

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 17<sup>TH</sup> DAY OF JULY 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:

Denise Grant chaplain at CTMC 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, Dan Lyon resident of San Marcos, Rodrigo Amaya resident of San Marcos all made public comments.

**33847A APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve payments of County invoices in the amount of \$ 1,484,057.44 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**33848A APPROVE PAYMENTS OF JUROR CHECKS**

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve payments of Juror checks in the amount of \$ 2,323.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**33849A APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS**

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve the payment of United Healthcare claims in the amount of \$ 382,466.99 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

**33850A APPROVE COMMISSIONERS COURT MINUTES OF JULY 10, 2018**

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve Commissioners Court Minutes of July 10, 2018 as submitted by the County Clerk. All present voting "Aye". MOTION PASSED

**33851A APPROVE OUT OF STATE TRAVEL FOR DEPUTY PAUL MOONEY TO ATTEND THE LAW ENFORCEMENT TOTAL BREACHING COURSE IN BYHALIA, MISSISSIPPI**

Approval for out of state travel is needed to send Deputy Paul Mooney to attend the Law Enforcement Total Breaching Course in Byhalia, Mississippi on September 21-28, 2018. Deputy Mooney is on the Hays County SWAT Team. During this training, Deputy Mooney will learn all facets of mechanical, thermal, power tool, ballistic and explosive breaching techniques. Upon successfully completing this course, Deputy Mooney will possess the knowledge to correctly identify the most suitable method of entry for a given target, the skill to conduct a 100% positive breach, and become a certified high energy breacher. The San Marcos Police Department will be covering the hotel fees, as they're sending one of their officers to this training as well. Funding for registration, travel and miscellaneous fees are identified in the Sheriff's Office Continuing Education general ledger. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve out of state travel for Deputy Paul Mooney to attend the Law Enforcement Total Breaching Course in Byhalia, Mississippi. All present voting "Aye". MOTION PASSED



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**33852A                    AUTHORIZE COMMERCIAL OSSF PERMIT AT 700 FARRELL ROAD,  
DRIPPING SPRINGS, TEXAS 78620**

Fall Creek Weddings LLC is proposing an OSSF to serve an event center and chapel. The system is designed to accommodate up to 280 guests and employees for only 3 days a week. This 12.01-acre property will be served by a public water supply. The system designer, Greg Johnson, P.E., has designed an aerobic treatment system, which consists of pretreatment, flow-equalization, and secondary treatment. After treatment, the effluent will be dispersed via drip irrigation tubing for a maximum daily rate of 600 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize Commercial OSSF Permit at 700 Farrell Road, Dripping Springs, Texas 78620. All present voting "Aye". MOTION PASSED**

**33853A                    AUTHORIZE COMMERCIAL OSSF PERMIT AT 179 S. CANYONWOOD  
DRIVE, DRIPPING SPRINGS, TEXAS 78620**

Chris Staff of C Staff Construction LLC is proposing an OSSF located at 179 S. Canyonwood Drive. This system will serve two 4500 square foot office buildings with up to 20 employees and no customers. This 1.73-acre tract of land is Lot 21 in Section 2 of the Sunset Canyon subdivision. This lot will be served by a private well. The system designer, Stephen Jetton, R.S., has designed a standard treatment system. After treatment, the effluent will be pumped to a standard drainfield for a maximum daily rate of 100 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize Commercial OSSF Permit at 179 S. Canyonwood Drive, Dripping Springs, Texas 78620. All present voting "Aye". MOTION PASSED**

**33854A                    AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 2 WITH  
TRANS TEXAS RAIL SHOP FOR ADDITIONAL SERVICES RELATED  
TO THE KYLE DEPOT RESTORATION PROJECT AND AMEND THE  
BUDGET ACCORDINGLY**

On August 15, 2017 the Commissioner's Court approved a contract with Trans Texas Rail Shop in response to RFP 2017-P06 for the restoration of the wooden caboose at the Kyle Depot. Additional funds are requested for upholstery finish of the bunk and cupolo areas. To date, contract amendments are less than the 25% allowed per Local Government Code Ch. 262.031 (original contract award = \$94,250 - CO's cannot exceed \$23,562.50). \$ 94,250 - Original Contract Award \$ 19,279 - CO #1 \$ 1,950 - CO #2 \$115,479 – Total The Historical Commission Director has donated funds available in the Historical Publication Fund for the additional cost associated with this change order. Attachment: Trans Texas Rail Shop Change Order No. 2 Budget Amendment: Decrease Misc Capital Improvements .5741 Increase Contract Services .5448. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the execution of Change Order No. 2 with Trans Texas Rail Shop for additional services related to the Kyle Depot Restoration Project and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33855A                    ACCEPT A DONATION FROM THE BURDINE JOHNSON  
FOUNDATION FOR THE MEMORIAL DAY FLOOD 2015  
DOCUMENTARY AND AMEND THE BUDGET ACCORDINGLY**

The Historical Commission has received a donation for expenses related to the Memorial Day Flood 2015 Documentary. Funds will be utilized to cover professional services expenses related to the research and development of the documentary. Budget Amendment: Increase Contributions Increase Contract Services. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept a donation from The Burdine Johnson Foundation for the Memorial Day Flood 2015 Documentary and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33856A                    AUTHORIZE OUT OF STATE TRAVEL FOR THE HISTORICAL  
COMMISSION DIRECTOR AND ONE MEMBER TO VISIT THE BUCK  
WINN MURAL RESTORATION SITE IN CARLISLE, PENNSYLVANIA**

Harvey Jenkins, resident of San Marcos made public comment. The Historical Commission Director and the Film Director will visit the site where the Buck Winn Murals are currently being restored to film a portion of the restoration process. This section of filming will be included in the History of Ranching film. The Willett Foundation had previously donated funds for the restoration and associated expenses. No County Funds are needed. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize out of state travel for the Historical Commission Director and one Member to visit the Buck Winn Mural restoration site in Carlisle, Pennsylvania. All present voting "Aye". MOTION PASSED**



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**33857A                    AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO UTILIZE CERT FUNDS FOR EXPENDITURES RELATED TO EMPLOYMENT TESTING FOR VOLUNTEER STAFF**

The OES Director would like to utilize existing budgeted funds to provide employment testing necessary for volunteer staff that holds TCOLE certifications. No additional county funds are required. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Office of Emergency Services to utilize CERT funds for expenditures related to employment testing for Volunteer Staff. All present voting "Aye". MOTION PASSED**

**33858A                    APPROVE SPECIFICATIONS FOR IFB 2018-B09 CEDAR OAK MESA WATERLINE IMPROVEMENTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE**

This project has been funded through a grant from the Texas Department of Agriculture, Community Development Block Grant Program and local matching funds from the Cedar Oak Mesa Water Supply Corporation. Project elements include the installation of approximately 2300 feet of 6" water line and associated appurtenances within the Cedar Oaks Mesa Water Supply Corporation service area near Wimberley. Plans and specifications have been prepared for the project and are available in the Hays County Purchasing Office for review. Bids are scheduled to be opened on August 10, 2018. Due to size IFB 2018-B09 will be emailed under separate cover. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve specifications for IFB 2018-B09 Cedar Oak Mesa Waterline Improvements and authorize Purchasing to solicit for bids and advertise. All present voting "Aye". MOTION PASSED**

**33859A                    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**

Harvey Jenkins, resident of San Marcos made public comment. Rodrigo Amaya, resident of San Marcos made public comment. Director of Countywide Operations, Clint Garza spoke. Additional funds are needed for building maintenance and repairs and general supplies for the remainder of the fiscal year 2018. This is due to numerous unforeseen repairs on various equipment located throughout the County. The Building Maintenance Department have made several high cost repairs to items such as HVAC equipment, security equipment, and building repairs. In addition, the account for janitorial services is expected to be depleted before the end of the fiscal year. Funds are being requested to cover multiple accounts. Possible Funding Source: Decrease-001-712-00.5741 (\$103,000) Increase- Building Maintenance and Repairs 001-695-00.5451 \$65,000 Increase-General Supplies 001-695-00.5201 \$8,000 Increase- Janitorial Services 001-695-00.5456 \$30,000. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant 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**

**33860A                    APPROVE THE SELECTION OF CP&Y, INC. FOR ENVIRONMENTAL PROFESSIONAL SERVICES ON SH 21 AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT**

An environmental study will be performed along the SH 21 corridor. The study will consider the long-term future of the roadway including a possible 5 or 6 lane cross-section. The effort will be sufficient to allow the County to begin to receive right-of-way dedication or purchase right-of-way when available. This work is part of the 2016 Bond Program. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the selection of CP&Y, Inc. for environmental professional services on SH 21 and to authorize staff and counsel to negotiate a contract. All present voting "Aye". MOTION PASSED**

**33861A                    SUB-1062; CANCELLATION OF LOT 1 IN THE RIM ROCK RANCH ESTATES SUBDIVISION; HOLD A PUBLIC HEARING**

Commissioner Ingalsbe opened the public hearing. No public input was received. Commissioner Ingalsbe closed the public hearing. Hays County Planner, Marcus Pacheco spoke and gave full staff recommendation. The Rim Rock Ranch Estates subdivision is a 4 lot recorded subdivision located off Rim Rock Ranch Rd. in Precinct 3. The subdivision was recorded in 2007. The owner of lot 1 now wishes to cancel the 3 acre parcel and reestablish the lot as an acreage tract. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to hold a public hearing to approve the Cancellation of SUB-1062; Lot 1 in the Rim Rock Ranch Estates Subdivision. All present voting "Aye". MOTION PASSED**



**33862A APPROVE CHANGES TO THE CURRENT HAYS COUNTY CELL PHONE POLICY**

Commissioner Shell spoke. Director of Countywide Operations, Clint Garza spoke. A review of the current Cell Phone Policy is warranted to determine essential needs for County issued phones, type of phones and coverage or cell phone stipends. Proposed changes in the policy are: Raising the cell phone stipend to \$45 from \$35 effective 10/1/2018. Allowing employees with Hays County issued devices, to pay for a device upgrade for any amount over \$0.99. All devices, whether upgraded or not, will remain property of Hays County throughout and beyond the employees last working day. Disposal of all devices will still follow guidelines set forth by the Auditor's office. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve the changes as provided in Court for the Cell Phone Policy effective 10/1/2018. All present voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #17 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 #18 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**

**33863A ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Today's Drought Index – 486. A motion was made by Commissioner Whisenant to reinstate Burn Ban today July 17, 2018. Motion failed due to lack of second. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to reinstate the Burn Ban effect Friday July 20, 2018. All present voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #20 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR. POSSIBLE ACTION MAY FOLLOW. – was pulled**

**DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW.**

Dan Lyon resident of San Marcos, Harvey Jenkins residents of San Marcos made public comment. Commissioner Shell spoke. Commissioner Whisenant spoke.

**ADJOURNMENT**

A motion was made by Commissioner Jones, seconded by Commissioner Shell 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 July 17, 2018.



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

