

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF MAY A.D., 2018, 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:

Reverend Vilma Resendiz, of the Pentecostal 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

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

33610A ADOPT A PROCLAMATION DECLARING MAY 1, 2018 AS ANNA VE STEVENS FARR DAY

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a proclamation declaring May 1, 2018 as Anna Ve Stevens Farr Day. All present voting "Aye". MOTION PASSED

33611A ADOPT A PROCLAMATION DECLARING THE WEEK OF MAY 6-12, 2018 AS NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Hays County Sheriff Gary Cutler spoke. Captain Julie Villalpando spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a proclamation declaring the week of May 6-12, 2018 as National Correctional Officers and Employees Week. All present voting "Aye". MOTION PASSED

33612A ADOPT A PROCLAMATION DECLARING MAY 15, 2018 AS PEACE OFFICERS MEMORIAL DAY AND MAY 13-19, 2018 AS NATIONAL POLICE WEEK

Hays County Sheriff Gary Cutler spoke. Lieutenant Dennis Gutierrez spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt a proclamation declaring May 15, 2018 as Peace Officers Memorial Day and May 13-19, 2018 as National Police Week. All present voting "Aye". MOTION PASSED

33613A APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County invoices in the amount of \$1,178,162.37 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33614A APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of Juror checks in the amount of \$3,360.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33615A APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS



A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the payment of Humana claims in the amount of \$0.00 and United Healthcare claims in the amount of \$210,177.67 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33616A APPROVE COMMISSIONERS COURT MINUTES OF APRIL 24, 2018

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of April 24, 2018 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

33617A AUTHORIZE COMMERCIAL OSSF PERMIT AT 7090 WEST HIGHWAY 290, DRIPPING SPRINGS, TEXAS 78620

James Reid of Texas Bulk Water is proposing an OSSF located at 7090 West Hwy 290. This system will serve two small offices and a future apartment. This 2.66-acre tract of land will be served by rainwater collection. The system designer, Kyle DeHart, R.S., has designed a proprietary treatment system using flow equalization. After treatment, the effluent will be dispersed via surface application for a maximum daily rate of 180 gallons. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 7090 West Highway 290, Dripping Springs, Texas 78620. All present voting "Aye". MOTION PASSED

33618A AUTHORIZE THE EXECUTION OF ADDITIONAL SERVICES NO. 5 FROM HOK FOR ADDITIONAL PARKING AT THE PUBLIC SAFETY BUILDING FOR WORK RELATED TO THE HAYS COUNTY PUBLIC SAFETY BOND PROJECT

Services include providing complete civil, landscape, and electrical drawings for the future parking lot north of the existing Government Center northeast parking lot and east of the proposed Public Safety Building parking lot for use during construction activities of the PSB and for future additional parking for the Government Center. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of Additional Services No. 5 from HOK for additional parking at the Public Safety Building for work related to the Hays County Public Safety Bond project. All present voting "Aye". MOTION PASSED

33619A ACCEPT A DONATION IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) FROM THE REMME FAMILY TO BE USED FOR THE CHILD PROTECTIVE BOARD SERVICES WITHIN HAYS COUNTY AND AMEND THE BUDGET ACCORDINGLY

Kaare & Brenda Remme have graciously donated funds to be passed through to the Hays County Child Protective Board for operating expenses associated with programs for the children. Budget Amendment: Increase Contributions - 001-895-98-354.4610 Increase Hays Co Child Protective Board Funding - 001-895-98-354.5800. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a donation in the amount of ten thousand dollars (\$10,000.00) from the Remme Family to be used for the Child Protective Board services within Hays County and amend the budget accordingly. All present voting "Aye". MOTION PASSED

33620A AUTHORIZE THE EXECUTION OF A SUPPLEMENTAL AGREEMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PRIME STRATEGIES, INCORPORATED FOR THE PASS-THROUGH FINANCE PROGRAM MANAGEMENT EFFORT IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$425,500.00 FROM \$6,965,000.00 TO \$7,390,500.00 AND EXTENDING THE TERMINATION DATE OF THE CONTRACT TO SEPTEMBER 30, 2019

The execution of this supplemental to the program management contract will extend the termination date to September 30, 2019. The time extension and budget should carry the program management effort to the anticipated construction completion, close out and turn-over of the final pass through project FM 1626 South to TxDOT. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the execution of a Supplemental Agreement No. 5 to the Professional Services Agreement with Prime Strategies, Incorporated for the Pass-Through Finance Program Management effort in Hays County, increasing the Compensation Cap by \$425,500.00 from \$6,965,000.00 to \$7,390,500.00 and extending the termination date of the contract to September 30, 2019. All present voting "Aye". MOTION PASSED

33621A APPROVE THE MARCH 2018 AND AMENDED DECEMBER 2017 TREASURER'S AND INVESTMENT REPORTS



A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the March 2018 and Amended December 2017 Treasurer's and Investment Reports. All present voting "Aye". MOTION PASSED

33622A AUTHORIZE THE TRANSPORTATION DEPARTMENT TO PURCHASE EIGHT (8) PERMANENT RADAR SIGNS FROM CENTERLINE SUPPLY AND AMEND THE BUDGET ACCORDINGLY

The Commissioner's Court authorized the Transportation Department to purchase two (2) permanent radar signs during the 2018 budget process. However, there has since been an interest for Hays County to install additional signs in the TxDOT ROW areas that are historically crash/accident locations and to help with traffic calming. The proposed radar signs are the same make/model of the current signs utilized around the County. Adding these will allow for integration with the current radar software system which has reporting options for monitoring purposes. TxDOT has approved of the radar signs within their ROW and will provide the poles and installation. The County will purchase the units and accompanying solar panels. Funds needed for the additional six units are available in their operating budget. Buy Board Contract #534-17 Budget Amendment: Decrease Road Materials .5351 Increase Misc. Equipment .5719_400. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Transportation Department to purchase eight (8) permanent radar signs from Centerline Supply and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33623A AMEND THE JUSTICE OF PEACE, PCT. 1-1 OPERATING BUDGET FOR ADDITIONAL CONTINUING EDUCATION FUNDS NEEDED FOR CLERKS TO ATTEND THE TEXAS JUSTICE COURT TRAINING SEMINAR IN SAN MARCOS, TX ON JUNE 4-6 2018

The JP 1-1 Office is in need of additional training funds in order to allow her clerks to attend the annual Texas Justice Court Training Seminar held in San Marcos, Tx. This course will provide court personnel legal resources including Texas Statutes and Rules of Civil Procedure as well as an overview of the fundamentals of civil, eviction and truancy cases. Savings are available within the JP 1-1 operating budget to fund this request. Budget Amendment: Decrease Postage .5212 - (\$171) Decrease Books .5213 - (\$200) Increase Cont. Ed .5551 - \$371. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Justice of Peace, Pct. 1-1 operating budget for additional continuing education funds needed for Clerks to attend the Texas Justice Court Training Seminar in San Marcos, TX on June 4-6 2018. All present voting "Aye". MOTION PASSED**

33624A AUTHORIZE THE VETERAN ADMINISTRATION OFFICE TO PURCHASE VETRASPEC SOFTWARE, A VETERAN'S CLAIMS MANAGEMENT SOFTWARE SOLUTION AND AMEND THE BUDGET ACCORDINGLY

VetraSpec is a client and claims management system that will be the primary system used by Texas Veterans Commission for the foreseeable future. It is highly secure and can be integrated at the state level with all other County Veteran Services Officers and TVC Claims Counselors using the program. This system will significantly increase the efficiency of the office and reduce costs in the long run. The costs for the software program include a one-time setup fee of \$599 and three annual recurring licenses at \$449 each (\$1347) for a FY18 fiscal impact of \$1,946. Savings within continuing education are available to fund this request due to the Texas Veterans Commission's decision to do away with an annual training conference in favor of more online training and localized training sessions. Budget Amendment: Decrease Continuing Education .5551 Increase Software License/Maint. 5429. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Veteran Administration Office to purchase VetraSpec Software, a Veteran's Claims Management Software Solution and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33625A AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT (PSA) WITH DOUCET & ASSOCIATES, INC. REGARDING THE CONSTRUCTION OF A RIGHT TURN LANE ON FM 967 AT THE CANYON WREN DRIVE INTERSECTION IN PRECINCT 2

Harvey Jenkins, San Marcos resident and Jerry Borcharding, Hays County Engineer spoke. The project encompasses the construction of a right turn lane off the existing west bound lanes of FM 967 leading up to its intersection with Canyon Wren Drive in Buda, Texas. The work includes schematic design, survey, engineered drawings, cost estimates, bid services, QA/QC reviews, coordination with Texas Department of Transportation (TxDOT) and Hays County, and construction phase services. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of a Professional Service Agreement (PSA) with Doucet & Associates, Inc. regarding the construction of a right turn lane on FM 967 at the Canyon Wren Drive intersection in Precinct 2. All present voting "Aye". MOTION PASSED**



33626A AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 1 FOR CLEARFIELD CONSTRUCTION, LLC RELATED TO IMPROVEMENTS ON THE RATTLER ROAD PROJECT

Jerry Borcharding, Hays County Engineer spoke. Clearfield Construction was awarded the contract for the Rattler Road Improvements through a formal procurement process (IFB 2018 B-02). The Change Order will address the following needs: CO No. 1: \$1,323 - properly core the headwall curb in order to prevent water ponding on the pathway where the handrail will be placed. CO No. 1 will be effective 4/25/2018 as the County Engineer verbally approved the work to allow the work to progress without causing delays with the contractor's and the sub-contractor's in the field. Funds needed for the additional work are available within the Transportation Departments operating budget. Attachment: Clearfield Construction Change Order No. 1. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the execution of Change Order No. 1 for Clearfield Construction, LLC related to improvements on the Rattler Road project. All present voting "Aye". MOTION PASSED**

33627A AUTHORIZE THE EXECUTION OF A CONTRACT WITH LJA ENGINEERING, INC. FOR FINAL PLANS, SPECIFICATIONS AND CONSTRUCTION ESTIMATES ON THE DACY LANE (BEBEE ROAD TO HILLSIDE TERRACE) PROJECT IN HAYS COUNTY, PRECINCT 2

Commissioner Jones and Commissioner Ingalsbe spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of a contract with LJA Engineering, Inc. for final Plans, Specifications and Construction Estimates on the Dacy Lane (Beebe Road to Hillside Terrace) project in Hays County, Precinct 2. All present voting "Aye". MOTION PASSED**

33628A AUTHORIZE THE EXECUTION OF AN INTERLOCAL AGREEMENT (ILA) WITH BEXAR COUNTY RELATED TO A COOPERATIVE PURCHASING PROGRAM

Jerry Borcharding, Hays County Engineer spoke. Per Local Government Code 271.101, the Transportation Department would like to enter into a purchasing cooperative agreement with Bexar County in order to utilize their slurry seal contractor. This would allow for a quicker turn around as the contractor is planning to be in Bexar County between June and July and would be able to add Hays County to their schedule. Attachment: Bexar County ILA. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the execution of an Interlocal Agreement (ILA) with Bexar County related to a cooperative purchasing program. All present voting "Aye". MOTION PASSED**

33629A SUB-973; REPLAT OF LOT 108, ROLLING OAKS SECTION 4 (2 LOTS) GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVE FINAL PLAT; HOLD A PUBLIC HEARING

Commissioner Ingalsbe opened the public hearing. Mary Ann Overby, Roxie McInnis, Assistant Director of Countywide Operations – Planning and Health, Nick Woodruff, John McJunkin, property owner, and Clint Garza, Director of Countywide Operations, spoke. Commissioner Ingalsbe closed the public hearing. Rolling Oaks is a recorded subdivision located off of FM 3237 in Precinct 3. The proposed re-plat will divide the 4.376 acre lot 108 into 2 lots - Lot 108A being 2.371 acres and Lot 108B being 2.005 acres. Water service will be provided by individual water wells and wastewater treatment will be accomplished by individual advanced on-site sewage facilities. Lot 108A is currently served by a conventional OSSF and an existing private well. Should the existing OSSF need replacement it will be replaced by an advanced system. The Hays County minimum lot size for a lot served by a private well is 3.00 acres with a conventional OSSF and 2.00 acres with an advanced OSSF. Due to the current configuration of the property, it would not be possible to meet the minimum lot size requirements without replacement of the septic system. The property owner feels that replacing the existing functioning system would be an undue burden. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to grant a variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities and approve final SUB-973; Replat of Lot 108, Rolling Oaks Section 4 (2 lots). All present voting "Aye". MOTION PASSED**

33630A SUB-998; CALL FOR A PUBLIC HEARING ON MAY 15, 2018 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 22, RIVER OAKS OF WIMBERLEY SUBDIVISION

River Oaks of Wimberley is a recorded subdivision located off of Windmill Oaks in Precinct 3. The proposed re-plat will divide the 4.8 acre lot 22 into 2 lots. Water service will be provided by individual water 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 call for a public hearing on May 15, 2018**



to discuss final plat SUB-998; Replat of Lot 22, River Oaks of Wimberley Subdivision. All present voting "Aye". MOTION PASSED

33631A GRANT A VARIANCE FROM TABLE 10-C-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND ALLOW THE DEVELOPMENT SERVICES DEPARTMENT TO ISSUE PERMITS ON LOT 1 IN THE RYAN HILL SECTION 2 SUBDIVISION

Caitlyn Strickland, Hays County Planner spoke. Ryan Hill is a recorded subdivision located off of Harmon Hills Dr. in precinct 4. The Ryan Hill Subdivision was originally intended to use the Ryan Hill Water Supply for all lots that were created. However, when the water supply was tested, it was found to be unsuitable for a public water supply. The Hays County health department required a plat note on the Ryan Hill Sections 1 & 2 plats, which stated that all lots would be required to use the Ryan Hill Water Supply. However, the water was never found to be suitable to be a public water supply, so Ryan Hill Water Supply does not exist. The plat note on Ryan Hill 2 does not allow our development services department to issue a permit, until the property hooks up to the Ryan Hill Water Supply (which does not exist). The property owner is requesting a variance that would allow him to hook up to a rain water collection system, instead of the Ryan Hill Water Supply, so he can develop lot 1 in Ryan Hill Section 2. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to grant a variance from Table 10-C-1 of the Hays County Rules for On-Site Sewage Facilities and allow the Development Services Department to issue permits on lot 1 in the Ryan Hill Section 2 Subdivision. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #23 RE: *AUTHORIZE THE EXECUTION OF A REMOTE BIRTH ACCESS CONTRACT BETWEEN HAYS COUNTY AND DEPARTMENT OF STATE HEALTH SERVICES (DSHS) VITAL STATISTICS UNIT RELATED TO STATE WIDE BIRTH CERTIFICATES – was pulled*

33632A AUTHORIZE BUILDING MAINTENANCE TO HIRE THE FACILITY MAINTENANCE WORKER, SLOT 200-004 AT THE 20TH PERCENTILE EFFECTIVE MAY 2, 2018 AND AMEND THE BUDGET ACCORDINGLY

Clint Garza, Director of Countywide Operations is requesting the Court's approval to hire a new Facility Maintenance Worker at the 20th percentile. The applicant has over 10 years' experience in the facility maintenance field. His wide-ranging knowledge and experience in all aspects of facilities maintenance will allow building maintenance to provide a greater level of service to the County. Financial Impact: Base Salary Increase: \$3,409 Fringe: \$ 702 Total: \$4,111 (annualized) \$1,884 (FY18 impact for 5.5 months) Funds from the county wide salary adjustments can be moved to fund this request. Budget Amendment: Increase Bldg. Maint. Salaries .5021: \$1,562 Increase Bldg. Maint. FICA .5101_100: \$ 97 Increase Bldg. Maint. MED .5101_100: \$ 23 Increase Bldg. Maint. RET .5101_100: \$ 202 Decrease Co-Wide Salary Adj., .5091: (\$1,884). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize Building Maintenance to hire the Facility Maintenance Worker, slot 200-004 at the 20th percentile effective May 2, 2018 and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #25 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 – was pulled*

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into Executive session at 10:20 a.m. and reconvened into open court at 11:04 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Director of Countywide Operations, Clint Garza and Assistant Director of Countywide Operations, Tammy Crumley, County Engineer, Jerry Borchering, Assistant County Engineer, Alex Flores, Mike Shaunessy, Legal Support Services Specialist Janice Jones and Samantha Jones. No action taken.

Clerk's Note Agenda Item #27 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*



ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Today's Drought Index – 263. Per Hays County Fire Marshal Burn Ban will remain lifted. Commissioner Ingalsbe urged the citizens of Hays County to use extreme caution while conducting outdoor burning and to never leave it unattended.

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*

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 11:06 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 May 1, 2018.





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

