



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 14<sup>TH</sup> DAY OF JANUARY A.D., 2014, 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
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

**29570 ADOPT A PROCLAMATION DECLARING JANUARY 20, 2014 AS DR. MARTIN LUTHER KING, JR. DAY AND CELEBRATING THE LBJ-MLK CROSSROADS MEMORIAL**

Diane McKay, Harvey Miller spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to adopt a proclamation declaring January 20, 2014 as Dr. Martin Luther King, Jr. Day and celebrating the LBJ-MLK Crossroads Memorial. All voting "Aye". MOTION PASSED

**29571 ADOPT A PROCLAMATION DECLARING JANUARY 14, 2014 AS VOLUNTEERS FOR DEMOCRACY DAY**

Joyce Cowan Elections Administrator spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a proclamation declaring January 14, 2014 as Volunteers for Democracy Day. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED

**29572 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 \$ 2,213,012.85 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**29573 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 7, 2014**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of January 7, 2014 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**29574 APPROVAL TO HOLD ON-LINE AUCTION WITH RENE BATES AUCTIONEERS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 263.151. THE AUCTION WILL START JANUARY 20, 2014 AND END JANUARY 31, 2014**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve to hold on-line auction with Rene Bates Auctioneers pursuant to Texas Local Government Code 263.151. The auction will start January 20, 2014 and end January 31, 2014. All voting "Aye". MOTION PASSED

**29575 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permit # 909 for Bebee Road to CenterPoint Energy (gas line) as submitted by the Road Department. All voting "Aye". MOTION PASSED



**29576            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUBAWARD AGREEMENT 14008-82085-1 WITH TEXAS STATE UNIVERSITY FOR PROJECT FUNDING IN THE AMOUNT OF \$16,005.00 THROUGH US DEPARTMENT OF HOMELAND SECURITY IN SUPPORT OF ADVANCED RAPID RESPONSE TRAINING (ALERRT) PROGRAM ACTIVITIES**

The Texas State University, Advanced Law Enforcement Rapid Response Training (ALERRT) Program has received project funding through the US Department of Homeland Security and is distributing funds as a subaward to the Hays County Sheriff's Office that will provide training and support to the ALERRT project. This funding will provide support for the " Stop the killing/Stop the Dying: making our Nation's Communities Safer through Critical Medical Training for First Responders" project. The grant application term is 10-01-2013 through 09-30-2016. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Subaward Agreement 14008-82085-1 with Texas State University for project funding in the amount of \$16,005.00 through US Department of Homeland Security in support of Advanced Rapid Response Training (ALERRT) program activities. All voting "Aye". MOTION PASSED**

**29577            AUTHORIZE THE COUNTY JUDGE TO EXECUTE APPLICATIONS FOR PARTICIPATION IN THE TEXAS 1033 SURPLUS PROPERTY PROGRAM**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute applications for participation in the Texas 1033 Surplus Property Program. All voting "Aye". MOTION PASSED**

**29578            MOVE FUNDS WITHIN THE DA DRUG FORFEITURE FUND TO PURCHASE 1 SCANNER AND ADOBE PROFESSIONAL SOFTWARE FOR DISCOVERY PROCESSING**

Amount required \$ 1,863.00. Decrease Miscellaneous: 081-607-00.5391 (\$1,863); Increase Software License: 081-607-00.5429 \$ 263; Increase Computer Eqpt: 081-607-00.5712\_400 \$1,600. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to move funds within the DA Drug Forfeiture Fund to purchase 1 scanner and Adobe Professional software for discovery processing. All voting "Aye". MOTION PASSED**

**29579            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. FOR PROFESSIONAL DESIGN AND ENVIRONMENTAL CLEARANCE SERVICES RELATED TO THE IH-35 NORTHBOUND RAMP RECONFIGURATION PROJECT IN HAYS COUNTY**

Not to exceed \$500,000 line item number 026-801-96-518.5621\_400. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with CHA Consulting, Inc. for professional Design and Environmental Clearance services related to the IH-35 Northbound Ramp Reconfiguration Project in Hays County. All voting "Aye". MOTION PASSED**

**29580            ACTION REGARDING THE APPOINTMENT OF WALTER KRUDOP AS COMMISSIONER AND RE-APPOINTMENT OF RUSSELL MOLENAAR AND WALTER GRANER TO EMERGENCY SERVICES DISTRICT (ESD) 1 IN HAYS COUNTY**

Mr. Krudop will be replacing Randall Garst whose commission has expired. These appointments will be effective immediately. Mr. Molenaar and Mr. Graner are presently serving on this ESD. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the appointment of Walter Krudop as commissioner and re-appointment of Russell Molenaar and Walter Graner to Emergency Services District (ESD) 1 in Hays County. All voting "Aye". MOTION PASSED**

**29581            ACTION TO RE APPOINT CHUCK WARE AND CARL SCUDDER TO THE ESD #4 BOARD**

The term for both board members is expired. Both wish to continue service on the ESD #4 Board. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to re appoint Chuck Ware and Carl Scudder to the ESD #4 board. All voting "Aye". MOTION PASSED**



**29582 ADOPT A RESOLUTION IN SUPPORT OF THE HAYS COUNTY MASTER NATURALISTS BIRDING NETWORK PROJECT**

On December 17, 2013 the Hays County Chapter of the Texas Master Naturalists gave a presentation to the Hays County Commissioners Court on a proposed Birding Network Project that would encompass numerous potential birding sites throughout the County. This presentation was well-received by Court members and it was requested that the Project be revisited in early January, 2014 to formalize support by the Commissioners Court. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a Resolution in support of the Hays County Master Naturalists Birding Network Project. All voting "Aye". MOTION PASSED**

**29583 AUTHORIZE THE COUNTY AUDITOR TO APPROVE AND ISSUE ON AN ANNUAL BASIS, A CERTIFICATE REPRESENTING HAYS COUNTY'S AWARENESS OF THE "MUNICIPAL ADVISOR RULE" CONCERNING RELIANCE ON INDEPENDENT REGISTERED MUNICIPAL ADVISORS**

Hays County Auditor Bill Herzog spoke. Effective January 13, 2014 the SEC's "Municipal Advisor Rule" becomes effective. The SEC's Municipal Advisor Rule imposes a registration regime and fiduciary duty upon firms that give advice to municipal entities and obligated persons with respect to (1) the issuance of municipal securities, (2) investment strategies and (3) municipal financial products unless an exemption applies. The rule granted underwriters and placement agents a broad exemption for advice with respect to the three topics above to the extent the local governmental entity and/or obligated person is otherwise represented by an independent registered municipal advisor regarding the same subject matter. In order to rely on this exemption, an underwriter/placement agent must receive certain representations from the local governmental entity/obligated person. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Auditor to approve and issue on an annual basis, a certificate representing Hays County's awareness of the "Municipal Advisor Rule" concerning reliance on independent registered municipal advisors. All voting "Aye". MOTION PASSED**

**29584 ACTION TO COMPENSATE THE CRIME SCENE/EVIDENCE TECHNICIAN (POSITION NUMBER 0625) AT THE 50TH PERCENTILE OF THE SALARY RANGE**

Captain Mike Davenport with the Hays County Sheriff Office spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to compensate the Crime Scene/Evidence Technician (position number 0625) at the 50th percentile of the salary range. All voting "Aye". MOTION PASSED**

**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 GLASS AND PROJECT WHEAT**

Court convened into Executive Session at 10:24 a.m. and reconvened into opened court at 10:59 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Mike Kamerlander. No Action Taken.

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

Court convened into Executive Session at 11:25 a.m. and reconvened into opened court at 11:47 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

**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 UPLAND**

Court convened into Executive Session at 11:00 a.m. and reconvened into opened court at 11:20 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Mike Kamerlander. No Action Taken.



### DISCUSSION OF ISSUES RELATED TO INMATE POPULATION AT THE HAYS COUNTY JAIL

Captain Mark Cumberland gave a updated report and presented a PowerPoint Presentation. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendation to 311. The jail's daily average was 278 and peak was 292 on January 11, 2014 for the week of January 5, 2014 to January 11, 2014. The maximum female capacity is 56 inmates. Last week's average was 39 and peak was 46 on 1/11/2014. The maximum male capacity is 276 inmates. Last week's average was 278 and peak was 292 on 1/11/2014.

### ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Judge Cobb said the Burn Ban will remain lifted at this time.

### DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PRECINCT 2 FACILITY PROJECT; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT

Mike Weaver with Prime Strategies gave an update. Hays County/TxDot Partnership Program Progress Report: RM 967 (FM1626 to Cole Springs Road); Buda Truck Bypass – HDR; FM 2001 Realignment – Kimley-Horn; FM 150 Center turn lane- Bowman; IH 35/Posey Road Interchange- Dannenbaum; FM 150 West Corridor Study-TBD; FM 150 East Realignment – K Friese; RRM 12 Improvements – TBD; IH 35 Northbound Ramp Reconfiguration – CHA (pending court approval); FM 110 North – LJA; FM 110 Middle- Kennedy; FM 110 South – Binkley & Barfield. Lori Harris with HNTB gave an update on the Pass through Financing Program Yarrington Bridge (at IH35) Project Length: 0.408 Miles; Roadway Section: Two-Lane Frontage Road realignment with deceleration and turn lanes; Structures: Two one-lane turnaround bridges and one two-lane bridge with two left turn lanes & shoulders; Letting Date: October 9, 2013; Estimated Construction Cost: \$14 Million; FM 1626 South (FM2770 to FM 967); Project Length: 3.298 Miles; Roadway Classification: Rural Major Collector; Roadway Section: Five-lane Section with Two-Way left turn lane; Structure: one four-lane bridge; Anticipated Letting Date: Summer 2014; Estimated Construction Cost: \$16.3 Million; FM 110(McCarty Lane to SH 123); Project Length: 1.167 Miles; Roadway Classification: Multi-lane Rural Highway (Primary Arterial); Roadway Section: Five-Lane Section with Two-Way left turn lane; Project Schedule: November 2012- January 2014; Estimated Construction Cost: \$6.5 Million; FM 1626 North (RM 967 to Brodie Lane); Project Length: 3.823 Miles; Roadway Classification: Rural Major Collector; Roadway Section; Five-lane section with Two-Way turn lane; Structures: One five-lane bridge with TWLTL; Project Schedule: October 2012 – December 2014; Estimated Construction Cost: \$17.3 Million. Allen Crozier of HDR gave a brief overview of the projects. Hays County Priority Road Bond Program - Precinct 4; US 290 (Mighty Tiger to McGregor) continuous left turn land (fill in gaps and improve shoulders (approx. 3.7 miles) RM 12 @ Sports Park Drive – safety improvements (add left turns land and other intersection safety improvements) RM 1826 @ Nutty Brown Rd – safety improvements (left turn land and other intersection safety improvements) RM 1826 @ Crystal Hill Drive (Goldenwood) RM 1826- @ Darden Hill Rd (CR162)- safety improvements (left turn lane and other intersection safety improvements- Realignment of Darden Hill Rd at Intersection) RM 1826 @ RM 967- safety improvements (left turn land(RM 1826, right turn land (RM 967) and other intersection safety improvements); **Precinct 3:** RM 2325 Fisher Store Rd. (CR 181) to Carney Lane- safety improvements (left & right turn lanes) preliminary schematic complete) RM 12 @ Old Kyle Road- Mobility/Safety improvements at Wimberley Business District (turn lanes/ Planters/ Drainage) RM 12 & RM 32 Junction – realignment of RR 12 & RR 32 for T- Intersection and other safety improvements; RM 12 Parkway Development: ROW Preservation & Environmental Studies for 4 lane divided parkway; RM 12 @ Hugo Road (CR 214) Safety improvements (left turn lane and other intersection safety improvements) RM 12 @ Sink Creek – Multi box culvert replaced by a bridge with replacement with 3,760' of approach work on RM 12; RM 12 Wonder World Drive – Safety improvements (Right & left turn lanes)- This project has been addressed by COSM Wonder World Dr. ext.; **Precinct 1;** Old Bastrop Highway (CR266) – 1.9 mi – Widen to 3 lanes (2+CLTL) & 4' shoulders/ acquire ROW for a ultimate 4-lane section; **Precinct 2** SH 21 @ High Road (CR 127) – safety improvements (turn lanes) SH 21 @ FM 2001- safety improvements (turn lanes) SH 21 @ Rhode Road (CR 126)- safety improvements (left turn lane and other intersection safety improvements); **Precinct 1 & 2** Dacy Lane (CR 205) Bebee Rd to Windy Hill – Engineering/Environmental Studies & ROW Preservation (2-12' Lanes, 14' Lt turn lane, bicycle lanes & sidewalks) (1.5 Mi) **Precinct 4** Lime Kiln Road @ Sink Creek: Feasibility Analysis and Environmental Studies (LWC Replacement in SM River watershed and Edwards Aquifer Recharge Zone) **Precinct 1 & 4;** Post Road (CR140): Feasibility Analysis and Planning Study for the replacement of Low Water Crossing over the Blanco River; **Precinct 2;** Lakewood Drive @ FM 1626- Raise Grade of approach( replace culvert with bridge) on Lakewood Drive @ 1626 Safety Improvements; RM 967 @ Ruby Ranch Road; Safety Improvements (turn lanes).



**County Clerk Note Agenda # 22 RE:** DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR - **was pulled**

**County Clerk Note Agenda # 23 RE:** DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY- **was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court.

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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 January 14, 2014.



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

