

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH 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
CHRISTINE RODRIGUEZ	CHIEF DEPUTY COUNTY CLERK

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

Commissioner Ingalsbe 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, resident of San Marcos, and Harvey Jenkins resident of San Marcos made public comments.

33633A ADOPT A PROCLAMATION DECLARING THE WEEK OF MAY 7-11, 2018 AS JURY APPRECIATION WEEK

District Clerk, Beverley Crumley spoke. County Clerk, Liz Q. Gonzalez spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to adopt a Proclamation declaring the week of May 7-11, 2018 as Jury Appreciation Week. All present voting "Aye". MOTION PASSED

33634A APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve payments of County invoices in the amount of \$5,701,249.25 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #3 RE: APPROVE PAYMENTS OF JUROR CHECKS – was pulled

33635A APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve the payment of Humana claims in the amount of \$2,510.69 and United Healthcare claims in the amount of \$169,033.64 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33636A APPROVE COMMISSIONERS COURT MINUTES OF MAY 1, 2018

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of May 1, 2018 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

33637A APPROVE THE PAYMENT OF THE MAY 15, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,655,000.00 EFFECTIVE MAY 15, 2018 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve the payment of the May 15, 2018 payroll disbursements in an amount not to exceed \$2,655,000.00 effective May 15, 2018 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

33638A APPROVE UTILITY PERMITS

Permit 1070 Posey Road Century Link (Communication Line), Permit 1071 Jasper Trail (Stonefield Subd.) Goforth Water Supply (Water Line), Permit 1072 Main Street Texas Gas Service (Gas Line). A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve Utility Permits #1070 Posey Road issued to CenturyLink (Communication Line), Permit #1071 Jasper Trail (Stonefield Subd.)



issued to Goforth Water Supply (Water Line), and Permit #1072 Main Street Texas Gas Service (Gas Line), as submitted by the Transportation Director. All present voting "Aye". MOTION PASSED

33639A APPROVE THE TRANSFER OF 2008 DODGE CHARGER FROM HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT TO HAYS COUNTY CONSTABLE PCT 2 OFFICE, AND 2005 DODGE RAM PICKUP FROM HAYS COUNTY CONSTABLE PCT 2 OFFICE TO THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT

The following asset is being requested for transfer from the Building Maintenance Inventory to be utilized by the PCT 2 Constable: 2008 Dodge Charger, VIN: 2B3KA43R97H714594, Hays County Tag 15611 The following asset is being requested for transfer from the Constable PCT 2 Inventory to be utilized by Building Maintenance: 2005 Dodge Ram Pickup, VIN: 1D7HA18DO5JS56541, Hays County Tag 013451 **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the transfer of 2008 Dodge Charger from Hays County Building Maintenance Department to Hays County Constable PCT 2 Office, and 2005 Dodge Ram Pickup from Hays County Constable PCT 2 Office to the Hays County Building Maintenance Department. All present voting "Aye". MOTION PASSED**

33640A AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION FOR THE HAZARD MITIGATION GRANT PROGRAM THROUGH TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT

This grant application is for the 'Hays County Community Flood Mitigation Project.' The Hazard Mitigation Grant Program (HMGP) is funded by FEMA and administered by the state of Texas. It is a mitigation grant designed to prevent or reduce future loss of lives and property through the identification and funding of cost-effective mitigation measures as well as minimize the costs of future disaster response and recovery. This project was submitted to FEMA for Flood Mitigation Assistance funding, but was not awarded. The Notice of Intent for this project was submitted to TDEM on March 13, 2018. The proposed project was approved April 12, 2018 to move forward with the application process. The total project cost is \$10,588,950. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the submission of a grant application for the Hazard Mitigation Grant Program through Texas Department of Emergency Management. All present voting "Aye". MOTION PASSED**

33641A AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO UTILIZE FUNDS FROM COUNTYWIDE OPERATIONS DEPARTMENT FOR BUILDING MAINTENANCE AND REPAIRS AS NEEDED FOR THE REMAINDER OF FY' 18 AND AMEND THE BUDGET ACCORDINGLY

Additional funds will be needed for building maintenance and repairs for the remainder of fiscal year 2018. This is due to numerous unforeseen repairs on various equipment located throughout the County. The funds requested will be used towards pending repairs that are currently needed as well as general operating expenses for the remainder of year. Possible funding source: Countywide Operations Misc. Capital Improvements 001-712-00.5741. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Building Maintenance Department to utilize funds from Countywide Operations Department for building maintenance and repairs as needed for the remainder of FY' 18 and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33642A AMEND THE INFORMATION TECHNOLOGY (IT) OPERATING BUDGET FOR FUEL EXPENSES RELATED TO COUNTY WIDE TRAVEL FOR THE IT STAFF TO ASSIST DEPARTMENTS AT SATELLITE OFFICES WITH REPAIRS

The IT Department received an Enterprise Lease vehicle this fiscal year to utilize when traveling to satellite offices to assist departments with technical computer related repairs. Funds are available in their operating budget to fund this request. Budget Amendment: Decrease Continuing Education .5551 Increase Fuel .5271. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Information Technology (IT) operating budget for fuel expenses related to county wide travel for the IT Staff to assist departments at satellite offices with repairs. All present voting "Aye". MOTION PASSED**

33643A APPROVE OUT OF STATE TRAVEL FOR TOM POPE FOR THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS ANNUAL CONFERENCE JUNE 17-21, 2018 IN PHOENIX, ARIZONA



After receiving The Floodplain Manager of the Year award, Tom Pope was invited to attend The Association of State Floodplain Managers Annual Conference. The conference fees and all travel expenses are at no cost to the county. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve out of state travel for Tom Pope for The Association of State Floodplain Managers Annual Conference June 17-21, 2018 in Phoenix, Arizona. All present voting "Aye". MOTION PASSED**

33644A RATIFY THE EXECUTION OF THE THIRD AMENDMENT OF THE EMERGENCY WATERSHED PROTECTION GRANT AWARD # 68-7442-17-203 BETWEEN HAYS COUNTY AND THE U.S. DEPARTMENT OF AGRICULTURE- NATURAL RESOURCES CONSERVATION SERVICE

The purpose of this amendment is to extend the period of performance for the Emergency Watershed Protection Project #5098. The project is related to repairs at the 5 Upper San Marcos Watershed Dam Sites. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to ratify the execution of the third amendment of the Emergency Watershed Protection Grant award # 68-7442-17-203 between Hays County and the U.S. Department of Agriculture- Natural Resources Conservation Service. All present voting "Aye". MOTION PASSED**

33645A APPROVAL TO AWARD IFB 2018-B06 AUXILIARY SPILLWAY REPAIRS TO HD ROCK SOLID, INC., AUTHORIZE EXECUTION OF CONTRACT DOCUMENTS AND AMEND THE BUDGET ACCORDINGLY

On April 10th the Court authorized Purchasing to solicit bids for the Auxiliary Spillway Repairs to four (4) sites located in San Marcos. Hays County in partnership with the US Department of Agriculture, Natural Resources Conservation Service (NRCS) and the Texas State Soil and Water Conservation Board (TSSWCB) will repair the damages and mitigate the erosion potential on the spillways. Purchasing received five (5) bids from the following contractors: 1. Austin Filter Systems, 2. ERS, Inc., 3. HD Cooks Rock Solid, Inc., 4. MAC, Inc., 5. Smith Contracting. HD Cooks Rock Solid, Inc. submitted the lowest bid and the evaluating committee reviewed the detailed bid specifications submitted, checked references and is making a recommendation to the Court that this is a responsible bid and the contractor has the necessary resources to complete the required work. Recommendation Letters. Funding for this project is being provided through approved grants from NRCS (75%); with matching funds provided by the TSSWCB (23.75%) and Hays County (1.25%). Budget Amendment: Increase Intergovernmental Revenue: .4301 - \$981,890.01, Increase Construction: .5611_400 - \$994,319, Decrease Co-Wide Contingencies: .5399 - (\$12,428.99). A letter of acceptance is included with the contract documents for execution. A pre-construction meeting will be held on or about May 22nd to provide contractor with additional project instructions. Upon completion of a successful pre-con meeting and confirmation of all necessary financial & bonding requirements, the OES Director and staff will issue a Notice to Proceed (NTP) and authorize the contractor to mobilize. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to award IFB 2018-B06 Auxiliary Spillway Repairs to HD Rock Solid, Inc., authorize execution of contract documents and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33646A AUTHORIZE THE EXECUTION OF A SUPPLEMENTAL NO. 4 TO THE PROFESSIONAL SERVICE AGREEMENT (PSA) (AS WELL AS WORK AUTHORIZATION #1 AND WORK AUTHORIZATION #2) WITH HDR ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES ON THE ROBERT S. LIGHT BLVD. EXTENSION (BUDA TRUCK BYPASS) PROJECT AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM

Commissioner Jones spoke. Additional funds will be used for completion of schematic design, environmental assessment and final design changes related to additional TxDOT comments and new TxDOT templates, forms and documentation now required for final project approvals. Also, the additional funds will support the completion of ROW acquisition services and will cover a new work authorization for construction phase services that will allow for the review of structural shop drawing/material submittals and contractor requests for information related to the structural design. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of a Supplemental No. 4 to the Professional Service Agreement (PSA) (as well as Work Authorization #1 and Work Authorization #2) with HDR Engineering, Inc. for professional engineering services on the Robert S. Light Blvd. Extension (Buda Truck Bypass) project as part of the Hays County/TxDOT Partnership Program. All present voting "Aye". MOTION PASSED**

33647A AUTHORIZE THE EXECUTION OF WORK AUTHORIZATION ONE (WA1) WITH AMERICAN STRUCTUREPOINT, INC. REGARDING THE DESIGN OF THE RELOCATION OF THE INTERSECTION OF RM 150 & RM 12



**INTERSECTION IN PRECINCT 4 AND AMEND THE BUDGET
ACCORDINGLY**

Commissioner Whisenant spoke. General Counsel Mark Kennedy spoke. The Engineer will prepare the Plans, Specifications, and Estimate (PS&E) for the realignment of FM 150 and relocation of the FM 150 & RR 12 intersection in Dripping Springs, Texas. The project consists of relocating the FM 150 intersection approximately 300 feet south of its existing location along RR 12. Budget Amendment: Increase 020-710-00-873.5621_400 Decrease 020-710-00.5448_008. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the execution of Work Authorization One (WA1) with American Structurepoint, Inc. regarding the design of the relocation of the intersection of RM 150 & RM 12 intersection in Precinct 4 and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33648A AUTHORIZE EXECUTION OF AN EMERGENCY ACCESS AGREEMENT AND A LIMITED USE EASEMENT AGREEMENT FOR EMERGENCY ACCESS, RELATED TO THE ESTABLISHMENT OF A POINT OF EMERGENCY INGRESS AND EGRESS AT THE END OF HORACE HOWARD DRIVE, IN PRECINCT 1

Commissioner Ingalsbe spoke. Clint Garza, Executive Director of Countywide Operations spoke. General Counsel, Mark Kennedy spoke. Ryan Thomason spoke. Commissioner Whisenant spoke. In order to meet the requirements of plat approved by the City of San Marcos, Texas, Developer of the Parkers Pond Subdivision (Thomason) must establish (predevelopment) at least one additional point of ingress and egress for Lot 2 of the Lodges at Parkers Pond Subdivision. The point of ingress and egress may be for emergency access only, and need not be open to through traffic at all times. Jerrold Peters owns property that is uniquely situated (adjacent to the Development and at the end of Horace Howard Drive) to provide a point of emergency ingress and egress (hereinafter "Emergency Access Point") to the Development and has stated a willingness to provide a route for such an Emergency Access Point if certain conditions are met, conditions which are incorporated into this Agreement. County Staff and the Precinct 1 Commissioner believe that there is value and public purpose in the establishment of an Emergency Access Point, not only for residents in the Development, but also for the existing residents along Horace Howard Drive, which is an existing public roadway with a single point of ingress and egress. So, in return for the County's no-cost participation in establishing the Emergency Access Point, Developer has agreed to perform certain Neighborhood Improvements that would benefit the orderly and healthful development of the area around the Development. The Parties agree that the County would be the best entity to hold the easement rights to the Emergency Access Point, ensuring that it remains only an Emergency Access Point, and not a thoroughfare, in perpetuity. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize execution of an Emergency Access Agreement and a Limited Use Easement Agreement for Emergency Access, related to the establishment of a point of emergency ingress and egress at the end of Horace Howard Drive, in Precinct 1. All present voting "Aye". MOTION PASSED**

33649A AUTHORIZE EXECUTION OF AN ADVANCED FUNDING COMMITMENT AGREEMENT BETWEEN HAYS COUNTY AND LODGES AT PARKER'S POND, LLC, RELATED TO CONSTRUCTION OF AN EMERGENCY POINT OF INGRESS AND EGRESS AT THE END OF HORACE HOWARD DRIVE, IN PRECINCT 1

Commissioner Ingalsbe spoke. General Counsel, Mark Kennedy spoke. In order to meet the requirements of plat approved by the City of San Marcos, Texas, Developer of the Parkers Pond Subdivision (Thomason) must establish (predevelopment) at least one additional point of ingress and egress for Lot 2 of the Lodges at Parkers Pond Subdivision. The point of ingress and egress may be for emergency access only, and need not be open to through traffic at all times. Jerrold Peters owns property that is uniquely situated (adjacent to the Development and at the end of Horace Howard Drive) to provide a point of emergency ingress and egress (hereinafter "Emergency Access Point") to the Development and has stated a willingness to provide a route for such an Emergency Access Point if certain conditions are met, conditions which are incorporated into this Agreement. County Staff and the Precinct 1 Commissioner believe that there is value and public purpose in the establishment of an Emergency Access Point, not only for residents in the Development, but also for the existing residents along Horace Howard Drive, which is an existing public roadway with a single point of ingress and egress. So, in return for the County's no-cost participation in establishing the Emergency Access Point, Developer has agreed to perform certain Neighborhood Improvements that would benefit the orderly and healthful development of the area around the Development. The Parties agree that the County would be the best entity to hold the easement rights to the Emergency Access Point, ensuring that it remains only an Emergency Access Point, and not a thoroughfare, in perpetuity. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize execution of an Advanced Funding Commitment Agreement between Hays County and Lodges at Parker's Pond, LLC, related to construction of an emergency point of ingress and egress at the end of Horace Howard Drive, in Precinct 1. All present voting "Aye". MOTION PASSED**



33650A SUB-974; REPLAT OF LOTS 7 & 8, STAGECOACH RANCH, SECTION 1. DISCUSSION AND POSSIBLE ACTION TO APPROVE FINAL PLAT; HOLD PUBLIC HEARING

Commissioner Ingalsbe opened the public hearing. No public input. Commissioner Ingalsbe closed the public hearing. Hays County Planner, Marcus Pacheco spoke and gave full staff recommendation. Stagecoach Ranch, Section 1 is a recorded subdivision located off of Stagecoach Ranch Rd. in Precinct 4. The proposed re-plat will divide the 10.003 acre Lot 8 and the 10 acre lot 7 into 4 lots. Water service will be provided 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 Shell hold a public hearing and to approve final plat of SUB-974. All present voting "Aye". MOTION PASSED**

33651A APPOINT TWO HAYS COUNTY COURT MEMBERS TO REPRESENT HAYS COUNTY, ON THE CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CARTPO), TO REPLACE COMMISSIONER DEBBIE INGALSBE AND FORMER COMMISSIONER WILL CONLEY

Hays County currently has 2 vacant positions on the Capital Area Regional Transportation Planning Organization (CARTPO). Please refer to attached CARTPO responsibilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to appoint Commissioner Jones with Roxie McInnis as Commissioner Jones representative and appoint Commissioner Shell with Jerry Borcharding and Alex Flores as representatives for Commissioner Shell as the Hays County Court Members to represent Hays County, on the Capital Area Regional Transportation Planning Organization (CARTPO), to replace Commissioner Debbie Ingalsbe and former Commissioner Will Conley. All present voting "Aye". MOTION PASSED**

CLERK'S NOTE AGENDA ITEM #21 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 #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. POSSIBLE ACTION MAY FOLLOW – was pulled

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Today's Drought Index – 109. 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.

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR

Commissioner Jones spoke. Last night at CAMPO's Meeting, the Transportation Improvement plan was approved and Hays County will receive over \$68,000,000.00 for road projects. No Action Taken.

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 9:45 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 8, 2018.

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



HAYS COUNTY COMMISSIONERS' COURT MINUTES



