

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF AUGUST 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 Jones 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, Linda Coker resident of San Marcos, Dan Lyon resident of San Marcos, Rodrigo Amaya resident of San Marcos all made public comments.

33955A APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of County invoices in the amount of \$ 1,383,051.61 as submitted by the Hays County Auditor. All present voting "Aye". MOTION PASSED

33956A APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of Juror checks in the amount of \$ 3,442.00 as submitted by the Hays County Auditor. All present voting "Aye". MOTION PASSED

33957A APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the payment of Humana claims in the amount of \$ 3,520.00 and United Healthcare claims in the amount of \$ 174,141.02. All present voting "Aye". MOTION PASSED

33958A APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 14, 2018

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of August 14, 2018. All present voting "Aye". MOTION PASSED

33959A ACCEPT AND AUTHORIZE THE EXECUTION OF A MAINTENANCE CONTRACT FROM THE OFFICE OF THE ATTORNEY GENERAL FOR STATEWIDE CRIME VICTIM NOTIFICATION SERVICE (SAVNS) IN THE AMOUNT OF \$28,546.78

The grant program (SAVNS) is to assist Texas counties and other entities in maintaining a statewide system that provides offender release information, notification of court settings or events, supports the rights of victims of crime and public safety. The system provides immediate access to offender information that prosecutors, victim advocates and other criminal justice professionals can obtain through the SAVNS program. The contract period begins on September 1, 2017 through August 31, 2018. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept and authorize the execution of a Maintenance Contract from The Office of the Attorney General for statewide crime victim notification service (SAVNS) in the amount of \$28,546.78. All present voting "Aye". MOTION PASSED



33960A APPROVE RENEWAL OF IFB 2015-B03 HAULING OF SOLID WASTE WITH TEXAS DISPOSAL SYSTEMS FOR ONE (1) ADDITIONAL YEAR

All terms and conditions remain unchanged and in full force and effect as stated in the current contract. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal of IFB 2015-B03 Hauling of Solid Waste with Texas Disposal Systems for one (1) additional year. All present voting "Aye". MOTION PASSED

33961A APPROVE RENEWAL OF IFB 2015-B03 HAULING OF SOLID WASTE (GLASS RECYCLING ONLY) WITH CENTRAL WASTE & RECYCLING FOR ONE (1) ADDITIONAL YEAR

Harvey Jenkins, resident of San Marcos made public comment. Dan Lyon, resident of San Marcos made public comment. Director of Countywide Operations, Clint Garza spoke. The vendor has proposed a price increase for the final renewal option of this contract. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal of IFB 2015-B03 Hauling of Solid Waste (glass recycling only) with Central Waste & Recycling for one (1) additional year. All present voting "Aye". MOTION PASSED

33962A APPROVE RENEWAL OF IFB 2017-B02 COUNTYWIDE DUMPSTERS WITH TEXAS DISPOSAL SYSTEMS FOR ONE (1) ADDITIONAL YEAR AS STATED IN THE ORIGINAL BID

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-B02 Countywide Dumpsters with Texas Disposal Systems for one (1) additional year as stated in the original bid. All present voting "Aye". MOTION PASSED

33963A APPROVE RENEWAL OF IFB 2015-B10 EMULSION OILS WITH ERGON ASPHALTS & EMULSIONS, INC. FOR ONE (1) ADDITIONAL YEAR

Harvey Jenkins, resident of San Marcos made public comment. Dan Lyon, resident of San Marcos made public comment. The vendor has proposed a price increase for the final renewal option of this contract. A motion was made by Commissioner Jones seconded by Commissioner Whisenant to approve renewal of IFB 2015-B10 Emulsion Oils with Ergon Asphalts & Emulsions, Inc. for one (1) additional year. All present voting "Aye". MOTION PASSED

33964A APPROVE OUT OF STATE TRAVEL FOR THE OFFICE OF EMERGENCY SERVICES DIRECTOR TO ATTEND THE NATIONAL EMERGENCY MANAGEMENT ASSOCIATION CONFERENCE IN ATLANTA, GA ON OCTOBER 1-4, 2018

Requesting approval for Kharley Smith to attend the National Emergency Management Association forum in Atlanta, GA. The conference runs from 10/1/18 to 10/4/18 with travel dates on 9/30/18 and 10/4/18. Contingent on final adoption of the FY19 budget (funding for this conference was requested in the FY19 budget and has been approved in the Judge's Recommended budget). A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve out of state travel for the Office of Emergency Services Director to attend the National Emergency Management Association conference in Atlanta, GA on October 1-4, 2018. All present voting "Aye". MOTION PASSED

33965A AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2018 LOCAL SOLICITATION FOR RIFLE-RESISTANT VESTS FOR LAW ENFORCEMENT PERSONNEL IN THE AMOUNT OF \$13,275.00

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Hays County is eligible to receive funding in the amount of \$13,275 from the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation. The allocation will be used to purchase 15 rifle-resistant vests in the amount of \$13,205.00 for Law Enforcement Officers. The application is due by August 22, 2018 and will be submitted electronically. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the submission of a grant application to the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation for Rifle-Resistant Vests for Law Enforcement Personnel in the amount of \$13,275.00. All present voting "Aye". MOTION PASSED**

33966A APPROVE AWARD OF IFB 2018-B07 REGULATORY ROAD SIGNS TO VULCAN INC. (DBA VULCAN SIGNS) AS PRIMARY VENDOR AND BLACKTOP INDUSTRIES LLC, PATHMARK TRAFFIC EQUIPMENT LLC, AND CENTERLINE SUPPLY ON AN AS NEEDED BASIS AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

Purchasing received 5 bids from Eastern Metal of Elmira Inc., Vulcan Inc, (dba Vulcan Signs), Blacktop Industries LLC, Lightle Enterprises of Ohio LLC, PathMark Traffic Equipment LLC, Osburn Associates Inc., and Centerline Supply. Staff recommends award of contracts to Vulcan Inc. (dba Vulcan Signs) as primary vendor and Blacktop Industries LLC, PathMark Traffic Equipment LLC, and Centerline Supply on an as needed basis. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve award of IFB 2018-B07 Regulatory Road Signs to Vulcan Inc. (dba Vulcan Signs) as primary vendor and Blacktop Industries LLC, PathMark Traffic Equipment LLC, and Centerline Supply on an as needed basis and authorize the County Judge to execute same. All present voting "Aye". MOTION PASSED**

33967A AUTHORIZE PAYMENT TO GRAHAM & ASSOCIATES FOR THE OFFICE OF GENERAL COUNSEL'S OFFICE IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY

Harvey Jenkins, resident of San Marcos made public comment. The Office of General Counsel requested appraisal services for the Lime Kiln Road project and did not secure a purchase order as required per County Purchasing Policy. Funds are available in the Transportation Department operating budget for this project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment to Graham & Associates for the Office of General Counsel's Office in which no purchase order was issued as required per County Purchasing Policy. All present voting "Aye". MOTION PASSED**

33968A AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION FOR THE HAZARD MITIGATION GRANT PROGRAM THROUGH TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT

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 grant application is for the 'Hays County Drainage' project. The Notice of Intent for this project was submitted on March 13, 2018 and the project was approved on April 10, 2018 to move forward with the application process. The total project cost is \$2,527,000 including the county 25% match of \$631,750. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell 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**

33969A AUTHORIZE COMMERCIAL OSSF PERMIT 901 WILLIAMSON RD, BUDA, TX 78610

Stanley Kolodzey is proposing a new advanced treatment OSSF to serve a meeting center for non-profit groups. This site is approximately 215.9 acres located within the City of Austin and Niederwald's ETJ. Water will be supplied by a Goforth SUD. The system designer, Bucky Smith, R.S., has designed a system for 150 people max (no food preparation), which consists of a new 750 gallon trash tank, a 2000 gallon equalization tank, a new 1000 gallon Nuwater B-1000 aeration tank, followed by a 2000 gallon pump tank. The design will utilize 2 fields of 1,500 sq.ft. of drip tubing for the drain field. The maximum daily usage rate on average is 600 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize Commercial OSSF Permit 901 Williamson Rd, Buda, TX 78610. All present voting "Aye". MOTION PASSED**



33970A AUTHORIZE THE EXECUTION OF THE COUNTY CHILD WELFARE SERVICES NON-FINANCIAL AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (DFPS)

This is a joint renewal agreement to establish and maintain a child welfare board to administer a county wide, jointly financed, state administered, and regionally operated child welfare program to meet the needs of children in the county who need protective services. The contract term is October 1, 2018 through September 30, 2025. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of the County Child Welfare Services Non-Financial Agreement between Hays County and the Texas Department of Family and Protective Services (DFPS). All present voting "Aye". MOTION PASSED**

33971A AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 2 BETWEEN HAYS COUNTY AND WSB AND ASSOCIATES, INC. ON THE PROFESSIONAL SERVICES AGREEMENT FOR THE RM 967 WEST OF FM 1626 PROJECT

Transportation Director Jerry Borcharding spoke and gave staff recommendation. Contract change is to allow for the addition of new personnel categories to the billing categories needed since WSB's acquisition of Rogers Design Services. Total amount in compensation is not to change. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the execution of Change Order No. 2 between Hays County and WSB and Associates, Inc. on the Professional Services Agreement for the RM 967 West of FM 1626 Project. All present voting "Aye". MOTION PASSED**

33972A AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 2 BETWEEN HAYS COUNTY AND WSB AND ASSOCIATES, INC. ON THE PROFESSIONAL SERVICES AGREEMENT FOR THE US290 INTERSECTIONS PROJECT

Transportation Director Jerry Borcharding spoke. Contract change is to allow for the addition of new personnel categories to the billing categories needed since WSB's acquisition of Rogers Design Services. Change order will also allow a 365 day extension in time to execute the services, additional scheduling needed for coordination efforts with the Texas Department of Transportation. Total amount in compensation is not to change. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of Change Order No. 2 between Hays County and WSB and Associates, Inc. on the Professional Services Agreement for the US290 Intersections Project. All present voting "Aye". MOTION PASSED**

33973A ACCEPT CONSTRUCTION AND DRAINAGE IMPROVEMENTS, ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #1060751 IN THE AMOUNT OF \$231,755.60, AND ACCEPTANCE OF THE 1-YEAR REVEGETATION BOND #1060751 IN THE AMOUNT OF \$58,725.00 FOR SUNFIELD SUBDIVISION, PHASE 2, SECTION 11

Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. There was neither a construction bond nor a performance bond issued for this project for release. Both a maintenance bond for streets & drainage, and a revegetation bond for ROW are needed for this project. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept road construction and drainage improvements, acceptance of the 2-year maintenance bond #1060751 in the amount of \$231,755.60, and acceptance of the 1-year revegetation bond #1060751 in the amount of \$58,725.00 for Sunfield subdivision, Phase 2, Section 11. All present voting "Aye". MOTION PASSED**

33974A GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVE FINAL PLAT SUB-1020; REPLAT OF PORTION OF LOT 18, RIVER OAKS OF WIMBERLEY SUBDIVISION, SECTION TWO (3 LOTS). DISCUSSION AND POSSIBLE ACTION TO; HOLD PUBLIC HEARING

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Commissioner Ingalsbe opened public hearing. No public input. Commissioner Ingalsbe Close public hearing. County Planner Caitlyn Strickland spoke. River Oaks of Wimberley, Section Two is a recorded subdivision located off of Windmill Oaks in Precinct 3. Lot 18 was originally platted in 1973 and was divided by metes and bounds rather than the requisite plat revision throughout the following years. This 5.234 acre portion has been in the same configuration since 1981 and has been served by private well and on-site wastewater treatment service since 1999. Current Hays County minimum lot size requirements dictate that new lots in this area which are served by private wells and advanced on-site sewage facilities be at least 2.00 acres in size. Given the date that the parcel was created and the lot size requirements in place at that time, a variance to the county's minimum lot size requirements has been requested. The owner's justification for the variance is provided in backup. The proposed re-plat will divide the 5.234 acre lot 18 into 3, 1.54 acre 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 grant a variance from Table 10-1 of the Hays County Rules for On-site Sewage Facilities and approve final Plat SUB-1020; Replat of Portion of Lot 18, River Oaks of Wimberley Subdivision, Section Two (3 Lots). All present voting "Aye". MOTION PASSED**

33975A APPROVE PRELIMINARY PLAN SUB-1054; FARMHOUSE ON ELDER HILL SUBDIVISION (2 LOTS)

County Planner, Caitlyn Strickland spoke. Farmhouse on Elder Hill Subdivision is a proposed 2 lot subdivision located along Elder Hill Rd in PCT 4. Water service will be provided by private wells and wastewater service will be accomplished by individual OSSF. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve preliminary plan SUB-1054; Farmhouse on Elder Hill Subdivision (2 Lots). All present voting "Aye". MOTION PASSED**

33976A GRANT A VARIANCE TO SECTION 721.5 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS TO APPROVE THE FINAL PLAT SUB-1054; FARMHOUSE ON ELDER HILL SUBDIVISION (2 LOTS)

County Planner, Caitlyn Strickland spoke. Farmhouse on Elder Hill Subdivision is a proposed 2 lot subdivision located along Elder Hill Rd in PCT 4. Water service will be provided by private wells and wastewater service will be accomplished by individual OSSF. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to grant a variance to Section 7205.9 of the Hays County Development Regulations to approve the final plat SUB -1054; Farmhouse on Elder Hill Subdivision (2 Lots). All present voting "Aye". MOTION PASSED**

33977A APPROVE FINAL PLAT SUB-1018; NORTHRIDGE - PHASE 3 SUBDIVISION (12 LOTS) AND ACCEPT FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS

County Planner, Caitlyn Strickland spoke. Doug Cones, resident of Dripping Springs made public comment. Northridge Phase 3 Subdivision is a proposed 12 lot subdivision, located off of Vail River Road in Pct 4. Water service will be provided by private wells and wastewater service will be accomplished by individual OSSF. **A motion was made by Commissioner Shell, seconded by Commissioner to approve final plat SUB -1018; Northridge - Phase 3 Subdivision (12 Lots) and accept fiscal surety for street and drainage improvements. All present voting "Aye". MOTION PASSED**

10:00 A.M. - BUDGET WORKSHOP REGARDING THE FY 2019 HAYS COUNTY BUDGET

Harvey Jenkins, resident of San Marcos made public comment. Mary Cauble, Treasurer of the Hays County Child Protective Board requested full funding for the 2019 operating budget and for a special request of the Rainbow Room funding. Rodrigo Amaya resident of San Marcos made public comment. Lee Ikels of the Child Protective Board spoke. Veteran Services Office, Jude Prather spoke requested Veteran's Office software. Dan Miller, Financial advisor spoke. Assistant Auditor Vickie Dorset spoke.

33978A APPROVE THE PROPOSED BUDGET AND TAX RATE FOR FISCAL YEAR 2019 AND SCHEDULE PUBLIC HEARINGS; SET THE ELECTED OFFICIALS SALARIES AND ALLOWANCES

First Assistant County Auditor, Vickie Dorsett spoke. Dan Lyon, resident of San Marcos made public comment. Harvey Jenkins, resident of San Marcos made public comment. General Maintenance and Operation: 26.53 cents, General Debt 12.46 cents, Road and Bridge Maintenance and Operation: 4.38 cents. Ad valorem: 43.37

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is the effective tax rate. Notice of FY 2019 Tax Year Proposed Property Tax Rate for Hays County. A tax rate of \$.4337 per \$100 valuation has been proposed by the governing body of Hays County. Proposed Tax Rate: \$.4337 per \$100; Preceding Year's Tax Rate \$.4450 per \$100; Effective Tax Rate \$.4337 per \$100. The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for Hays County from the same properties in both the FY 2018 tax year and the FY 2019 tax year. Your taxes owed under any of the above rates can be calculated as follows: property tax amount = (rate) x (taxable value of your property)/100. For assistance or detailed information about tax calculations, please contact: Luanne Caraway, Hays County, 712 S Stagecoach Trail, San Marcos, Texas 78666, 512-393-5545, luanne@co.hays.tx.us www.co.hays.tx.us. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to vote on proposed budget and tax rate for effective tax rate of 43.37 on fiscal year 2019 and set the elected officials salaries and allowances and schedule public hearing on September 18, 2018 at 1:00 p.m. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #26 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**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE VETERANS SERVICE OFFICER, EMERGENCY SERVICES DIRECTOR, IT DIRECTOR, HUMAN RESOURCES DIRECTOR, TRANSPORTATION DIRECTOR, GENERAL COUNSEL AND EXECUTIVE DIRECTOR OF COUNTYWIDE OPERATIONS

Court convened into Executive session at 11:10 a.m. and reconvened into open court at 12:41 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, IT Director, Jeff McGill, and Veterans Services Officer, Jude Prather. No action taken.

Clerk's Note Agenda Item #28 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

The burn ban will remain in effect.

Clerk's Note Agenda Item #30 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**

Clerk's Note Agenda Item #31 RE: DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW. – **was pulled**

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 12:43 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 August 21, 2018.




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