



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF NOVEMBER A.D., 2017, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
LON A. SHELL	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR.	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

WITH COUNTY JUDGE, ALBERT H. COBB, JR., BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Josh Murrillo, Seventh Day Adventist Church, gave the invocation. Commissioner Ingalsbe led the court in the Pledge of Allegiance to the United States and Texas flags. Commissioner Ingalsbe called the meeting to order.

PUBLIC COMMENTS

Dan Lyon – San Marcos resident, Harvey Jenkins – San Marcos resident, Rodrigo Amaya – San Marcos resident, all made public comments.

33037 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 \$1,685,606.81 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33038 APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of juror checks in the amount of \$4,118.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33039 APPROVE THE PAYMENT OF HUMANA CLAIMS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of Humana Claims in the amount of \$197,376.68 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33040 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 31, 2017

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court minutes of October 31, 2017 as presented by the County Clerk. All present voting "Aye". MOTION PASSED



33041 APPROVE THE PAYMENT OF THE NOVEMBER 15, 2017 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,650,400.00 EFFECTIVE NOVEMBER 15, 2017 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

Approve the November mid-month payroll disbursements not to exceed \$2,650,400.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of the November 15, 2017 payroll disbursements in an amount not to exceed \$2,650,400.00 effective November 15, 2017 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

33042 APPROVE OUT OF STATE TRAVEL FOR RENEE LUNA TO ATTEND THE FORENSIC EXAMINATION OF VIOLENT CRIME SCENES IN OCEANSIDE, CALIFORNIA

Out of state travel is needed to send Renee Luna to attend the Forensic Examination of Violent Crime Scenes Course in Oceanside, California on December 4-6, 2017. As a Criminalist for the Sheriff's Office, Ms. Luna's attendance to this advanced course will allow her to partake in practical applications of several techniques that are important to Crime Scene Examination and reconstruction of violent crimes. She will be exposed to topics such as Stain Recognition, Angle of Impact determination, Specialized Photography, Painting with light, Shooting Reconstruction and many others. This training will also allow Ms. Luna to network with other criminalists across the nation. Registration, flight expenses, hotel fees, rental car and per diem will be paid out of the Sheriff's Office Continuing Ed general ledger. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve out of state travel for Renee Luna to attend the Forensic Examination of Violent Crime Scenes in Oceanside, California. All voting present "Aye". MOTION PASSED

33043 AUTHORIZE THE EXECUTION OF A RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR UP TO \$125,002.00

This is a formula grant available annually to the County to assist in the implementation of the provision of the Fair Defense Act (FDA) and improve the indigent defense system. The funds can be used for investigator expenses, attorney fees, and expert witness expense incurred by the County on criminal indigent cases. The grant application is submitted through an on-line electronic process with the Resolution e-mailed for verification authorization. The grant amount is an estimate at this time based on previous award and will be finalized upon grant award. The funding period for this grant is October 1, 2017 through September 30, 2018. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of a resolution and submit a grant application to the Texas Indigent Defense Commission for up to \$125,002.00. All present voting "Aye". MOTION PASSED.

33044 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE SHERIFF'S OFFICE AND JUSTICE OF THE PEACE PRECINCT 1 PLACE 1, AND PRECINCT 1, PLACE 2 OFFICES



A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Sheriff's Office and Justice of the Peace Precinct 1 Place 1, and Precinct 1, Place 2 Offices. All present voting "Aye". MOTION PASSED

33045 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO ADD A TELEPHONE ALLOWANCE EFFECTIVE NOVEMBER 1, 2017 FOR THE FACILITY MAINTENANCE POSITION, SLOT NUMBER 0200-004 AND AMEND THE BUDGET ACCORDINGLY

A stipend has been requested for the Facility Maintenance position via the Request/Justification Form. This position travels throughout the County on a routine basis. It is imperative that this position be available to staff and supervisors in order to remain productive and perform duties effectively. Budget Amendment: Increase Telephone Allowance .5194 and Decrease Telephone Expense .5489. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Building Maintenance Department at add a telephone allowance effective November 1, 2017 for the Facility Maintenance position, slot number 0200-004 and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33046 ACCEPT A DONATION OF \$1,000 TO HAYS COUNTY FROM GREGG AND REBECCA REYES

To facilitate Hays County's and Kyle's negotiation with owners of the pending Water Ridge subdivision, formerly Blanco River Ranches subdivision, PID Works recently performed analysis regarding valuation of anticipated improvements associated with the development. Although the analysis does offer a public benefit to the County, Mr. Reyes agreed to donate \$1,000 to Hays County to reimburse the County for the expense of this analysis. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to accept a donation of \$1,000 to Hays County from Gregg and Rebecca Reyes. All present voting "Aye". MOTION PASSED**

33047 AUTHORIZE THE EXECUTION OF A CONSTRUCTION AGREEMENT WITH JB CONSTRUCTION FOR RENOVATIONS TO THE FORMER CAFÉ SPACE AT THE HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE THE EXECUTIVE DIRECTOR OF COUNTYWIDE OPERATIONS TO SIGN CHANGE ORDERS THAT MAY ARISE DURING PROJECT, NOT EXCEEDING 10% OF TOTAL PROJECT COST

The Elections Department is in need of office/workspace that is able to accommodate their needs in one area. They currently use multiple locations during elections to perform the necessary tasks vital to the election process. The area dedicated to café space located at the Hays County Government Center is currently vacant and can be renovated to suit their needs. The funds to cover the project were awarded in the FY'18 budget year. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of a construction agreement with JB Construction for renovations to the former café space at the Hays County Government Center and authorize the Executive Director of Countywide Operations to sign change orders that may arise during project, not exceeding 10% of total project cost. All present voting "Aye". MOTION PASSED**

33048 ACCEPT FISCAL SURETY IN THE FORM OF SUBDIVISION BOND NO.E235960 FOR STREET AND DRAINAGE IMPROVEMENTS FOR WINDY HILL SUBDIVISION - 24 ACRES IN THE AMOUNT OF \$248,827.25



Transportation Director, Jerry Borcharding, gave staff recommendation. Windy Hill Subdivision - 24 Acres is a 62 lot subdivision, across 24.0 acres, which fronts along Jack Rabbit Lane. Water will be provided by GoForth SUD and wastewater will be accomplished by the Windy Hill Utility District. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept fiscal surety in the form of Subdivision Bond No. E235960 for street and drainage improvements for Windy Hill Subdivision – 24 Acres in the amount of \$248,827.25. All present voting “Aye”. MOTION PASSED**

33049 APPROVE FINAL PLAT SUB-876 MEDLIN CREEK RANCH PHASE 3 (15 LOTS); ACCEPT CONSTRUCTION BOND NO. CNB-25041-00 IN THE AMOUNT OF \$233,598.75 FOR STREET AND DRAINAGE IMPROVEMENTS

Hays County Planner, Caitlyn Strickland, gave staff recommendation. The proposed Medlin Creek Ranch Phase 3 is a 15 lot subdivision across 95.40 acres, located off of Fitzhugh Road in Precinct 4. The subdivision will be served by individual water wells and rainwater collection. Wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat SUB-876 Medlin Creek Ranch Phase 3 (15 Lots); accept Construction Bond No. CNB-25041-00 in the amount of \$233,598.75 for street and drainage improvements. All present voting “Aye”. MOTION PASSED**

33050 APPROVE FINAL PLAT SUB-787; KAI VISTA ESTATES, SEC 1, LOT 22, REPLAT (CREATING LOTS 22A & 22B); HOLD PUBLIC HEARING

Commissioner Ingalsbe opened the Public Hearing. No public input was received. Commissioner Ingalsbe closed the Public Hearing. Hays County Planner, Caitlyn Strickland, gave staff recommendation. Kai Vista Estates Section 1 is a recorded subdivision located off of Williamson Road in PCT 2. The proposed re-plot will divide the 2.74 acre lot into two lots. Water service will be provided by GoForth SUD and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve final plat SUB-787; Kai Vista Estates, Sec 1, Lot 22 Replat (creating lots 22A & 22b); hold public hearing. All present voting “Aye”. MOTION PASSED**

33051 APPROVE FINAL PLAT SUB-865; REPLAT OF LOT 18 IN RIVER OAKS OF WIMBERLEY SUBDIVISION; HOLD PUBLIC HEARING

Commissioner Ingalsbe opened the Public Hearing. No public input was received. Commissioner Ingalsbe closed the Public Hearing. Hays County Planner, Caitlyn Strickland, gave staff recommendation. River Oaks of Wimberley is a recorded subdivision located off of Windmill Run in PCT 3. The proposed re-plot will divide the 10 acre portion of lot 18 into three lots. Water service will be provided by private wells and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve final plat SUB-865; Replat of lot 18 in River Oaks of Wimberley Subdivision; hold public hearing. All present voting “Aye”. MOTION PASSED**

33052 EXECUTE AN INTERLOCAL COST SHARING AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR THE NEWLY CREATED PLANNER POSITION WITHIN THE OFFICE OF EMERGENCY SERVICES DEPARTMENT



Office of Emergency Management Director, Kharley Smith, spoke. The Commissioner's Court approved a new full-time Planner position for the OES department during the FY 2018 budget process contingent on partial funding from the City of Kyle. The attached cost sharing agreement outlines the programmatic and financial responsibilities for each entity. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to execute an Interlocal Cost Sharing Agreement between Hays County and the City of Kyle for the newly created Planner position within the Office of Emergency Services department. All present voting "Aye". MOTION PASSED**

33053 ADOPT A RESOLUTION TO CAST HAYS COUNTY'S 1,472 VOTES FOR LUANNE CARAWAY, CANDIDATE FOR THE HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Dan Lyon, Rodrigo Amaya, Harvey Jenkins, Commissioner Jones, Commissioner Shell, and Commissioner Whisenant spoke. Luanne Caraway was nominated on September 5, 2017. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a resolution to cast Hays County's 1,472 votes for Luanne Caraway, candidate for Hays County Appraisal District Board of Directors. All present voting "Aye". MOTION PASSED.**

APPROVE THE GUARANTEED MAXIMUM PRICE ("GMP") PROPOSED FROM TURNER CONSTRUCTION COMPANY, CONSTRUCTION MANAGER AT RISK ("TURNER"), ON OCTOBER 24, 2017, FOR THE WORK RELATED TO THE HAYS COUNTY PUBLIC SAFETY BOND PROGRAM PHASE II; AND TO ACCEPT SAID PROPOSAL, DECLARE IT UNACCEPTABLE, ALLOW TURNER TO WITHDRAW THE GMP PROPOSAL AND DELIVER IT AT A LATER DATE, OR TAKE OTHER APPROPRIATE ACTION

General Counsel, Mark Kennedy spoke. Guaranteed Maximum Price (GMP) Proposal Phase II: Jail Addition and Renovation, Public Safety Building, Training Facility. Turner Construction Company delivered the GMP for Phase II to Commissioners Court on October 24th. The GMP proposal as delivered was \$7,152,634 over the approved Construction Cost Limitation (CCL) for the project. Turner presented a path of potential VE items and alternates that would decrease the cost within the CCL; however, the Hays County Sheriff's Office and Building Committee do not recommend the proposed alternates included in the path forward. If Hays County does not accept Turner's GMP proposal, it may seek Competitive Sealed Proposals from 3rd parties while keeping Turner's GMP on hold for 90 days. No action taken.

CLERK'S NOTE AGENDA ITEM #19 RE: *HOLD A PUBLIC HEARING AT 10:00 AM IN ACCORDANCE WITH SECTION 293.101 OF THE TEXAS HEALTH AND SAFETY CODE, INCLUDING BUT NOT LIMITED TO ESTABLISH THE ASSESSMENT RATE AND STATE FISCAL YEAR 2018 MANDATORY PAYMENTS, AND AUTHORIZE THE INTERGOVERNMENTAL TRANSFER OF THE FUNDS DERIVED FROM THOSE MANDATORY PAYMENTS TO PROVIDE THE NONFEDERAL SHARE OF THE SUPPLEMENTAL PAYMENT PROGRAM AUTHORIZED UNDER THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM ("SEC 1115") WAIVER – was pulled*

CLERK'S NOTE AGENDA ITEM #20 RE: *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 PROPOSED FM110 IN PCT. 1. POSSIBLE ACTION TO FOLLOW IN OPEN COURT – was pulled*



CLERK'S NOTE AGENDA ITEM #21 RE: 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 PREP SCHOOL. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT – **was pulled**

CLERK'S NOTE AGENDA ITEM #22 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY – **was pulled**

DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Today's Drought Index – 354. Per the Hays County Fire Marshall the Burn Ban will remain lifted.

CLERK'S NOTE AGENDA ITEM #24 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**

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 9:50 a.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 November 07, 2017



Handwritten signature of Liz Q. Gonzalez in cursive.

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

