

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF JANUARY A.D., 2018, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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., AND COMMISSIONER PCT. 1, DEBBIE GONZALES INGALSBE, BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Jones gave the invocation. Commissioner Shell led the court in the Pledge of Allegiance to the United States and Texas flags. Commissioner Ingalsbe called the meeting to order.

PUBLIC COMMENTS

Rodrigo Amaya, San Marcos resident, and Dan Lyon, San Marcos resident, both made public comments.

RECOGNITION OF THE HEROIC ACTS OF OFFICERS SHERWAL FOULSTONE AND JOSH ALBARAZ, OF THE BUDA POLICE DEPARTMENT (BPD), WHEN RESPONDING TO A TRAFFIC ACCIDENT THAT OCCURRED ON DECEMBER 4, 2017

Commissioner Jones, Chief of Police, Buda Police Department, John Zavala, accident victim, officers Sherwal Foulstone and Josh Albaraz, spoke. Josh Albaraz -is a five year officer with BPD, and a combat veteran of the US Marine Corps. Sherwal Foulstone is a two year officer with BPD.

33226 ADOPT A PROCLAMATION DECLARING JANUARY 15, 2018 AS DR. MARTIN LUTHER KING, JR. DAY

Mittie Miller, of the Dunbar Association spoke of this year's celebration that will actually be falling on Dr. Martin Luther King's birthday, and with it being his 89th. She also spoke of the route of the walk and the festivities that will be held throughout the Holiday weekend and encouraged all to attend. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to adopt a Proclamation declaring January 15, 2018 as Martin Luther King, Jr. Day. All present voting "Aye". MOTION PASSED**

PRESENTATION BY SAN MARCOS GREENBELT ALLIANCE ON A PROPOSED REGIONAL TRAIL TO CONNECT KYLE, BUDA AND SAN MARCOS

Mark Taylor, Board President of the San Marcos Greenbelt Alliance gave a powerpoint presentation.

33227 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoice in the amount of \$1,538,885.41 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33228 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 \$4,804.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33229 APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of Humana and United Healthcare Claims in the amount of \$389,770.47 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED



33230 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 2, 2018

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of January 2, 2018 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

33231 APPROVE THE PAYMENT OF THE JANUARY 15, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,655,000.00 EFFECTIVE JANUARY 12, 2018 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of the January 15, 2018 Payroll Disbursements in an amount not to exceed \$2,655,000.00 effective January 12, 2018 and Hays County Website once finalized. All present voting "Aye". MOTION PASSED

33232 AMEND VARIOUS DEPARTMENTAL OPERATING BUDGETS IN PREPARATION FOR THE COUNTY'S FY 2017 YEAR-END PROCESS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend various departmental operating budgets in preparation for the County's FY 2017 Year-end Process. All present voting "Aye". MOTION PASSED

33233 AUTHORIZE THE HAYS COUNTY CONSTABLE PCT. 4 OFFICE TO PURCHASE A MOTOR-ONE WIRELESS SHOULDER MIC FROM PVP COMMUNICATION FOR ITS MOTOR OFFICER AND AMEND THE BUDGET ACCORDINGLY

The Motor-One Wireless Shoulder Mic is a necessary communication device that permits a motor officer to communicate to Dispatch (and other Officers) without having to remove his hands from the motorcycle, which would compromise his safety and that of the public. Available funds to be transferred from Constable's Pct. 4 vehicle maintenance budget. Budget Amendment: Decrease .5413 Increase .5715_400. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the Hays County Constable Pct. 4 Office to purchase a Motor-one Wireless Shoulder Mic from PVP Communication for its motor officer and amend the budget accordingly. All present voting "Aye". MOTION PASSED

33234 APPROVAL TO AWARD IFB 2018-B02 RATTLER ROAD IMPROVEMENTS TO CLEARFIELD CONSTRUCTION, LLC AND AUTHORIZE EXECUTION OF CONTRACT

Purchasing received four bids for IFB 2018-B02 from Clearfield Construction, LLC, Myers Concrete Construction, LP, Jerdon Enterprise, LP, and Jimmy Evans Company. Staff recommends award of a contract to Clearfield Construction, LLC. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve to award IFB 2018-B02 Rattler Road Improvements to Clearfield Construction, LLC and authorize execution of contract. All present voting "Aye". MOTION PASSED

33235 AUTHORIZE A COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT AT 7431 FULTON RANCH RD, WIMBERLEY TX, 78676

Collective Hotels and Retreats is proposing twelve tents and a lodge with accompanying restrooms, located at 7431 Fulton Ranch Rd in Wimberley TX 78676. This property is a 22.87 acre tract out of the F.W. Robertson & Wilson Survey. This property is located within the Edwards Aquifer Recharge Zone and is anticipating approval for their Water Pollution Abatement Plan from the TCEQ. This property is located within the ETJ of the City of Wimberley. The designer, Danny Gonzalez, R.S., has designed an aerobic drip consisting of 5 zones. The system is designed to treat 800 gallons per day. Drinking water will be supplied with an on-site private water well. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize a Commercial On-Site Sewage Facility Permit at 7431 Fulton Ranch Rd., Wimberley, TX 78676. All present voting "Aye". MOTION PASSED



33236 AUTHORIZE THE EXECUTION OF A RENEWAL BUSINESS PRI PRIVATE SWITCH AGREEMENT BETWEEN HAYS COUNTY AND THE CAPITAL AREA EMERGENCY COMMUNICATIONS DISTRICT (CAECD) FOR 911 EMERGENCY SERVICE

The Business PRI Private Switch Agreement authorizes CAECD to act as a private switch provider (PSP) and contract with the appropriate Certificated Telecommunications Utility (CTU) to provide telecommunications related to 911 services. The original agreement was approved by Commissioner's Court on 8/16/2011 and has remained in effect. The updated agreement reflects the appropriate contracted party as CAECD meeting the requirements of SB628, created and passed in the 83rd Texas Legislature. The legislation, in collaboration with CAPCOG, paved the way for the nation's first COG-managed emergency communications district. It also released CAPCOG from state oversight of COG 9-1-1 programs, ensuring all applicable 9-1-1 fees collected through phone providers will be available to fund emergency communications. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of a Renewal Business PRI Private Switch Agreement between Hays County and the Capital Area Emergency Communications District (CAECD) for 911 Emergency Service. All present voting "Aye". MOTION PASSED**

33237 AUTHORIZE THE EXECUTION OF SUPPLEMENTAL CHANGE ORDER 02 FROM TERRACON FOR WORK RELATED TO ADDITIONAL SERVICES REQUIRED AT THE PUBLIC SAFETY BUILDING SITE FOR THE HAYS COUNTY PUBLIC SAFETY BOND PROJECT

Additional geotechnical services required for the Public Safety Building site include: 1. Pavement section recommendations for the extension of S. Stagecoach Trail which is classified as a Minor Arterial roadway in the City of San Marcos. Terracon's fee for this additional service is \$500. 2. Recommendation for the Pond Clay Liner. This requirement for the detention pond was not known during the procurement of the geotechnical report, and therefore, was not included in their original scope of work. Terracon's fee for this additional service is \$250. 3. Segmental block retaining wall recommendations. The design parameters will be provided to the earthwork subcontractor for the design of the MSE walls. Terracon's fee for this additional service is \$250. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of Supplemental Change Order 02 from Terracon for work related to additional services required at the Public Safety Building Site for the Hays county Public Safety Bond Project. All present voting "Aye". MOTION PASSED**

33238 APPROVE SPECIFICATIONS FOR RFQ 2018-P08 PROFESSIONAL ENGINEERING SERVICES AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Specifications for RFQ 2018-P08 Professional Engineering Services and authorize Purchasing Manager to solicit for Qualifications and Advertise. All present voting "Aye". **MOTION PASSED**

33239 APPROVE SPECIFICATIONS FOR RFQ 2018-P09 PROFESSIONAL LAND SURVEYING SERVICES AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Specifications for RFQ 2018-P09 Professional Land Surveying Services and authorize Purchasing Manager to solicit for Qualifications and Advertise. All present voting "Aye". **MOTION PASSED**

33240 APPROVE THE RE-APPOINTMENT OF JOHN RODRIGUEZ, JR. TO THE BOARD OF COMMISSIONERS FOR ESD #5, TERM ENDING DECEMBER 31, 2019

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the re-appointment of John Rodriguez, Jr. to the Board of Commissioners for ESD #5, term ending December 31, 2019. All present voting "Aye". **MOTION PASSED**

33241 AUTHORIZE THE EXECUTION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION TRAFFIC SAFETY SECTION SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP); AND TO DESIGNATE THE CHIEF OF STAFF AS THE AUTHORIZED REPRESENTATIVE FOR THE EXECUTION OF FUTURE GRANT ASSOCIATED DOCUMENTS



This non-competitive grant application request is to acquire funds to perform overtime STEP activities including enforcement of Impaired Driving, Occupant Protection, Speed, Intersection Traffic Control, and Distracted Driving. STEP enforcement efforts are to reduce the number of crashes through data-driven, high-visibility enforcement in areas with chronically high fatal and serious-injury crash rates. The budget summary consists of \$49,959.71 from TxDOT funds and \$15,850.06 in match funds. The grant application due date is January 11, 2018 by 5pm. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of a Grant Application to the Texas Department of Transportation Traffic Safety Section Selective Traffic Enforcement Program (STEP); and to designate the Chief of Staff as the authorized representative for the execution of future Grant associated documents. All present voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Jones, seconded by Commissioner Whisenant to add Chief of Staff, Clint Garza as the authorized representative for the execution of future Grant associated documents. All present voting "Aye". MOTION PASSED

33242 APPROVE THE RE-APPOINTMENT OF BETH SMITH TO THE BOARD OF COMMISSIONERS FOR ESD #5, TERM ENDING DECEMBER 31, 2019

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the re-appointment of Beth Smith to the Board of Commissioners for ESD #5, term ending December 31, 2019. All present voting "Aye". MOTION PASSED

33243 APPROVE THE RE-APPOINTMENT OF CHRIS BAKER TO THE BOARD OF COMMISSIONERS FOR ESD #9, TERM ENDING DECEMBER 31, 2019

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the re-appointment of Chris Baker to the Board of Commissioners for ESD #9, term ending December 31, 2019. All present voting "Aye". MOTION PASSED

33244A AUTHORIZE THE TRANSFER OF EQUIPMENT INVOLVING A 2006 HONDA MOTORCYCLE FROM THE HAYS COUNTY CONSTABLE, PCT. 5 OFFICE TO THE HAYS COUNTY CONSTABLE, PCT. 4 OFFICE

The Hays Co. Constable, Pct. 4 Office is seeking approval to transfer the following asset from the Constable's Pct. 5 Office to the Hays Co. Constable, Pct. 4 Office: 2006 Honda Motorcycle, VIN: H2SC51736M400149, County Tag #16054. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the transfer of equipment involving a 2006 Honda Motorcycle from the Hays County Constable, Pct. 5 Office to the Hays County Constable, Pct. 4 Office. All present voting "Aye". MOTION PASSED**

33245A RATIFY THE PURCHASE OF A REPLACEMENT 4-TON CARRIER A/C UNIT FOR THE TRANSPORTATION DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY

The Transportation Department is in need of a replacement a/c unit for their Yarrington Office. The current unit is over 20 years old and has had multiple repairs. SI Mechanical is currently the vendor under contract for all county a/c repairs and has recommended replacement of the unit due to the age of the unit. Additionally, the current unit is now obsolete which makes it difficult to secure parts for repairs and maintenance issues. Savings within the departments operating budget have been identified to fund this request. Budget Amendment: Decrease Staff Salaries Increase Misc. Equipment_Capital. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to ratify the purchase of replacement 4-ton Carrier A/C Unit for the Transportation Department and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33246A ADOPT A RESOLUTION IN SUPPORT OF THE COUNTY'S PROGRAM OF PROJECT APPLICATIONS TO SUBMIT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) IN RESPONSE TO CAMPO'S PROJECT CALL FOR FISCAL YEAR 2019-2022 PROJECT FUNDING

Commissioner Jones spoke. On November 8, 2016, voters in Hays County approved a \$131.4 million road bond program of critically-needed mobility and safety improvements both on and off the State Highway System.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



The County has identified the following projects as being competitive for the CAMPO Fiscal Year 2019-2022 Project Call: FM 110 between SH. 123 and I-35 at Yarrington Road; FM 110 overpass at SH. 123; RM 967 safety improvements at Buda Sports Complex Dr., Hays CISD High School No. 3, and Oak Forest Dr.; FM 2001 extension of White Wing Trail from I-35 to existing FM 2001; RM 3237 corridor safety improvements from RM 150 to RM 12; FM 621 corridor improvements from CR 266 to Crystal River Drive; Lime Kiln Road bridge improvements between Post Road and Hilliard Road at Sink Creek and San Marcos River; Sawyer Ranch Road shared use path improvements between Meadow Creek Drive and Belterra Drive; and US 290 and Trautwein Road intersection improvements. Improvements have been identified on these roadways within the identified limits in the adopted Hays County Transportation and CAMPO Mobility 2040 Plans. Award of CAMPO funding for these projects could allow approved bond funding to be extended to initiate project development for other projects included in the 2016 Road Bond Program or to accelerate construction. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a Resolution in support of the County's Program of Project Application to submit to the Capital Area Metropolitan Planning Organization (CAMPO) in response to CAMPO's Project Call for Fiscal Year 2019-2022 Project Funding. All present voting "Aye". MOTION PASSED**

33247A ADOPT A RESOLUTION IN SUPPORT OF CALDWELL COUNTY'S APPLICATION FOR THE FM 150 EXTENSION / YARRINGTON ROAD PROJECT IN THE 2019-2022 PROJECT CALL ADMINISTERED BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO)

Caldwell County is preparing an application for the FM 150 Extension / Yarrington Road for the 2019-2022 CAMPO call for projects. Caldwell County is requesting a resolution of support from the Hays County Commissioner's Court to include in their application. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Resolution in Support of Caldwell County's Application for the FM 150 Extension/Yarrington Road Project in the 2019-2022 Project Call administered by the Capital Area Metropolitan Planning Organization (CAMPO). All present voting "Aye". MOTION PASSED**

33248A ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND RELEASE OF THE LETTER OF CREDIT #101148940-1 IN THE AMOUNT OF \$671,301.50, FOR ESCONDIDA RANCH SUBDIVISION

Transportation Director, Jerry Borcharding gave spoke. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. The Transportation Department has inspected and approved the improvements. Escondida Ranch is a private subdivision, therefore a maintenance bond is not required. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to accept road construction and drainage improvements and Release of the Letter of Credit #101148940-1 in the amount of \$671,301.50, for Escondida Ranch Subdivision. All present voting "Aye". MOTION PASSED**

33249A ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE THE CONSTRUCTION BOND #1148528 IN THE AMOUNT OF \$785,766.74, AND ACCEPT THE 3-YEAR MAINTENANCE BOND #1048985 IN THE AMOUNT OF \$93,899.85 FOR CALITERRA SUBDIVISION, PH. 2, SEC. 7

Transportation Director, Jerry Borcharding gave spoke. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept road construction and drainage improvements, Release the Construction Bond #1148528 in the amount of \$785,766.74, and accept the 3-year Maintenance Bond #1048985 in the amount of \$93,899.85 for Caliterra Subdivision, Ph.2, Sec. 7. All present voting "Aye". MOTION PASSED**

33250A ACCEPT LETTER OF CREDIT NO.5135-500 FOR STREET AND DRAINAGE IMPROVEMENTS FOR THE KEY RANCH SUBDIVISION, SECTION 3 IN THE AMOUNT OF \$761,261.00

Key Ranch Section 3 is proposed 70 lots, in the Key Ranch master plan subdivision, located along Trautwien Road in Precinct 4. Water service will be provided by West Travis County PUA and wastewater service will be provided by individual on-site sewage facilities. The final plat for Key Ranch Section 3 Subdivision have been reviewed under the Interlocal cooperation agreement with the City of Dripping Springs and have 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 Whisenant, seconded by Commissioner Jones to accept Letter of Credit No. 5135-500 for Street and Drainage Improvements for the Key Ranch Subdivision, Section 3 in the amount of \$761,261.00. All present voting "Aye". MOTION PASSED

33251A EXECUTE A MAINTENANCE AGREEMENT AND ALL ADDENDUMS AND OTHER DOCUMENTS RELATED TO THE MELA WITH ENTERPRISE FM TRUST FOR A COUNTY-WIDE VEHICLE LEASING PROGRAM

Chief of Staff, Clint Garza, Commissioner Pct. 4, and General Counsel, Mark Kennedy spoke. Staff has been working with Enterprise to explore a lease program for county-wide vehicles. Roughly one-third of the current Hays County Fleet is 10 years old or older. Staff recommends utilizing a lease program and cycling vehicles more frequently to put employees in safer and more fuel efficient vehicles. As proposed, the vast majority of existing vehicles will be replaced over 5 fiscal years, standardizes vehicle types across offices, and results in a net savings to Hays County over a 10-year period. If approved, this maintenance of all non-law enforcement leased vehicles will be taken care of by private, Hays County vendors, covered under agreements with Enterprise FM Trust. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to execute a Maintenance Agreement and all Addendums and other documents related to the MELA with Enterprise FM Trust for a County-Wide Vehicle Leasing Program with addition to the Addendum that takes care of late payments language. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #29 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. 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**

Clerk's Note Agenda Item #30 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

The Burn Ban will remain lifted.

Clerk's Note Agenda Item #32 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 10:15 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 January 9, 2018.

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

