



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF AUGUST A.D., 2015, 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
ROSE ROBINSON	DEPUTY COUNTY CLERK

WITH RAY O. WHISENANT JR, COMMISSIONER, PCT. 4 BEING ABSENT 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.

PUBLIC COMMENTS

Ted Breihan made a public comment.

PRESENTATION TO THE COMMISSIONERS COURT ABOUT THE TEXAS BRIGADES PROGRAM

Cooper Moore gave a presentation of the Texas Brigades Program.

PRESENTATION BY GBRA

Wes Birdwell gave a presentation.

30866 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve County Invoices in the amount of \$410,329.81 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

30867 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 4, 2015

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of August 4, 2015 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

30868 APPROVE AWARD OF CONTRACT FOR IFB 2015-B07 CONCRETE CONTRACTOR TO MYERS CONCRETE CONSTRUCTION AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve award of contract for IFB 2015-B07 Concrete Contractor to Myers Concrete Construction and authorize County Judge to execute same. All present voting "Aye". MOTION PASSED

30869 AUTHORIZE COMMERCIAL OSSF PERMIT AT 18300 SOUTH IH 35, KYLE, TX

Kyle Chapman is proposing an OSSF to serve a new 4950 square foot auto repair facility at 18300 South IH 35 in Precinct 2. This property is 2.795 acres in Lot 1 of the Cavalier Subdivision. Water is provided by a public water supply. The system was designed by Hugo Elizondo, Jr., P.E. This system will have standard treatment with dispersal by a low pressure pipe drain field at a daily usage rate of 200 gallons per day. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit at 18300 South IH 35, Kyle, TX. All present voting "Aye". MOTION PASSED



30870 AUTHORIZE THE COUNTY JUDGE TO SUBMIT THE INTER-LOCAL CONTRACT (GRANT) APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR FEDERAL FUNDING FOR THE TUBERCULOSIS PROGRAM IN THE HAYS COUNTY LOCAL HEALTH DEPARTMENT IN THE AMOUNT OF \$26,756

The Department of State Health Services provides funding to Local Health Departments for the identification and treatment of those persons with, or exposed to, Tuberculosis (TB). The Hays County Local Health Department has participated in this program for over 12 years, providing services to those affected by this disease. The available federal funding for the TB program is \$22, 297, with a 20% match (\$4,459) required of the County for participation in the program. The match will be budgeted within the Health Department for fiscal year 2015 from existing personnel, fringe, and contractual services line items. The contract period will be from January 1, 2016 through December 31, 2016. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to submit the Inter-local Contract (Grant) Application to the Department of State Health Services (DSHS) for Federal funding for the Tuberculosis program in the Hays County Local Health Department in the amount of \$26,756. All present voting "Aye". MOTION PASSED**

30871 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO THE CONTRACT FROM THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) TO INCREASE FEDERAL FUNDING AND EXTEND THE CONTRACT TERM FOR THE TUBERCULOSIS PROGRAM IN THE HAYS COUNTY LOCAL HEALTH DEPARTMENT

On May 20, 2014 the Commissioners' Court authorized submission of the Inter-Local Grant Contract renewal to the Department of Health Services (DSHS) for the Federal Funding for the Tuberculosis Program. DSHS provides funding to local health departments for the identification and treatment of those persons with, or exposed to, tuberculosis (TB). The amendment is to increase funding to \$30,157 and extend the contract term for four months. The funding term is from September 1, 2014 through December 31, 2015. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Amendment 1 to the contract from the Department of State Health Services (DSHS) to increase Federal funding and extend the contract term for the Tuberculosis Program in the Hays County Local Health Department. All present voting "Aye". MOTION PASSED**

30872 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE EXISTING FUNDS TO PURCHASE A REPLACEMENT AIR CONDITIONING UNIT FOR THE EVIDENCE LAB AND AMEND THE BUDGET ACCORDINGLY

The A.C. unit in the Evidence Lab is broken and needs replacing. It is more cost effective to have it replaced than repaired. No additional funds are needed as they have been identified in the Jail Operations budget. Budget Amendment; 001-618-03.5207 Building Maintenance Supplies (\$1850.00); 001-618-00.5719_400 Misc. Equipment Capital \$1850.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to utilize existing funds to purchase a replacement air conditioning unit for the Evidence Lab and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

30873 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT NO. 2 TO THE PROFESSIONAL SERVICE AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES ON THE BUDA TRUCK BYPASS/ROBERT S. LIGHT EXT. PROJECT IN HAYS COUNTY INCREASING THE COMPENSATION CAP FROM \$2,000,000.00 TO \$2,100,000.00

Laura Harris with HNTB spoke. The additional authorized money will allow for execution of Supplemental #2 to Work Authorization #1 for additional Arch Survey, potholes & utility coordination, and vertical walls & splitter box for retainage walls associated with their the Buda Truck Bypass project. Amount required \$ 100,000.00. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Supplemental Agreement No. 2 to the Professional Service Agreement with HDR Engineering, Inc. for professional engineering services on the Buda Truck Bypass/Robert S. Light ext. project in Hays County increasing the Compensation Cap from \$2,000,000.00 to \$2,100,000.00. All present voting "Aye". MOTION PASSED**

30874 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ ASSOCIATES, INC. FOR THE FM 1626 SOUTH PROJECT AS PART OF THE PASS-THROUGH FINANCE PROGRAM IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$131,800.00 FROM \$3,184,628.00 TO \$3,316,428.00

Laura Harris with HNTB spoke. The additional authorized money will allow for the execution of a supplemental #3 to Work Authorization #6 for FM 1626 South project for additional engineering, environmental and survey



Services associated with revised requirements by TxDOT. Amount required \$131,800.00; 030-802-96-628.5621_400. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Supplemental Agreement No. 2 to the Professional Services Agreement with Klotz Associates, Inc. for the FM 1626 South project as part of the Pass-Through Finance Program in Hays County, increasing the Compensation Cap by \$131,800.00 from \$3,184,628.00 to \$3,316,428.00. All present voting "Aye". MOTION PASSED**

30875 AUTHORIZE THE TREASURER'S OFFICE TO PURCHASE ONE ADDITIONAL NOVATIME NT7000 TIME KEEPING CLOCK AND AMEND THE BUDGET ACCORDINGLY

The Treasurer's Office would like to purchase a spare Time Keeping Clock in order to utilize when existing clocks are out of operation until repairs can be completed. Savings have been identified to fund this request. Amount required \$2,620.00; Decrease Office Supplies 001-620-00.5211 - (\$2,620); Increase Misc Equipment 001-620-00.5719_400 - \$2,620. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Treasurer's Office to purchase one additional NOVAtime NT7000 Time Keeping Clock and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

DISCUSSION REGARDING THE FISCHER STORE BRIDGE PROJECT, INCLUDING BUT NOT LIMITED TO RIGHT OF WAY ACQUISITION, DESIGN, AND CONSTRUCTION. PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: A PORTION OF THESE ITEMS MAY BE DISCUSSED IN EXECUTIVE SESSION

Court convened into closed executive session at 11:22 a.m. reconvened into open meeting at 11:45 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Hays County Transportation Director Jerry Borcharding, Lori Bible and Chief of Staff Lon Shell. No Action Taken.

30876 RELEASE ORIGINALLY POSTED FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS FOR DRIFTWOOD SUBDIVISION PHASE 1 SECTION 1, AND ACCEPT REDUCED FISCAL SURETY IN THE AMOUNT OF \$1,495,563.41

Jerry Borcharding, Transportation Director spoke and gave staff recommendation. The construction of street and drainage improvements in Driftwood Subdivision Phase 1 Section 1 is partially complete. Staff recommends release of original fiscal surety for street and drainage improvements for Driftwood Subdivision Phase 1 Section 1 in the amount of \$1,839,936.41, and accepting new maintenance bond in the amount of \$1,495,563.41. The new amount is sufficient to complete the improvements which have not yet been constructed. The final plat for the Driftwood Subdivision Phase1 Section 1 has been reviewed under the Interlocal Cooperation Agreement with the City of Dripping Springs and has been approved by County staff. While the plat has been approved administratively, formal acceptance of fiscal surety is required by Commissioners Court action. **A motion was made by Commissioner Jones, seconded by Commissioner Conley to release originally posted fiscal surety for street and drainage improvements for Driftwood Subdivision Phase 1 Section 1, and accept reduced fiscal surety in the amount of \$1,495,563.41. All present voting "Aye". MOTION PASSED**

30877 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF THE ADDENDUM TO THE HART WARRANTY, SUPPORT, AND LICENSE AGREEMENT BETWEEN HAYS COUNTY AND HART INTERCIVIC FOR SOFTWARE SUPPORT AND MAINTENANCE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Renewal of the Addendum to the Hart Warranty, Support, and License Agreement between Hays County and Hart Intercivic for software support and maintenance. All present voting "Aye". MOTION PASSED

30878 AUTHORIZE THE HAYS COUNTY SHERIFF TO DISPOSE OF CERTAIN SALVAGE PROPERTY IN THE POSSESSION OF THE HAYS COUNTY SHERIFF'S OFFICE, PURSUANT TO CHAPTER 263 OF THE TEXAS LOCAL GOVERNMENT CODE

Captain Mark Cumberland, Hays County Sheriff Office and General Counsel Mark Kennedy spoke. The items already disposed are Protec Armor – Titan Assault Enhanced Carrier (county tag 13279-13288). The Sheriff's Office had to destroy this equipment prior to court action due to health and safety concern following the flooding event of Memorial Day Weekend 2015. There are an additional of 8 vests that the Sheriff's Office is currently in possession that were not contaminated purchased under the same grant that will need to be disposed of with court authorization (county tag 13289-13296). The Protec Armor vests were not currently in use and were maintained as an emergency back up in the event of a chemical or biological exposure. The San Marcos Hays



County SWAT Team has received a grant award under Homeland Security for a new replacement set through the FY2015 Grant Cycle, therefore the Sheriff's Office will not be seeking funds to replace these damaged vests. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Hays County Sheriff to dispose of certain salvage property in the possession of the Hays County Sheriff's Office, pursuant to Chapter 263 of the Texas Local Government Code. All present voting "Aye". MOTION PASSED**

30879 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND MATT B. PHELPS, PE FOR PROFESSIONAL ENGINEERING AND CONSULTING SERVICES NOT TO EXCEED \$6,000.00

General Counsel Mark Kennedy spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement between Hays County and Matt B. Phelps, PE for Professional Engineering and consulting services not to exceed \$6,000.00. All present voting "Aye". MOTION PASSED**

30880 AUTHORIZE THE COUNTY JUDGE TO SIGN A LETTER OF SUPPORT TO THE SAN MARCOS WATERSHED INITIATIVE (SMWI)

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a letter of support to the San Marcos Watershed Initiative (SMWI). Judge Cobb voting "No". Commissioner Conley, Commissioner Ingalsbe and Commissioner Jones voting "Aye". MOTION PASSED

30881 ADOPT AN APPLICATION FEE SCHEDULE FOR THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN

Commissioner Conley and Director of Development and Community Services, Clint Garza spoke. Hays County has closed on an easement at the La Cima Development and will be selling mitigation credits to willing participants soon. As a part of the permitting process with USFWS, Hays County agreed to establish fees for plan implementation, in addition to the fees for mitigation credits themselves. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt an application fee schedule for the Hays County Regional Habitat Conservation Plan. All present voting "Aye". MOTION PASSED**

30882 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH KLOTZ & ASSOCIATES FOR A DRAINAGE STUDY ALONG AND NEAR BOGIE DRIVE

Jerry Borcharding, Transportation Director, Commissioner Conley, General Counsel Mark Kennedy and Director of Development and Community Services, Clint Garza spoke. The Bogie Drive area experienced exceptional flooding during the 2015 Memorial Day event with all residences experiencing exceptional damage. This study will investigate possible mitigation strategies. Amount required \$20,000.00; line item number 020-710-00.5448-008. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a contract for Professional Services with Klotz & Associates for a drainage study along and near Bogie Drive. All present voting "Aye". MOTION PASSED**

30883 APPROVE A MODIFIED FORM OF MOTOR VEHICLE LICENSE VALIDATION STICKER AGREEMENT FOR USE BY THE HAYS COUNTY TAX ASSESSOR-COLLECTOR

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve a modified form of Motor Vehicle License Validation Sticker Agreement for use by the Hays County Tax Assessor-Collector. All present voting "Aye". MOTION PASSED

30884 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF ASSESSMENT, WHICH WILL PROVIDE NOTICE TO PROSPECTIVE BUYERS WITHIN THE LA CIMA PUBLIC IMPROVEMENT DISTRICT

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Assessment, which will provide notice to prospective buyers within the La Cima Public Improvement District. All present voting "Aye". MOTION PASSED



30885 1:30 P.M.-BUDGET WORKSHOP REGARDING THE FY 2015 HAYS COUNTY BUDGET

Dan Lyon made a public comment.

Britney Richey, Assistant Hays County Treasurer – Retiree Committee:

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the recommendation from the Retiree Committee that no COLA be given to retirees in 2016. All present voting “Aye”. MOTION PASSED

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to keep the Humana Medicare Advantage Insurance Plan, for Medicare Eligible Retirees. All present voting “Aye”. MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Conley to approve the Retiree Committee recommendation Scenario No 1 with a start date of November 1, 2017. All present voting “Aye”. MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: DISCUSSION OF ISSUES RELATED TO A RIGHT OF WAY ACQUISITION OF PARCELS ON FM 1626

Court convened into closed executive session at 10:50 a.m. and reconvened into open meeting at 11:02 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Hays County Transportation Director Jerry Borcharding, Lori Bible and Chief of Staff Lon Shell. No Action Taken.

30886 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 REAL PROPERTY RELATED TO RIGHT OF WAY ACQUISITION ALONG OR NEAR DACY LANE AND FM 110 IN HAYS COUNTY

Court convened into closed executive session at 11:03 a.m. and reconvened into open meeting at 11:12 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Judge Cobb, Hays County Transportation Director Jerry Borcharding, Lori Bible and Chief of Staff Lon Shell. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the counter offer, as presented in Executive Session, on Parcel owned by LuAnn Groves; and to authorize staff and consultants to finalize a Purchase and Sale Agreement for consideration by this Court. All present voting “Aye”. MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY

County Judge gave the Hays County Jail population report. Hays County’s current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our capacity to 311. The jail’s daily average was 295 and peak was 311 on August 5th for the week of August 2 to August 8, 2015. The maximum female capacity is 76 inmates. Last week’s average was 59 and peak was 68 on 8/5/2015. The maximum male capacity is 256 inmates. Last week’s average was 235 and peak was 243 on 8/6/2015. Inmate at Guadalupe County: 19; Inmate at Caldwell County: 23; Inmate at Walker County: 17.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain in effect per recommendation of the Hays County Fire Marshal.

County Clerk’s Note Agenda Item #28 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

HAYS COUNTY COMMISSIONERS' COURT MINUTES



AUGUST 11, 2015

VOLUME V PG 679

A motion was made Commissioner Jones to adjourn court at 2:38 p.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 August 11, 2015.



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

