt proposed subdivisions with five (5) lots or less from items (E), (F), and (G). This revision was suggested to be made so this section would be more in line with Chapters 725 and 735 of the Development Regulations. This proposed change would remove the requirement regarding benchmark establishment and geographic coordinates following procedures in the TXDOT Survey Manual and be more in line with Chapters 725 and 735 of the Hays County Development Regulations, per staff recommendation. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize staff to uniformly administer floodplain and storm water management regulations found in Chapter(s) 705, 725, & 735 of the Hays County Development Regulations, by removing certain requirements from Chapter 705 as presented in backup. All present voting "Aye". MOTION PASSED**

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

Court convened into Executive session at 10:03 a.m. and reconvened into open court at 10:42 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Chief of Staff, Clint Garza and Assistant Director of Countywide Operations, Tammy Crumley, Transportation Director Jerry Borcharding and intern Samantha Jones. No action taken.

Clerk's Note Agenda Item #40 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*

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Commissioner Ingalsbe gave the update. Hays County Fire Marshal recommends that the burn ban remain lifted. Do not leave fires unattended.

Clerk's Note Agenda Item #42 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 10:46 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 February 27, 2018.



Liz Q. Gonzalez

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

