

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 24<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:

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, Dan Lyon resident of San Marcos, Laura G. Hughes resident of San Marcos, Rodrigo Amaya resident of San Marcos, Ari Axelrod resident of Driftwood, Matt Ocker resident of Buda, and Sam Brannon resident of San Marcos all made public comment.

**33864A 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 \$ 943,737.53 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

**33865A APPROVE COMMISSIONERS COURT MINUTES OF JULY 17, 2018**

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 17, 2018 as submitted by the County Clerk. All present voting "Aye". MOTION PASSED

**33866A APPROVE THE PAYMENT OF THE JULY 31, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,560,000.00 EFFECTIVE JULY 31, 2018 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED**

Approve the July end of the month payroll disbursements not to exceed \$3,560,000.00. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve the payment of the July 31, 2018 payroll disbursements in an amount not to exceed \$3,560,000.00 effective July 31, 2018 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized as presented by the County Auditor. All present voting "Aye". MOTION PASSED

**33867A ACCEPT A DONATION OF \$500.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH DIVISION AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office Community Outreach Division received a donation of \$500 from the Wimberley VFW. The VFW members request to have the donation used for the Jr. Deputy Academy program. Budget Amendment Special Projects Fund Increase 052-618-00.4610 Contributions \$500.00 Increase 052-618-00.5222 Crime Prevention \$500.00. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to accept a donation of \$500.00 to the Sheriff's Office Community Outreach Division and amend the budget accordingly. All present voting "Aye". MOTION PASSED



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**33868A      AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE COUNTYWIDE SELF-INSURANCE FUNDS FOR VEHICLE REPAIRS AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office is requesting court approval of county-wide self-insurance funds for replacement parts to Hays County unit number 1718. The vehicle was in transit to a call, crossed the median where an object punctured the fuel tank; the total cost of a replacement fuel tank and tubes is \$802.00. Budget Amendment Increase Sheriff's Office Vehicle Maintenance and Repair: 001-618-00.5413 Decrease County-wide Self-Insurance: 001-645-00.5342 Attachment: Bluebonnet Motors quote. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Sheriff's Office to utilize countywide self-insurance funds for vehicle repairs and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33869A      AUTHORIZE THE ACCEPTANCE OF A GRANT AWARD FROM THE OFFICE OF THE ATTORNEY GENERAL TO THE SHERIFF'S OFFICE CRIMINAL INVESTIGATION DIVISION FOR THE INVESTIGATIONS OF INTERNET CRIMES AGAINST CHILDREN (ICAC) AND AMEND THE BUDGET ACCORDINGLY**

Rodrigo Amaya made public comment. Captain Mark Cumberland spoke. The Sheriff's Office Criminal Investigations Division are highly active members of the Internet Crimes Against Children (ICAC) Task Force Program. The Attorney General has awarded up to \$3,000 to the Sheriff's Office for the use of equipment dedicated to the investigation of child exploitation cases. The Criminal Investigations Division is requesting to use the award on computer equipment, specifically an iMac computer and software for investigative use. This system will complement the current systems being utilized. The County IT Director has reviewed and approved the purchase of this system. Budget Amendment: Increase .4301 Intergovernmental Revenue Increase .5712\_400 Computer Equipment. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the acceptance of a grant award from The Office of the Attorney General to the Sheriff's Office Criminal Investigation Division for the investigations of Internet Crimes Against Children (ICAC) and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33870A      AUTHORIZE THE EXECUTION OF A CONTRACT MODIFICATION WITH THOMSON REUTERS WESTLAW RELATED TO LEGAL RESEARCH FOR THE GENERAL COUNSEL'S OFFICE**

Harvey Jenkins resident of San Marcos and Rodrigo Amaya resident of San Marcos made public comments. General Counsel, Mark Kennedy spoke. The General Counsel's staff currently utilizes Westlaw for legal research and requests the Courts to consider the modification to the terms to the current contract. The attached amendment will add one additional attorney to the current plan. Thomson Reuters offers an unparalleled suite of legal resources and tools for legal counsel and government professionals. The software allows access to the most comprehensive collection of legal information and is the only search engine designed specifically for the law. Funds are available within the General Counsel's Office operating budget to fund this request. Attachment: Thomson Reuters Westlaw Contract Amendment #DIR-LGL-CALIR-02. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of a contract modification with Thomson Reuters Westlaw related to legal research for the General Counsel's Office. All present voting "Aye". MOTION PASSED**

**33871A      AUTHORIZE THE EXECUTION OF A RENEWAL FIELD AGREEMENT FOR WILDLIFE DAMAGE MANAGEMENT AND PREDATOR CONTROL THROUGH THE TEXAS WILDLIFE SERVICES PROGRAM (TWSP) EFFECTIVE JANUARY 1, 2019**

The Texas AgriLife Extension, through the US Department of Agriculture assists Hays County with Wildlife Damage Management and Predator Control. The TWSP, Trapper Program provides statewide leadership in the science, education and practice of wildlife management to protect the local agricultural, industrial and natural resources, as well as the public's health, safety and property. TWSP provides the necessary personnel and travel to Hays County to respond to the problems wildlife cause locally, while at the same time protecting the resource being damaged. The new field agreement will become effective January 1, 2019, and includes a \$500 monthly increase from \$2,700 to \$3,200 per month. The TWSP has not increased their monthly assessment fee to Hays County since 2013. The increase in funding will be included in the FY19 budget planning process. Attachment: TWSP Field Agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of a Renewal Field Agreement for Wildlife Damage**



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**Management and Predator Control through the Texas Wildlife Services Program (TWSP) effective January 1, 2019. All present voting "Aye". MOTION PASSED**

**33872A AUTHORIZE THE EXECUTION OF A LETTER AGREEMENT WITH THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) RELATED TO THE FY 2019 VETERAN'S TREATMENT COURT GRANT FOR ADULT PROBATION SERVICES**

Hays County receives grant funding from the Texas Veteran's Commission for the veteran's treatment court. As part of this program, CSCD provides an adult probation officer to participant/collaborate in weekly staff meetings with the veteran's court team to discuss participants, supervise the participants in the program and utilize Texas Risk Assessment System (TRAS) case classification instruments per Community Justice Assistance Standards & Local Adult Probation procedure. The renewal grant period is July 1, 2018 through June 30, 2019 and will reimburse all costs associated with the Adult Probation officer assigned to these duties. Attachment: CSCD Letter Agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of a Letter Agreement with the Community Supervision and Corrections Department (CSCD) related to the FY 2019 Veteran's Treatment Court grant for Adult Probation Services. All present voting "Aye". MOTION PASSED**

**33873A AUTHORIZE THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH TRAVIS COUNTY FOR THE FY 2019 SHERIFF'S COMBINED AUTO THEFT TASK FORCE (SCATTF) GRANT AWARD**

The SCATTF is comprised of an 18-county task force formed as a regional effort to combat vehicle related criminal activity. The Task Force works with police agencies and municipalities within their respective counties to help reduce auto theft and auto burglary. The renewal grant period is September 1, 2018 through August 31, 2019 and will reimburse the base salary associated with the officer assigned to these duties. Attachment: Travis County ILA. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of an Interlocal agreement with Travis County for the FY 2019 Sheriff's Combined Auto Theft Task Force (SCATTF) grant award. All present voting "Aye". MOTION PASSED**

**33874A AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 800 HIGH RD, KYLE, TX 78610**

Sergio Arrieta is proposing an OSSF to serve a daycare. This site is located in Kyle's ETJ. Water will be supplied by a public water supply. The system designer, Clifford Conner, R.S., has designed a system, which consists of a 1750 gallon two compartment tank, 1000 gallon pump tank, and a low pressure dose drainfield. The maximum daily usage rate on average is 400 gallons. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize Institutional OSSF Permit at 800 High Rd, Kyle, TX 78610. All present voting "Aye". MOTION PASSED**

**33875A AUTHORIZE THE HISTORICAL COMMISSION DIRECTOR AND VOLUNTEER MEMBERS TO ATTEND THE PRESERVATION TEXAS WORKSHOP HELD IN NACOGDOCHES, TEXAS ON AUGUST 8TH-10TH**

The Historical Commission Director and nine volunteer members will attend the Preservation Texas workshop held in Nacogdoches in August 2018. The workshop covers in-depth discussions regarding a wide range of preservation issues as well as insights and strategies on how to work with local building codes to ensure that the historic character and fabric of historic resources can be protected. Additionally, information regarding the Certified Local Government Grant Program will be discussed which assists local governments to develop and sustain an effective local preservation program critical to preserving local historic resources. The Director has secured donations to provide training opportunities for her volunteer members. No county funds are needed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Historical Commission Director and Volunteer Members to attend the Preservation Texas workshop held in Nacogdoches, Texas on August 8th-10th. All present voting "Aye". MOTION PASSED**

**33876A AMEND THE RECORDS MANAGEMENT BUDGET FOR REQUIRED PRE-EMPLOYMENT SCREENING AND TESTING**

The Records Management Officer would like to utilize Records Preservation funds to provide fingerprint testing necessary for interns digitizing and handling Criminal District Attorney records. Fingerprint testing is a requirement of TLETS for handling criminal history records. Decrease 106-610-00.5448 Contract Services



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(\$200.00) Increase 106-610-00.5335 Employment Testing \$200.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jonesto amend the records management budget for required pre-employment screening and testing. All present voting "Aye". MOTION PASSED**

**33877A AMEND THE HUMAN RESOURCES OPERATING BUDGET FOR TRAVEL EXPENDITURES RELATED TO EMPLOYMENT RECRUITMENT**

The HR Director is requesting to utilize savings within her operating budget for travel expenses for staff to attend and manage booths at local job fairs. Budget Amendment: Increase Travel .5501 Decrease Public Notice .5462. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend the Human Resources operating budget for travel expenditures related to employment recruitment. All present voting "Aye". MOTION PASSED**

**33878A AUTHORIZE PAYMENT TO XEROX BUSINESS SOLUTIONS FOR PRIOR SERVICES RELATED TO THE MICROFILM PROJECT FOR PERMANENT LAND RECORDS**

The former County Clerk procured services through Xerox Business Solutions (formerly Affiliated Computer Services) to microfilm all permanent land records for the period of 1848-2000. The services were ordered and a purchase order issued in 2009, however the invoice was not paid. Funds were budgeted in the Records Management & Archive Fund to cover this outstanding issue. The payment will not be processed until receipt of goods is certified. No county funds are required. Attachments: Xerox Invoices. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize payment to Xerox Business Solutions for prior services related to the microfilm project for permanent land records. All present voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #16 RE: ACTION TO APPROVE THE SELECTION OF BOWMAN CONSULTING GROUP, LTD. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE COTTON GIN ROAD REHABILITATION PROJECT-PHASE 2 AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT - was pulled**

**33879A APPROVE THE SELECTION OF FSC INC. FOR PROFESSIONAL ENGINEERING SERVICES ON US 290 AT THE INTERSECTIONS OF MARTIN ROAD AND HENLY LOOP AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT**

Commissioner Whisenant spoke. Transportation Director, Jerry Borcharding spoke and gave staff recommendation. As part of the 2016 Bond Program, FSC Inc. will propose changes in the design for both intersections of US 290 Henly Loop and the intersection of US 290 and Martin Road. Changes will focus on improving the safety and mobility of the intersection. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the selection of FSC Inc. for professional engineering services on US 290 at the intersections of Martin Road and Henly Loop and to authorize staff and counsel to negotiate a contract. All present voting "Aye". MOTION PASSED**

**33880A AMEND THE DEVELOPMENT SERVICES FEE SCHEDULE, REMOVE THE ANNUAL OSSF REGISTRATION FEE, AND ESTABLISH AN OSSF MAINTENANCE CONTRACT LATE FEE**

Commissioner Shell spoke, Commissioner Whisenant spoke. Commissioner Ingalsbe spoke. Director of Countywide Operations, Clint Garza spoke. Remove the current \$20.00 annual OSSF Registration Fee from the Fee Schedule and replace it with a \$50.00 OSSF Maintenance Contract Late Fee. The late fee is to be paid by homeowners when submitting an OSSF Maintenance Contract past due, or past the expiration date of the previous maintenance contract on file. Copies of the current and proposed fee schedule attached. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to amend the Development Services Fee Schedule, remove the annual OSSF Registration Fee, and establish an OSSF Maintenance Contract Late Fee. All present voting "Aye". MOTION PASSED**

**33881A APPOINT THE ELECTION PRESIDING JUDGES AND ALTERNATE JUDGES FOR THE NOVEMBER 2018 GENERAL ELECTION AND TO APPOINT THE CENTRAL COUNT STATION MANAGER AND TABULATION SUPERVISOR**



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Elections Administrator, Jennifer Anderson spoke. Dan Lyon resident of San Marcos made public comment. Pursuant to TEC 32.002, the Commissioners Court shall appoint judges for each regular election precinct. List to be submitted and appointees will be recommended by the two main Party Chairs. The Commissioners Court shall also appoint the Central Counting Station Manager and Tabulation Supervisor (127.002 & 127.003). Recommendations will be brought to Court. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to appoint the Election Presiding Judges and Alternate Judges for the November 2018 General Election and to appoint the Central Count Station Manager and Tabulation Supervisor. All present voting "Aye". MOTION PASSED**

**33882A AUTHORIZE THE ELECTIONS ADMINISTRATION OFFICE TO PURCHASE VOTER REGISTRATION EQUIPMENT AND AMEND THE BUDGET ACCORDINGLY**

Elections Administrator, Jennifer Anderson spoke. Jay Bollenbacher with Tenex Software Solutions spoke. Dan Lyon resident of San Marcos made public comment. Harvey Jenkins, resident of San Marcos spoke. The Election Administrator request the courts approval to purchase voter registration equipment to include poll pads and an overall election management system. Tenex Software Solutions provides the technology of both the hardware and software to upgrade our current system, which will include amenities that will benefit our voters, our poll workers, and our election staff. The programs include the Precinct Central application, which is a well-rounded election management software that will allow for poll workers to clock in out at the polling place, real time correspondence with the elections team from the polling place, real time monitoring of the check-in equipment power supply and data from the elections office, and comprehensive reporting that include graph and statistical information that can be embedded into our website for more information on election night reporting. The physical benefits to the Tenex system are equally as appealing. The technology will be a poll pad component that allows for the voter to sign-in on the iPad streamlining the check-in process and limiting lines. In addition, the printer is Bluetooth, which will assist our poll workers with easier and faster set-up of the polling place. Additionally, Tenex will work with our current voter registration software and is easier to transport and will limit the amount of paper/supplies used at the polling place. Partial funding (\$35,909.71) is available through the Office of Secretary of State for use of Chapter 19 funds. The remaining funds needed (\$63,695.29) will be provided through the Election Contract Fee Fund. No County funds are required. Procurement requirements are met through the Tarrant County Interlocal Agreement for Cooperative Purchasing per Texas Local Government Code Chapter 272.101. Tarrant County formal solicitation RFP 2018-070, contract number 127634. Attachment: Tenex Software Solutions Quote. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Elections Administration Office to purchase Voter Registration Equipment and amend the budget accordingly. 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**

**33883A EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL(S) REGARDING PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY**

Court convened into Executive session at 10:12a.m. and reconvened into open court at 11:37 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 and Legal Support Services Specialist, Janice Jones. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize General Counsel to engage outside Counsel related to the contested case hearing on Electro Purification LLC permit application to the Barton Springs Edwards Aquifer Conservation District for a wholesale groundwater production permit. All present voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #23 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**

Per Hays County Fire Marshal Burn Ban will remain in effect. No action taken.



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**Clerk's Note Agenda Item #25 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**

Harvey Jenkins resident of San Marcos made public comment. Commissioner Shell spoke.

**ADJOURNMENT**

A motion was made by Commissioner Ingalsbe to adjourn court at 11:40 a.m.

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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 July 24, 2018.



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

