



MARCH 8, 2016

VOLUME V PG 799

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8TH DAY OF MARCH A.D., 2016, 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
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb 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.

PRESENTATION BY DAN WEGMILLER OF SPECIALIZED PUBLIC FINANCE INC. REGARDING HAYS COUNTY'S RECENT BOND REFUNDING

Dan Wegmiller of Specialized Public Finance Inc. spoke. He spoke of Hays County Refinancing Savings since 2010 that has saved over \$16,056,662.00 by lowering our interest rate down to 2.8%. He spoke of the possibility of Refinancing sometime next year.

31348 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$2,277,087.65 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

31349 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 23, 2016

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of February 23, 2016 as presented by the County Clerk. All voting "Aye". MOTION PASSED

31350 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Permit #966 on Marsh Lane and Noddy Road issued to CenterPoint Energy; Permit #967 on Turnersville Road issued to Verizon Telecom; Permit #968 on Windy Hill Road issued to Goforth SUD as submitted by the Road Department. All voting "Aye". MOTION PASSED

31351 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM IN THE AMOUNT OF \$76,235.00

The Subaward Agreement is a renewal we receive through Texas State University to fund the salary/benefits of an officer (Range Facilities Manager) in the Sheriff's Office involved in training and support for the ALERRT Program. This agreement is for a two year term beginning from 10-01-2015 through 09-30-2017. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute the Subaward Agreement with Texas State University for grant funds for the County's participation in the Advanced Law Enforcement Rapid Response Training (ALERRT) program in the amount of \$76,235.00. All voting "Aye". MOTION PASSED

31352 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION IN THE AMOUNT OF \$94,800.00 FOR THE PROJECT ENTITLED "HAYS COUNTY SWAT NIGHT VISION - 3028801"

On January 12, 2016 the Commissioners Court authorized submission of project worksheets to the Capital Area Council of Governments (CAPCOG), Homeland Security Division for consideration and prioritization in a pending submission of grant applications to the Office of the Governor (OOG), Homeland Security Grants Division. The worksheets were reviewed and five projects were selected for submission to the program. The



application referenced under the "Agenda Item" above includes a request to acquire night vision binoculars for 12 members of the Hays County SWAT Team, for remote surveillance of potentially dangerous and/or life threatening scenes during low/no light conditions. CAPCOG will submit their results of prioritization of grant applications to the OOG by the end of March, and funding decisions and awards by OOG are expected by August 31, 2016. No matching funds are required for the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute Resolution and submit a grant application to the Office of the Governor, Homeland Security Grants Division in the amount of \$94,800.00 for the project entitled "Hays County SWAT Night Vision - 3028801." All voting "Aye". MOTION PASSED**

31353 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION IN THE AMOUNT OF \$294,150.00 FOR THE PROJECT ENTITLED "HAYS COUNTY SWAT BEARCAT - 3027501"

On January 12, 2016 the Commissioners Court authorized submission of project worksheets to the Capital Area Council of Governments (CAPCOG), Homeland Security Division for consideration and prioritization in a pending submission of grant applications to the Office of the Governor (OOG), Homeland Security Grants Division. The worksheets were reviewed and five projects were selected for submission to the program. The application referenced under the "Agenda Item" above includes a request to acquire a wheeled tactical response vehicle to safely deliver response personnel to scenes of active threats. CAPCOG will submit their results of prioritization of grant applications to the OOG by the end of March, and funding decisions and awards by OOG are expected by August 31, 2016. No matching funds are required for the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute Resolution and submit a grant application to the Office of the Governor, Homeland Security Grants Division in the amount of \$294,150.00 for the project entitled "Hays County SWAT Bearcat - 3027501." All voting "Aye". MOTION PASSED**

31354 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION IN THE AMOUNT OF \$145,696.17 FOR THE PROJECT ENTITLED "HAYS COUNTY SWAT TYPE 1 ADVANCEMENT - #3028501"

On January 12, 2016 the Commissioners Court authorized submission of project worksheets to the Capital Area Council of Governments (CAPCOG), Homeland Security Division for consideration and prioritization in a pending submission of grant applications to the Office of the Governor (OOG), Homeland Security Grants Division. The worksheets were reviewed and five projects were selected for submission to the program. The application referenced under the "Agenda Item" above includes a request to acquire an unmanned land-based robotic system to allow remote access to and reconnaissance of hazardous areas while maintaining safety of personnel. CAPCOG will submit their results of prioritization of grant applications to the OOG by the end of March, and funding decisions and awards by OOG are expected by August 31, 2016. No matching funds are required for the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute Resolution and submit a grant application to the Office of the Governor, Homeland Security Grants Division in the amount of \$145,696.17 for the project entitled "Hays County SWAT Type 1 Advancement - #3028501". All voting "Aye". MOTION PASSED**

31355 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION IN THE AMOUNT OF \$62,554.71 FOR THE PROJECT ENTITLED "HAYS COUNTY SCHOOL SAFETY ADVANCEMENT - #3028401"

On January 12, 2016 the Commissioners Court authorized submission of project worksheets to the Capital Area Council of Governments (CAPCOG), Homeland Security Division for consideration and prioritization in a pending submission of grant applications to the Office of the Governor (OOG), Homeland Security Grants Division. The worksheets were reviewed and five projects were selected for submission to the program. The application referenced under the "Agenda Item" above includes mass casualty medical supply kits to be stationed at schools and government facilities in Hays County to be prepared for immediate treatment of injuries sustained in an event involving multiple victims. CAPCOG will submit their results of prioritization of grant applications to the OOG by the end of March, and funding decisions and awards by OOG are expected by August 31, 2016. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute Resolution and submit a grant application to the Office of the Governor, Homeland Security Grants Division in the amount of \$62,554.71 for the project entitled "Hays County School Safety Advancement - #3028401". All voting "Aye". MOTION PASSED**



31356 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION IN THE AMOUNT OF \$87,500 FOR THE PROJECT ENTITLED "HAYS COUNTY RESCUE TASKFORCE RESPONSE GEAR - #3028701"

On January 12, 2016 the Commissioners Court authorized submission of project worksheets to the Capital Area Council of Governments (CAPCOG), Homeland Security Division for consideration and prioritization in a pending submission of grant applications to the Office of the Governor (OOG), Homeland Security Grants Division. The worksheets were reviewed and five projects were selected for submission to the program. The application referenced under the "Agenda Item" above includes ballistic vests and helmets for 70 personnel in approximately 20 fire station units in Hays County so that they may enter scenes that are not yet fully secured and conduct rescue operations with some degree of safety. CAPCOG will submit their results of prioritization of applications to the OOG by the end of March, and funding decisions and awards by OOG are expected by August 31, 2016. No matching funds are required for the project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute Resolution and submit a grant application to the Office of the Governor, Homeland Security Grants Division in the amount of \$87,500 for the project entitled "Hays County Rescue Taskforce Response Gear - #3028701". All voting "Aye". MOTION PASSED**

31357 APPROVE SPECIFICATIONS FOR RFP 2016-P06 DEPOSITORY PROPOSAL AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve specifications for RFP 2016-P06 Depository Proposal and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

31358 AUTHORIZE THE COUNTY JUDGE TO SIGN A GRANT ADJUSTMENT NOTICE FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY GRANT PROGRAM (HSGP) TO EXTEND THE GRANT TERM

The grant adjustment notice is for an extension of the grant term from January 31, 2016 to May 31, 2016 and to expend remaining funds awarded on August 06, 2014. The grant funds support the Hays County Community Emergency Response Teams (CERT) as well as regional CERT needs. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to sign a Grant Adjustment Notice from the Texas Department of Public Safety, Homeland Security Grant Program (HSGP) to extend the Grant Term. All voting "Aye". MOTION PASSED**

31359 APPROVE OUT OF STATE TRAVEL FOR DIRECTOR ERICA CARPENTER AND EMERGENCY TELE-COMMUNICATOR LEAD MELISSA PINA TO ATTEND THE NAVIGATOR IAED CONFERENCE IN WASHINGTON, DC

Out of state travel is needed to send Director Erica Carpenter and Emergency Communicator Lead Melissa Pina to the Navigator NAED conference in Washington, DC on April 27-29, 2016. Director Carpenter and Lead Pina have been asked to speak to the attendees of this conference. They will be instructing the Stress Management Debriefing in Dispatch: When Callers become real and Coping with humor does not work portion. This conference is also a great opportunity for them to network with other professionals in the Telecommunications field. NAED will sponsor Director Carpenter and Lead Pina's registration, airfare and hotel fees. Per diem and taxi fees (to/from airport/hotel) will be paid for out of the Sheriff's Office Continuing Ed general ledger. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve out of state travel for Director Erica Carpenter and Emergency Tele-Communicator Lead Melissa Pina to attend the Navigator IAED Conference in Washington, DC. All voting "Aye". MOTION PASSED**

31360 AUTHORIZE GENERAL COUNSEL TO TAKE ANY ACTIONS AND TO SIGN ANY AND ALL DOCUMENTS INCIDENTAL TO THE ACQUISITION OF APPROXIMATELY 110 ACRES OF LAND FROM THE TRUST FOR PUBLIC LAND, AND TO RECOGNIZE THAT THE CLOSING DATE HAS MOVED TO MARCH 11, 2016

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize General Counsel to take any actions and to sign any and all documents incidental to the acquisition of approximately 110 acres of land from The Trust for Public Land, and to recognize that the closing date has moved to March 11, 2016. All voting "Aye". MOTION PASSED



31361 ACCEPT A REVEGETATION BOND FOR AREAS IN THE ROW OF BUSH RANCH SUBDIVISION, PH. 3, SEC. 1

Jerry Borcharding, Transportation Director gave staff recommendation. Staff gave recommendation and acceptance of a revegetation bond within the County ROW where a temporary office building currently sits and there has been no indication as to how long it will remain. This bond will guarantee the developer to re-establish vegetation at that location, along with any other areas that might need attention. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a Revegetation Bond for areas in the ROW of Bush Ranch subdivision, Ph. 3, Sec. 1. All voting "Aye". MOTION PASSED**

31362 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR ROADWAY/DRAINAGE REPAIR AND MAINTENANCE BETWEEN HAYS COUNTY AND THE CITY OF KYLE

Mark Kennedy, General Counsel, spoke of a couple of changes made to the Interlocal Agreement. In Section 3.1, there were 2-3 lines added at the end of that section. 5.16 was added by the City of Kyle. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement for Roadway/Drainage Repair and Maintenance between Hays County and the City of Kyle. All voting "Aye". MOTION PASSED**

31363 AUTHORIZE THE COUNTY JUDGE TO APPROVE THE AWARDING OF BIDS RECEIVED FOR THE FM 1626 SOUTH PROJECT FROM THE HAYS COUNTY PASS THROUGH FINANCING PROGRAM TO THE LOWEST BID IN THE AMOUNT OF \$20,562,622.32 FROM STERLING CONSTRUCTION COMPANY, INC. DBA STERLING DELAWARE HOLDING COMPANY, INC. ("TEXAS STERLING") CONTINGENT UPON CONCURRENCE AND APPROVAL FROM TXDOT

Laura Harris of HNTB spoke. HNTB Bid Analysis; HNTB Letter of Recommendation; Klotz Letter of Recommendation. Five bids were received: (1) Sterling Construction Company, Inc \$20,562,622.32 (2) Webber, LLC \$21,223,884.97 (3) Jordan Foster Construction, LLC \$21,933,855.84 (4) Hunter Industries, LTD \$24,003,487.63 (5) Joe Bland Construction, LP \$25,115,476.48. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to approve the awarding of bids received for the FM 1626 South Project from the Hays County Pass Through Financing Program to the lowest bid in the amount of \$20,562,622.32 from Sterling Construction Company, Inc. dba Sterling Delaware Holding Company, Inc. ("Texas Sterling") contingent upon concurrence and approval from TxDOT. All voting "Aye". MOTION PASSED**

31364 SUB-514 AMENDING PLAT OF LOTS 231 & 232, WOODCREEK SECTION 9B (2 LOTS) ACCEPT A VARIANCE FROM TABLE 705.05.01 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND APPROVE FINAL PLAT

Caitlyn Hairell, County Planner spoke. Woodcreek Section 9B was platted in 1972, located off of Crazy Cross in Precinct 3. The proposed amended plat will move the property line of lots 231 and 232. The property owners are amending the plat to deal with a building encroachment. The Hays County minimum lot size for new lots located within the Edwards Aquifer Contributing Zone which are served by a Public Groundwater Supply and Public Sewer is 0.50 acres. This amended plat takes the 0.21 and .23 acre lots, and amends them into 0.19 and 0.25 acre lots. The minimum lot size requirement cannot be met. There will be no increase in density with this amended plat. Please see the property owner's justification for the variance in backup. This kind of resubdivision is typically approved administratively; however the lot size variance requires Commissioners Court approval. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve SUB-514 Amending Plat of Lots 231 & 232, Woodcreek Section 9B (2 lots) accept a variance from Table 705.05.01 of the Hays County Development Regulations and approve final plat. All voting "Aye". MOTION PASSED**

31365 CALL FOR A PUBLIC HEARING ON MARCH 22, 2016 TO APPROVE FINAL PLAT OF THE REPLAT OF LOT 6, GREEN ACRES SUBDIVISION

The Green Acres subdivision is a recorded subdivision located off of FM 2325 in Precinct 3. Green Acres was originally divided in 1968 as a 25 lot subdivision. The proposed re-plat will divide the 9.87 acre lot into 2 lots, one 2.0 acre lot and one 7.85 acre lot. Water service will be provided by Wimberley Water Supply Corporation and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on March 22, 2016 to discuss final plat approval of the Replat of Lot 6, Green Acres Subdivision. All voting "Aye". MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING**

Court convened into Executive Session at 10:13 a.m. and reconvened into opened court at 11:06 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff, Lon Shell. 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 PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG FM 150

Court convened into Executive Session at 11:06 a.m. and reconvened into opened court at 12:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Chief of Staff, Lon Shell, and Scot Seller, Kyle City Manager. 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 PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG POST ROAD IN PCT 4

Court convened into Executive Session at 12:51 p.m. and reconvened into opened court at 1:17 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Chief of Staff, Lon Shell, Director of Development & Community Services, Clint Garza and Greater San Marcos Economic Development, Adriana Cruz. 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 ULTRA

Court convened into Executive Session at 12:00 p.m. and reconvened into opened court at 12:50 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff, Lon Shell. No action taken.

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

Judge Cobb gave the Hays County Jail 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 300 and peak was 306 on March 3rd for the week of February 28 to March 5, 2016. The maximum female capacity is 76 inmates. Last week's average was 69 and peak was 72 on 3/2/2016. The maximum male capacity is 256 inmates. Last week's average was 231 and peak was 238 on 3/4/2016. Inmate at Guadalupe County: 31; Inmate at Bastrop County: 15; Inmate at Caldwell County: 39; Inmate at Walker County: 10.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Assistant Fire Marshal, Clint Browning advised the Court about the forecasted rain this evening. Judge Cobb will lift the Burn Ban, contingent on the rain, tomorrow.

County Clerk's Note Agenda Item #26 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*

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 1:20 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 March 8, 2016.



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

