



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 24<sup>TH</sup> DAY OF JUNE 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
CHRISTINE RODRIGUEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Carl W. Clark, Chaplin gave the invocation. Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

#### PUBLIC COMMENTS

Constable Pct. 3 Darrell Ayres spoke on Jacobs Well.

#### 29911 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments in the amount of \$ \$1,569,062.22 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### 29912 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 17, 2014

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of June 3, 2014 as presented by County Clerk. All voting "Aye". MOTION PASSED

#### 29913 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 158B HIGH ROAD, KYLE, TX

Jose and Alejandra Martinez are proposing an OSSF to serve an event center and banquet hall in Precinct 1. This property is 20 acres. Water will be supplied by public water system. The system designer, Jim Conner, R.S. has designed a treatment system which consists of standard treatment with the effluent dispersed to a low pressure dosed drainfield at a daily usage rate of 600 gallons. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Institutional OSSF Permit at 158B High Road, Kyle, TX. All voting "Aye". MOTION PASSED

#### 29914 RATIFY THE COUNTY JUDGE'S EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS REGARDING THE DISTRIBUTION OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, JUSTICE ASSISTANCE GRANT PROGRAM

On June 3, 2014 the Commissioners Court authorized a grant application to the U.S. Department of Justice, Bureau of Justice Assistance under the Edward Byrne Memorial Justice Assistance Grant (JAG) program for \$13,104.00. Hays County and the City of San Marcos are in what is known as a disparate allocation for this funding, where an agreement on the use of the grant funds by the two entities is required. Last year, Hays County waived its right to a portion of the funding, dedicating all funds to the City of San Marcos. This year, the City of San Marcos has similarly waived its right to the funds, dedicating the entire available amount to Hays County. The Interlocal Agreement formalizes this arrangement and will be submitted to USDOJ to complete our grant application package. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to ratify the County Judge's execution of an Interlocal Agreement with the City of San Marcos regarding the distribution of grant funds from the U.S. Department of Justice, Justice Assistance Grant program. All voting "Aye". MOTION PASSED

#### 29915 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 1018 PIER BRANCH ROAD, DRIPPING SPRINGS, TX

RKC Partnership is proposing an OSSF to serve an office/warehouse building for a Pool Supply Business in Precinct 4. This property is Lot 16 in the Sunset Canyon Section 2C Subdivision (1.836 ac). Water will be supplied by public water supply. The System Designer, Jon Maass, R.S., has designed a treatment system which consists of standard treatment and pump tank to disperse to a low pressure dosed leaching chamber drain field at a daily usage rate of 96 gallons A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 1018 Pier Branch Road, Dripping Springs, TX. All voting "Aye". MOTION PASSED



**29916 APPROVE A BUDGET AMENDMENT TO MOVE \$1,002 FROM LAW ENFORCEMENT EQUIPMENT TO LAW ENFORCEMENT SUPPLIES FOR THE CJD EDWARD BYRNE MEMORIAL JUSTICE GRANT**

The CJD Edward Byrne Memorial Justice Grant was awarded for the purchase of body cameras and in-car video systems for the Sheriff's Office and Constable Precinct #3. This amendment will allow for the purchase of support Accessories for the camera equipment Budget Amendment: Increase Expense 001-618-99-082.5206; Law Enforcement Supplies \$1,002.00; Decrease Expense 001-618-99-082.5717\_400; Law Enforcement Equipment Operating (\$1,002.00). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve budget amendment to move \$1,002 from Law Enforcement equipment to Law Enforcement supplies for the CJD Edward Bryne Memorial Justice Grant. All voting "Aye". MOTION PASSED**

**29917 APPROVE SPECIFICATIONS FOR RFQ #2014-P02 "REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION INSPECTION AND MATERIALS TESTING FOR IMPROVEMENTS TO FM 1626 SOUTH" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE**

The FM 1626 South Hays County Texas Department of Transportation Pass-Through Finance Program project is anticipated to be let by Hays County for construction in early 2015. The County's proposed solicitation for Construction Inspection and Materials Testing services for the project would provide for consultant services to be secured in advance of final construction design to allow for consultant participation in construction document review prior to construction letting. The County completed a solicitation for these services in 2011 for the FM 110 and FM 1626 North and South Pass-Through Finance Program projects and is moving forward with a new solicitation process for the FM 1626 South project now because of the dated status of the first solicitation materials. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for RFQ #2014-P02 "Request for Qualifications for Construction Inspection and Materials Testing for Improvements to FM 1626 South" and authorize Purchasing to Solicit for Proposal and Advertise. All voting "Aye". MOTION PASSED**

**29918 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CHANGE IN COST ADDENDUM TO THE CAPITAL IMPROVEMENT AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS AND COTTONWOOD CREEK JDR, LTD. RELATED TO THE RATTLER ROAD PROJECT IN HAYS COUNTY**

The funds for this addendum will come out of the County Road Budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Change in Cost Addendum to the Capital Improvement Agreement between Hays County, the City of San Marcos and Cottonwood Creek JDR, Ltd. related to the Rattler Road Project in Hays County All voting "Aye". MOTION PASSED**

**Item #8 was reopened: A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Change in Cost Addendum to the Capital Improvement Agreement between Hays County, the City of San Marcos and Cottonwood Creek JDR, Ltd. related to the Rattler Road Project in Hays County and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**29919 ACCEPT THE RESIGNATION OF RUSSELL MOLENAAR AS COMMISSIONER OF ESD #1**

Commissioner Whisenant and Commissioner Conley spoke. Mr. Molenaar submitted his resignation dated May 27, 2014. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the resignation of Russell Molenaar as Commissioner of ESD #1. All voting "Aye". MOTION PASSED**

**29920 APPROVE CHANGE ORDER NO. 8 ON THE CR266, OLD BASTROP HIGHWAY, PRIORITY ROAD BOND PROGRAM PROJECT**

Allen Crozier of HDR spoke. This Change Order is to rectify the final pay items as constructed against the final in place quantities. This adjustment includes both increases and decreased to project pay items due to adjustments made in the field as requested by the County. Largest adjustment include: TY-D Hot Mix, TY-B Hot Mix and 5" Concrete Riprap. The TY-B & TY-D Hot Mix quantity was overrun due to needing to extend final tie ins to cross streets further for smoother transitions. The 5" Concrete Riprap quantity was overrun for the extension of culvert aprons to reduce potential for erosion as well as for the extension of riprap along steep slopes along the Centerpoint roadside ditch to reduce future maintenance of a steep ditch slope. Budget Project Construction Cost \$4,511,000.00, Contractors Bid \$4,090,254.16 Total Change Orders \$ 279,938.07 Final Construction Cost \$4,370,192.23 Change Order Percentage +6.8% Change Orders included approximately \$90,000 of work to relocate City of San Marcos waterlines throughout the project limits through an Interlocal agreement. This work has been reimbursed by the City Revised Final Cost (COSM Utilities Removed) \$4,273,580.23 Revised Change Order Percentage +4.5% Construction Savings \$ 237,419.77. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Change Order No. 8 on the CR 266, Old Bastrop Highway, Priority Road Bond Program Project. All voting "Aye". MOTION PASSED**



- 29921      AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT AND WORK AUTHORIZATION NO. 1 WITH HDR ENGINEERING, INC. TO ADD SURVEYING SERVICES AND INCREASE THE COMPENSATION CAP FROM \$55,000 TO \$89,380.00 FOR THE CENTER POINT EXTENSION ROUTE STUDY**

Allen Krozier of HDR spoke. The initial work authorization included basic right of entry services and environmental field studies to identify potential habitat and presence of threatened and endangered species, karst features and potential archeological sites necessary for determining potential routes for the proposed extension of Center Point Road from Hunter Rd. to Old RM 12. This supplemental is to augment right of entry services, provide the necessary boundary survey for the two tracts between La Cima on the North and Paso Robles on the South, and collecting field data to verify available LiDAR Survey Data and provide overall survey control for the route study project. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to Authorize the County Judge to execute Supplement No. 1 to the Professional Services Agreement and Work Authorization No. 1 with HDR Engineering, Inc. to add surveying services and increase the compensation cap from \$55,000 to \$89,380.00 for the CenterPoint Extension Route Study. All voting "Aye". MOTION PASSED**

- 29922      07-4-23 BELLA VISTA SUBDIVISION, PHASE 1 (1 LOT) APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION SURETY IN THE AMOUNT OF \$47,025 FOR STREET AND DRAINAGE IMPROVEMENTS**

Director of Development and Community Services, Clint Garza spoke. The Bella Vista Subdivision is a proposed 138 acre Subdivision located off of Bell Springs Road in Precinct 4. The development will eventually consist of 86 lots averaging 1.6 acres in size. Each lot is planned to be served by a public water supply system provided by the Dripping Springs Water Supply Corporation. This initial phase of Bella Vista will plat a single lot (4.84 acres) and the entrance roadway, Calle Bella. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat 07-4-23 Bella Vista Subdivision Phase 1 and accept Construction Surety in the amount of \$47,025.00 for Street and Drainage improvements. All voting "Aye". MOTION PASSED**

- 29923      ADOPT A RESOLUTION IN SUPPORT OF A CONSTITUTIONAL AMENDMENT FOR INCREASED STATE FUNDING FOR TRANSPORTATION**

Commissioner Ingalsbe and Commissioner Conley spoke. The Constitutional Amendment dedicates fifty percent of the growth in oil and gas severance tax that would currently go to the Rainy Day Fund to the State Highway Fund. The Constitutional Amendment, if approved by voters, limits the use of these highway funds to construction, maintenance, and rehabilitation projects (excludes toll roads). The amendment also allows the Legislature to adjust the amount sent to the highway fund if needed to preserve the integrity of the Rainy Day Fund. The Constitutional Amendment proposition will be considered November 4, 2014 and will read on the ballot as follows: "The Constitutional Amendment providing for the use and dedication of certain money transferred to the State Highway fund to assist in the completion of transportation construction, maintenance, and rehabilitation projects, not to include toll roads." **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to Adopt a Resolution in support of a Constitutional Amendment for Increased State Funding for Transportation. All voting "Aye". MOTION PASSED**

- 29924      ADOPT A RESOLUTION OPPOSING THE PROPOSED NEW RULE TO DEFINE THE "WATERS OF THE UNITED STATES"**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to adopt a Resolution opposing the proposed new rule to define the "waters of the United States" as a court Resolution. All voting "Aye". MOTION PASSED**

- 29925      APPROVE THE APPOINTMENT OF ROBERT A. "BOB" CHAFFEE AS COMMISSIONER TO EMERGENCY SERVICES DISTRICT (ESD) 1 IN HAYS COUNTY**

Commissioner Whisenant spoke of the appointment of Mr. Chaffee will be filling the un-expired term of Russell Molenaar who has resigned. This appointment will be effective immediately. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the appointment of Robert A. "Bob" Chaffee as Commissioner to Emergency Services District (ESD) 1 in Hays County. All voting "Aye". MOTION PASSED**

**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 10:10 a.m. and reconvened into open court at 11:12 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy and Judge Cobb. No Action Taken.


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

Mark Cumberland with the Hays County Sheriff's Office spoke and gave the weekly Jail Population update. 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 322 and peak was 330 on June 17, 2014 for the week of June 15, 2014 to June 21, 2014. The maximum female capacity is 56 inmates. Last week's average was 49 and peak was 51 on 06/17-18/2014. The maximum male capacity is 276 inmates. Last week's average was 273 and peak was 279 on 06/17/2014.

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

Hays County Marshal, Mark Chambers spoke the Drought Index is at 274. Burn ban remain lifted.

**DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR**

Allen Crozier with HDR and Laura Harris with HNTB on behalf of Prime Strategies gave an update. **Precinct 1:** IH 35 Phase 2B (FM 1626 to Yarrington) **Precinct 2:** IH 35 Phase 1 (Kyle Crossing (CR 210 Overpass); FM 2001 (CR 210/IH35 NB Frontage Road Connector); IH 35 Phase 2A (RM150 Realignment); IH 35 Phase 2B (FM 1626 to Yarrington); FM 110 (McCarthy Lane to SH123).

**COUNTY CLERK'S NOTE AGENDA ITEM # 20 RE:** *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY-* **was pulled**

Court Adjourned.

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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 June 24, 2014.




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

