



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 22<sup>ND</sup> 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
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Bishop Gene Massey of the Church of Jesus Christ of Latter Day Saints 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.

**31376 ADOPT A PROCLAMATION DECLARING MARCH 24, 2016 AS WORLD TB DAY**

Isis Barrera and Rosalinda Estrada with the Local Health Department spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring March 24, 2016 as World TB Day. All voting "Aye". MOTION PASSED

**PRESENTATION FROM COURT APPOINTED SPECIAL ADVOCATES OF CENTRAL TEXAS (CASA)**

Special Advocates of Central Texas (CASA) Norma Castilla-Blackwell, Executive Director and Trisha Schneider – Development Director spoke and gave a presentation.

**31377 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 \$754,947.81 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

**31378 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 15, 2016**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of March 15, 2016 as presented by the County Clerk. All voting "Aye". MOTION PASSED

**31379 APPROVE TRANSFER REQUEST FOR ONE (1) 2006 HONDA MOTORCYCLE FROM THE HAYS COUNTY SHERIFF'S OFFICE TO THE HAYS COUNTY CONSTABLE, PCT. 4 OFFICE**

The following asset is requested for transfer from the Hays County Sheriff's Office to the Hays County Constable's Office, Pct. 4. The asset will reduce the operations (traffic enforcement) cost to the county by a reduction in fuel consumption and maintenance. Fixed Asset County Tag: 16054; VIN: JH2SC51736M400149. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve transfer request for one (1) 2006 Honda motorcycle from the Hays County Sherriff's Office to the Hays County Constable, Pct. 4 Office. All voting "Aye". MOTION PASSED

**31380 APPROVE THE APPOINTMENT OF LISA GARZA TO THE HAYS COUNTY CHILD PROTECTIVE BOARD**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the appointment of Lisa Garza to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED



- 31381 AUTHORIZE THE COUNTY JUDGE TO SIGN A GRANT ADJUSTMENT NOTICE FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY GRANT PROGRAM (HSGP) FOR ADDITIONAL FUNDS IN THE AMOUNT OF \$3,396.78**

The grant adjustment notice is for additional funding in the amount of \$3,396.78 for S04 CAPCOG combined CERT CCP Project from \$20,000 to \$23,396.78. The grant funds support the Hays County Community Emergency Response Teams (CERT) as well as regional CERT needs. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to sign a Grant Adjustment Notice from the Texas Department of Public Safety, Homeland Security Grant Program (HSGP) for additional funds in the amount of \$3,396.78. All voting "Aye". MOTION PASSED**

- 31382 AUTHORIZE PURCHASE OF A 2016 SCHWARZE ROADPATCHER AND AMEND THE BUDGET ACCORDINGLY**

A roadpatcher was approved during the budget process. Due to the rise in cost of the other heavy equipment purchased this fiscal year, we are now short for this last piece of equipment and need to amend the budget. Amount required \$ 201,750.00; \$19,506 from 020-710-00.5351 to 020-710-00.5714\_700. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize purchase of a 2016 Schwarze Roadpatcher and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 31383 APPROVE THE APPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE HAYS COUNTY DEVELOPMENT DISTRICT #1; DAVID INMAN, SHAWN CONNOLLY, KEVIN POGUE, DAVID REYNOLDS AND MIKE MCKINNEY**

Andy Barrett spoke. The District is a political subdivision of the State of Texas under 383 of the Texas Local Government Code. Section 383.028 provides for appointment and reappointment of the board of directors by the Hays County Commissioners Court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the appointment of the following individuals to the Hays County Development District #1; David Inman, Shawn Connolly, Kevin Pogue, David Reynolds and Mike McKinney. All voting "Aye". MOTION PASSED**

- 31384 ACCEPT A DONATION FOR THE CONSTABLE PRECINCT 3 OFFICE IN THE AMOUNT OF \$500.00 FROM THE WIMBERLEY MERCHANTS ASSOCIATION, PLACE IT IN LINE ITEM 001-637-00.5206, AND AMEND THE BUDGET ACCORDINGLY**

Line item number 001-637-00.5206. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a donation for the Constable Precinct 3 office in the amount of \$500.00 from the Wimberley Merchants Association, place it in line item 001-637-00.5206, and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 31385 AUTHORIZE THE TRANSPORTATION DEPARTMENT TO PURCHASE A REPLACEMENT BACKHOE AND AMEND THE BUDGET ACCORDINGLY**

Last October the Transportation Department filed a claim for a backhoe damaged due to a fire. Due to the age of the damaged equipment, the compensation for loss on the claim is considerably less than the value of a replacement piece of equipment. Savings has been identified within the road materials budget to cover the additional cost. Increase Revenue 020-710-00.4680 Compensation for Loss \$25,666; Increase Expense 020-710-00.5714\_700 Heavy Equipment \$110,993; Decrease Expense 020-710-00.5351 Road Materials (\$85,267). Line item number 020-710-00.5714\_700. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Transportation Department to purchase a replacement backhoe and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 31386 AUTHORIZE THE LOCAL HEALTH DEPARTMENT TO PURCHASE A TWO SIDED EXPANDABLE SHELTER, MODEL # S-786/G AND AMEND THE BUDGET ACCORDINGLY**

In preparation of anticipated property sale, the shelter will be used for conditioned storage space at 2171 Yarrington Road. Items currently located in county owned facilities on Civic Center Loop will be relocated. Amount required \$3,975; Decrease Continuing Education 120-675-99-95.5551 -\$4000; Increase Capital



Equipment 120-675-99-95.5719\_400 \$ 4000. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Local Health Department to purchase a Two Sided Expandable Shelter, Model # S-786/G and amend the budget accordingly. All voting "Aye". MOTION PASSED

**31387 AUTHORIZE DEVELOPMENT & COMMUNITY SERVICES TO ADD A TELEPHONE ALLOWANCE EFFECTIVE MARCH 14, 2016 FOR THE ENVIRONMENTAL HEALTH SPECIALIST, SLOT 3 PER THE DATA REQUEST FORM AND AMEND THE BUDGET ACCORDINGLY**

A stipend has been requested and approved via the Request/Justification Form for Electronics and Related Equipment/Services for the Environmental Health Specialist position. This position travels throughout the County and region related to public health and outreach. It is imperative that he is available to staff and his supervisor as well as the community in order to remain productive and perform duties effectively. A County issued cell phone will be turned in. Savings within the operating budget have been identified to fund this request. Amount required \$227.50. Decrease - 001-657-00.5489; Increase - 001-657-00.5194. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Development & Community Services to add a telephone allowance effective March 14, 2016 for the Environmental Health Specialist, slot 3 per the data request form and amend the budget accordingly. All voting "Aye". MOTION PASSED

**31388 AUTHORIZE THE FIRE MARSHAL TO ACCEPT LEOSE FUNDS DISTRIBUTED FROM THE STATE COMPTROLLER AND AMEND THE BUDGET ACCORDINGLY**

The Fire Marshal receives funds annually from the State Comptroller's Office per Texas Occupations Code 1701.156 for expenses related to the continuing education of license peace officers. Amount required \$726.00; Increase LEOSE Revenue: 001-665-00.4310 (\$726); Increase LEOSE Expense: 001-665-00.5552 \$726. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Fire Marshal to accept LEOSE Funds distributed from the State Comptroller and amend the budget accordingly. All voting "Aye". MOTION PASSED

**31389 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH REYNOLDS, SMITH AND HILLS CS, INC. FOR THE FM 1626 NORTH CONSTRUCTION MANAGEMENT PROJECT AS PART OF THE PASS-THROUGH FINANCE PROGRAM IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$60,000.00 FROM \$2,500,000.00 TO \$2,560,000.00**

Laura Harris with HDR spoke. The additional authorized money will allow for the execution of a supplemental #6 to Work Authorization #1 for FM 1626 North construction management services to complete the remaining close out activities, review of punch list items, and address SEMA requests. Amount requested \$50,000.00. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Supplemental Agreement No. 4 to the Professional Services Agreement with Reynolds, Smith and Hills CS, Inc. for the FM 1626 North construction management project as part of the Pass-Through Finance Program in Hays County, increasing the Compensation Cap by \$60,000.00 from \$2,500,000.00 to \$2,560,000.00. All voting "Aye". MOTION PASSED

**31390 ACCEPT FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS FOR GREAT HILLS SECTION 6 IN THE AMOUNT OF \$919,628.99 (LETTER OF CREDIT NO. 20160519)**

Jerry Borcharding, Transportation Director spoke and gave staff recommendation. The final plat for Great Hills Section 6 has been reviewed under the Interlocal Cooperation Agreement with the City of Kyle 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 Ingalsbe to accept fiscal surety for street and drainage improvements for Great Hills Section 6 in the amount of \$919,628.99 (Letter of Credit No. 20160519). All voting "Aye". MOTION PASSED

**31391 RATIFY AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL NO. 2 FOR WORK AUTHORIZATION NO. 1 WITH HNTB CORPORATION FOR THE PROPOSITION 12 PROJECT CSJ 0016-02-133, IH-35 IMPROVEMENTS AT FM1626 & FM150**

HNTB is under contract for engineering services for the Proposition 12 projects on Cement Plant Road. The current contract end date was December 31, 2015. This is a time extension supplemental only and does not increase the compensation cap, however will extend the contract end date to December 31, 2016. While the



construction is substantially complete, a supplemental is needed to allow for any final correspondence items to complete the project. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify and authorize the County Judge to execute Supplemental No. 2 for Work Authorization No. 1 with HNTB Corporation for the Proposition 12 Project CSJ 0016-02-133, IH-35 Improvements at FM1626 & FM150. All voting "Aye". MOTION PASSED**

**31392            RATIFY AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL NO. 2 FOR WORK AUTHORIZATION NO. 2 WITH HNTB CORPORATION FOR THE PROPOSITION 12 PROJECT CSJ 0016-02-134, IH-35 IMPROVEMENTS AT FM 2001**

HNTB is under contract for engineering services for the Proposition 12 projects on FM 2001. The current contract end date was December 31, 2015. This is a time extension supplemental only and does not increase the compensation cap, however will extend the contract end date to December 31, 2016. While the construction is substantially complete, a supplemental is needed to allow for any final correspondence items to complete the project. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to ratify and authorize the County Judge to execute Supplemental No. 2 for Work Authorization No. 2 with HNTB Corporation for the Proposition 12 Project CSJ 0016-02-134, IH-35 Improvements at FM 2001. All voting "Aye". MOTION PASSED**

**31393            SUB-451 REPLAT OF LOT 6, GREEN ACRES SUBDIVISION (2 LOTS) APPROVE FINAL PLAT; HOLD A PUBLIC HEARING**

Judge Cobb opened public hearing. No public input. Judge Cobb closed public hearing. Caitlyn Hairell, County planner spoke and gave staff recommendation. 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 Jones, seconded by Commissioner Whisenant to approve final plat of Sub-451 Replat of Lot 6, Green Acres Subdivision (2Lots). All voting "Aye". MOTION PASSED**

**9:30 AM, PRESENTATION AND DISCUSSION REGARDING THE CRIMINAL JUSTICE SYSTEM UPDATE AND JAIL FACILITY ASSESSMENT COMPLETED BY GMJ AND ASSOCIATES**

Judge Carl R Giffith, Supervising Partner, Natacha Pelaez-Wagner, Project Manager, Susanne Bradford, CPA, Consulting Team, Allen Patrick, FAIA, NCARB, Consulting Team and Marlin Suell, Consulting Team and gave a presentation on the Criminal Justice System. On August 4th the Commissioners Court approved an agreement with GMJ and Associates for an update to the Criminal Justice Study completed by MGT in 2010. Natacha Pelaez-Wagner of GMJ and her associates began their analysis by facilitating an initial work session with the Hays County Criminal Justice Coordinating Committee during the week on Sept. 4, 2015. A follow-up meeting of the Hays County Criminal Justice Coordinating Committee was held on December 1, 2015. Goals of the Study – to update the 2010 Criminal Justice System Assessment – to update the County's Jail population projections- to conduct a condition assessment of the county's jail – using the above-referenced assessment and projections, assist the county in making informed decisions on the various options regarding jail capacity needs.

**31394            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ELECTRONIC RECYCLING AGREEMENT BETWEEN HAYS COUNTY AND R3 RECYCLING, RELATED TO RECYCLING OF SURPLUS ELECTRONIC EQUIPMENT HELD BY THE INFORMATION TECHNOLOGY DEPARTMENT**

**A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Electronic Recycling Agreement between Hays County and R3 Recycling, related to recycling of surplus electronic equipment held by the Information Technology Department. All voting "Aye". MOTION PASSED**

**31395            AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ASSESSMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY DEVELOPMENT DISTRICT NO. 1, RELATED TO THE ASSESSMENT AND COLLECTION OF PROPERTY TAXES UNDER CHAPTER 6 OF THE PROPERTY TAX CODE**

General Counsel Mark Kennedy spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Assessment and Collection Agreement between Hays County and the Hays County Development District No. 1, related to the assessment and collection of property taxes under Chapter 6 of the Property Tax Code. All voting "Aye". MOTION PASSED**



**31396 ACTION REGARDING HAYS COUNTY'S MEMBERSHIP IN THE LONE STAR RAIL DISTRICT**

Commissioner Conley spoke. Hays County's FY 2016 membership fee was \$49,500.00. A motion was made by Commissioner Conley, seconded by Commissioner Jones to authorize the County Judge on behalf of the County Court to send a letter to Lone Star Rail District stating the intentions not to renew the membership for the FY2017. All voting "Aye". MOTION PASSED

**31397 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS WITHIN THE HAYS COUNTY EMERGENCY MANAGEMENT AND FIRE MARSHAL OFFICES**

Court convened into Executive session at 12:42 p.m. and reconvened into open court at 1:50 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Tammy Crumley, Emergency Coordinator, Kharley Smith and Chief of Staff Lon Shell. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the combination of the Emergency Management and Fire Marshall Office into the Office of the Emergency Services reflected by the amended job descriptions as presented in Court; re-grade the Emergency Management Coordinator position to a grade 117, with a salary at the 30<sup>th</sup> percentile of the grade and rename the position Emergency Services Director effective April 1, 2016; designate the Emergency Services Director as the department head of the office of Emergency Services; designate the Emergency Services Director as the Emergency Management Coordinator per sec 418.1015 of the Government Code; create the position of Assistant Emergency Management Coordinator, grade 115 with a salary budgeted at the minimum of the grade effective April 1, 2016; eliminate the temporary assistant management coordinator position, effective April 30, 2016; eliminate the Assistant Fire Marshal position effective May 31, 2016. Commissioner Ingalsbe, Commissioner Jones and Commissioner Whisenant voting "Aye". Commissioner Conley and Judge Cobb not present for vote. 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 RM12 IN PCT 3**

Court convened into Executive session at 12:38 p.m. and reconvened into open court at 12:40 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Tammy Crumley, Transportation Director, Jerry Borcharding and Chief of Staff Lon Shell. No Action Taken.

**31398 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS WITHIN THE HAYS COUNTY AGRILIFE EXTENSION OFFICE**

Court convened into Executive session at 1:50 p.m. and reconvened into open court at 2:02 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Tammy Crumley, Emergency Coordinator Kharley Smith and Chief of Staff Lon Shell. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the use of salary savings to fund a temporary increase in hours for the part time Administrative Assistant I, slot 0273-003, position in the Agriculture Extension Office from 24 hours per week to 35 hours per week effective April 1, 2016 and ending on September 30, 2016. Commissioner Ingalsbe, Commissioner Jones and Commissioner Whisenant voting "Aye". Commissioner Conley and Judge Cobb not present for vote. 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**

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 305 and peak was 321 on March 17th for the week of March 13 to March 19, 2016. The maximum female capacity is 76 inmates. Last week's average was 57 and peak was 59 on 3/13/2016. The maximum male capacity is 256 inmates. Last week's average was 248 and peak was 264 on 3/17/2016. Inmate at Guadalupe County: 40; Inmate at Bastrop County: 0; Inmate at Caldwell County: 29; Inmate at Walker County: 10.



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

Judge Cobb recommended the Burn Ban remain lifted.

**County Clerk's Note Agenda Item #29 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 Whisenant, seconded by Commissioner Jones to adjourn court at 2:06 p.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 March 22, 2016.

Handwritten signature of Liz Q. Gonzalez in cursive script.

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

