

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 22<sup>ND</sup> 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:

Michael Myers 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, resident of San Marcos and Rodrigo Amaya resident of San Marcos made public comments.

**33681A ADOPT A PROCLAMATION RECOGNIZING MAY 2018 AS HAYS COUNTY ELDER ABUSE AWARENESS MONTH**

Jennifer Alvarado, supervisor of the Adult Protective Services spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to adopt a proclamation recognizing May 2018 as Hays County Elder Abuse Awareness Month. All voting "Aye". MOTION PASSED

**33682A ADOPT A PROCLAMATION DECLARING MAY 21-MAY 25, 2018 AS FLOOD AWARENESS WEEK IN HAYS COUNTY**

Justin McInnis, Asst. Emergency Management Coordinator spoke. A motion was made by Commissioner Shell, seconded by Commissioner Jones to adopt a proclamation declaring May 21-May 25, 2018 as Flood Awareness week in Hays County. All voting "Aye". MOTION PASSED

**PRESENTATION OF THE 2019-2022 CAMPO PROJECTS APPROVED FOR HAYS COUNTY**

Commissioner Jones presented the Court with a power point presentation of the CAMPO Projects in Hays County Precinct 1, Hays County Precinct 2, Hays County Precinct 4, City of Buda, City of Kyle, City of San Marcos and Travis County.

**33683A APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve payment of County invoices in the amount of \$1,143,149.66 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**33684A APPROVE PAYMENTS OF JUROR CHECKS**

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve payment of Juror checks in the amount of \$2,862.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**33685A 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 \$18,376.92 and United Healthcare claims in the amount of \$132,037.98 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**33686A APPROVE COMMISSIONERS COURT MINUTES OF MAY 15, 2018**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



A motion was made by Commissioner Shell seconded by Commissioner Whisenant to approve Commissioner Court Minutes of May 15, 2018 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

**33687A AUTHORIZE THE EXECUTION OF THE 3RD AMENDMENTS TO THE EXISTING LEASES BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS FOR THE WOMEN, INFANTS AND CHILDREN ("WIC") PROGRAM OFFICES LOCATED AT 150 LOCKHART STREET IN KYLE AND 401C BROADWAY IN SAN MARCOS**

These proposed amendments make modifications to lease term. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of the 3rd Amendments to the existing leases between Hays County and the City of San Marcos for the Women, Infants and Children ("WIC") Program offices located at 150 Lockhart Street in Kyle and 401C Broadway in San Marcos. All voting "Aye". MOTION PASSED

**33688A 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 Acquisition and Demolition 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 April 19, 2018. The proposed project was approved April 25, 2018 to move forward with the application process. The total project cost is \$3,838,012.00. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve authorize the submission of a grant application for the Hazard Mitigation Grant Program through Texas Department of Emergency Management. All voting "Aye". MOTION PASSED

**33689A AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE PUBLIC SAFETY FOUNDATION FOR PORTABLE AUTOMATED EXTERNAL DEFIBRILLATORS (AED) FOR THE HAYS COUNTY CONSTABLE OFFICES**

The Firehouse Subs Public Safety Foundation was founded in 2005 in the aftermath of Hurricane Katrina. The mission is to impact the life-saving capabilities, and the lives, of local heroes and their communities. This grant application is for the purchase of 22 portable Automated External Defibrillators (AED) for each of the constable offices. This is a quarterly grant opportunity that is due on May 24, 2018 through an online portal and the requested amount of funding is \$29,427.20. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the submission of a grant application to the Public Safety Foundation for portable Automated External Defibrillators (AED) for the Hays County Constable Offices. All voting "Aye". MOTION PASSED

**33690A APPROVE UTILITY PERMITS**

Permit: 1074, Road Name: Mathias Lane, Utility: Goforth SUD (Water line). Permit: 1075, Road Name: Peaceful Valley Road, Utility: Goforth SUD (Water Line). Permit: 1076, Road Name: High Road, Plum Creek Utility Comp (Wastewater Line). Permit: 1077, Road name: South Plum Creek Road, Utility: Plum Creek Utility Comp (Wastewater Line). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Utility Permits # 1074 Mathias Lane issued to Goforth SUD (Water Line), Permit #1075 Peaceful Valley Road issued to Goforth SUD (Water Line), Permit #1076 High Road issued to Plum Creek Utility Comp. (Wastewater Line), Permit #1077 South Plum Creek Road issued to Plum Creek Utility Comp. (Wastewater Line). All voting "Aye". MOTION PASSED

**33691A ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORTS FOR THE SHERIFF'S OFFICE JAIL COMMISSARY ACCOUNT, SHERIFF'S OFFICE FEDERAL DISCRETIONARY ACCOUNT, SHERIFF'S OFFICE DRUG FORFEITURE FUND, TAX ASSESSOR-COLLECTOR OFFICE, AND THE DISTRICT ATTORNEY'S FORFEITURE FUND ACCOUNT**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the delivery of the Internal Examination Reports for the Sheriff's Office Jail Commissary Account, Sheriff's Office Federal Discretionary Account, Sheriff's Office Drug Forfeiture Fund, Tax Assessor-Collector Office, and the District Attorney's Forfeiture Fund Account. All voting "Aye". MOTION PASSED



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**33692A APPROVE RENEWAL OF IFB 2017-B06 FOR COUNTYWIDE AIR CONDITIONING AND HEATING SERVICES WITH SI MECHANICAL, LLC FOR ONE (1) ADDITIONAL YEAR AS OUTLINED IN THE ORIGINAL BID SPECIFICATIONS**

Pricing and all terms and conditions remain unchanged and in full force and effect as stated in the original bid. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve renewal of IFB 2017-B06 for Countywide Air Conditioning and Heating Services with SI Mechanical, LLC for one (1) additional year as outlined in the original bid specifications. All voting "Aye". MOTION PASSED

**33693A AMEND THE HEALTH DEPARTMENT OPERATING BUDGET FOR CONTINUING EDUCATION EXPENSES RELATED TO THE 2018 TEXAS EMERGENCY MANAGEMENT CONFERENCE IN SAN ANTONIO, TEXAS**

The Emergency Management Coordinator attends the Texas Division of Emergency Management each year, per grant requirements. Funds have been identified within the Health Departments operating budget to fund this request. Budget Amendment: Decrease 120-675-99-058.5501 (Travel), Increase 120-675-99-058.5551 (Continuing Education). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the Health Department operating budget for continuing education expenses related to the 2018 Texas Emergency Management Conference in San Antonio, Texas. All voting "Aye". MOTION PASSED

**33694A AUTHORIZE THE PURCHASE OF A SURFACE PRO I5 AND A DELL LATITUDE 7490 FOR THE DEVELOPMENT SERVICES DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY**

The Development Services Department is needing to replace two existing devices with a Surface Pro i5 and a Dell Latitude 7490. Funds within their budget have been identified to cover the cost of both devices. Budget Amendment: Increase 001-657-00.5712\_400 \$1,410, Decrease 001-657-00.5429 (\$1,410). A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the purchase of a Surface Pro i5 and a Dell Latitude 7490 for the Development Services Department and amend the budget accordingly. All voting "Aye". MOTION PASSED

**33695A APPROVE CHANGE ORDER #1 FOR PARTNERS REMODELING, RESTORATION AND WATERPROOFING FOR DAHLSTROM RANCH PUBLIC ACCESS DEVELOPMENTS**

On January 23, 2018 Commissioner's Court approved a contract for Partner's Remodeling in response to IFB 2018-B03. Additional funds are needed due to design issues for road base materials as well as safety control during project construction. Additionally, the contract term will be extended to June 22, 2018 due to delays and unforeseen circumstances. Attachment: Change Order #1. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve Change Order #1 for Partners Remodeling, Restoration and Waterproofing for the Dahlstrom Ranch Public Access Development project. All voting "Aye". MOTION PASSED

**33696A APPROVE THE TRANSFER OF A 2007 DODGE CHARGER FROM THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT TO THE JUVENILE DETENTION OFFICE**

The following vehicle has been taken out of service from Building Maintenance and request is made for it to be transferred to Juvenile Detention: 2007 Dodge Charger, VIN#2B3KA43R87H714604 Hays County Asset Tag #16110. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve the transfer of a 2007 Dodge Charger from the Hays County Building Maintenance Department to the Juvenile Detention Office. All voting "Aye". MOTION PASSED

**33697A AMEND THE CONSTABLE PRECINCT 3 OPERATING BUDGET FOR ADDITIONAL FUEL RELATED EXPENSES AS REQUIRED FOR THE REMAINDER OF THIS FISCAL YEAR**

The Constable Pct. 3 has had an increase in staffing as well as a realignment of duties and assignments that have resulted in additional law enforcement travel throughout the precinct. The Constable's monthly consumption has continued to increase and it is estimated that an average of \$1,700 per month will be needed for the remainder of the year based on current usage. Potential Funding Source: Funds are budgeted in a County Wide fuel line item for potential price increases/increases in consumption and are available to fund this

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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request. Budget Amendment: Increase Constable 3 Fuel, Decrease County Wide Fuel 001-645-00.5271. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to amend the Constable Precinct 3 operating budget for additional fuel related expenses as required for the remainder of this fiscal year. All voting "Aye". MOTION PASSED

**33698A AUTHORIZE THE COURT TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH COBB, FENDLEY & ASSOCIATES, INC. TO PROVIDE ENGINEERING DESIGN SERVICES (PS&E) FOR IMPROVEMENTS TO THE SH 80/OLD BASTROP HIGHWAY (CR 266) AND SH 80/MILITARY DRIVE INTERSECTIONS IN PRECINCT 1 AS PART OF THE 2016 ROAD BOND PROGRAM**

Commissioner Ingalsbe spoke. The SH 80/Old Bastrop Highway (CR 266) and SH 80/Military Drive intersections project is included in the County's 2016 Road Bond Program. Design services by Cobb Fendley will be partially funded with \$300,000.00 from Road & Bridge budget and the remaining \$400,000.00 from the project Road Bond budget. Construction of the project improvements is partially funded by \$600,000 of Category 7 funding (CAMPO) with the remainder funded out of 2016 Road Bonds designated project for SH 80/Military Drive Intersection Improvements. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Court to execute a Professional Service Agreement with Cobb, Fendley & Associates, Inc. to provide engineering design services (PS&E) for improvements to the SH 80/Old Bastrop Highway (CR 266) and SH 80/Military Drive intersections in Precinct 1 as part of the 2016 Road Bond Program. All voting "Aye". MOTION PASSED

**33699A ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND #PB03010404346 IN THE AMOUNT OF \$1,148,837.50, AND ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #1060750 IN THE AMOUNT OF \$188,961.00 FOR SUNFIELD SUBDIVISION. PHASE 2, SECTION 8**

Harvey Jenkins, resident of San Marcos made public comment. Clint Garza, Executive Director of Countywide Operations spoke. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. A maintenance bond and engineer's concurrence letter has been received. The Transportation Department has inspected and approved the improvements. A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept road construction and drainage improvements, release of the construction bond #PB03010404346 in the amount of \$1,148,837.50, and acceptance of the 2-year maintenance bond #1060750 in the amount of \$188,961.00 for Sunfield subdivision, Phase 2, Section 8. All voting "Aye". MOTION PASSED

**33700A EXECUTE A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS, AND LAZY OAKS RANCH, LP, RELATED TO THE PROPOSED LA CIMA SUBDIVISION IN PRECINCT 3**

Commissioner Shell spoke, Clint Garza, Executive Director of Countywide Operations spoke. Eric Willis of La Cima spoke. The original Development Agreement was executed on September 16, 2014. In this second amendment, the owner has acquired an additional 390.52 acres with acreage now totaling 2,422.99 to develop the Existing Property and the Additional Property (collectively, the "Property") as a single family residential, limited nonresidential and conservation, preservation and open space development. A motion was made by Commissioner Shell seconded by Commissioner Whisenant to execute a second amendment to the Development Agreement between Hays County, the City of San Marcos, and Lazy Oaks Ranch, LP, related to the proposed La Cima Subdivision in Precinct 3. All voting "Aye". MOTION PASSED

**33701A APPROVE THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE HAYS COUNTY NARCOTICS TASK FORCE AND THE OFFICE OF THE CRIMINAL DISTRICT ATTORNEY OF COMAL COUNTY**

Captain Mark Cumberland spoke. Mark Kennedy, General Counsel spoke. Approve the execution of an Interlocal Agreement for the Hays County Task Force to include the Comal County Criminal District Attorney. Pursuant to Texas Code of Criminal Procedures, this agreement is necessary to regulate the disposition of property seized by law enforcement officers and forfeited contraband. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the execution of an Interlocal Agreement between the Hays County Narcotics Task Force and the office of the Criminal District Attorney of Comal County. All voting "Aye". MOTION PASSED



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**33702A EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS STATE UNIVERSITY RELATED TO THE RE-DEVELOPMENT OF A STANDARD RESPONSE PROTOCOL (SRP) TRAINING VIDEO**

Justin McInnis, Asst. Emergency Management Coordinator spoke. Commissioner Ingalsbe spoke. Commissioner Whisenant spoke. Over the past five years Hays County Officials have trained well over 100,000 students, teachers, and first responders on the Standard Response Protocols for school safety utilizing a single, internally created video. At the request of community members, school faculty, and through our own observation, the Office of Emergency Services would like to create a more kid friendly version of the training video for the elementary students and add closed captioning to the existing video. No additional funding is requested for this project as we will utilize existing operating funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to execute an Interlocal Agreement with the Texas State University related to the redevelopment of a Standard Response Protocol (SRP) training video. All voting "Aye". 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 PROPOSED FM110 IN PCT. 1. POSSIBLE ACTION TO FOLLOW IN OPEN COURT**

Court convened into Executive session at 10:05 a.m. and reconvened into open court at 10:19 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 Borcharding, Assistant County Engineer, Alex Flores, and Legal Support Services Specialist Janice Jones. No action taken.

**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 RENEW AND PROJECT KING. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into Executive session at 10:19am a.m. and reconvened into open court at 11:02 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 Borcharding, Assistant County Engineer, Alex Flores, and Legal Support Services Specialist Janice Jones. No action taken.

**DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY**

Harvey Jenkins, resident of San Marcos made public comment. No action taken.

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

Per Hays County Fire Marshall, the Burn Ban will remain lifted.

**Clerk's Note Agenda Item #28 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 11:12a.m.

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HAYS COUNTY COMMISSIONERS' COURT MINUTES



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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 May 22, 2018.

A handwritten signature in cursive script that reads "Liz Q. Gonzalez".

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

