

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF SEPTEMBER 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
OSCAR MEJIA, JR.	SR. DEPUTY COUNTY CLERK

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

Pastor Josh Murillo from the 7th day Adventist Church 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

Rodrigo Amaya, San Marcos resident and Dan Lyon, San Marcos resident spoke.

34008A ADOPT A PROCLAMATION DECLARING SEPTEMBER 2018 AS "HUNGER ACTION" MONTH

Commissioner Jones and Director of the Hays County Food Bank, Denise Block spoke. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a Proclamation declaring September 2018 as "Hunger Action" Month. All present voting "Aye". MOTION PASSED

34009A 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 \$1,042,817.50, as presented by the County Auditor. All present voting "Aye". MOTION PASSED

34010A 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 \$1,768.00, as presented by the County Auditor. All present voting "Aye". MOTION PASSED

34011A 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 \$0.00 and United Healthcare claims in the amount of \$158,155.60, as presented by the County Auditor. All present voting "Aye". MOTION PASSED

34012A APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 20 AND AUGUST 28, 2018

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of August 20 and August 28, 2018, as presented by the County Clerk. All present voting "Aye". MOTION PASSED

34013A APPROVE UTILITY PERMITS

Permit Road Name Utility 1095 Harmon Hills Road Electric Service Line (PEC) 1096 Tall Oaks Trail Water Service Line (WTCPUA). A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Utility Permits #1095 located on Harmon Hills Road Electric Service to PEC (Electric Service Line) and permit #1096 located on Tall Oaks Trail to WTCPUA (Water Service Line), as submitted by the Transportation Department. All present voting "Aye". MOTION PASSED

34014A APPROVE THE JUNE 2018 TREASURER'S AND INVESTMENT REPORTS

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the June 2018 Treasurer's and Investment Reports. All present voting "Aye". MOTION PASSED

34015A ACCEPT THE 2017 HAYS COUNTY EMERGENCY SERVICES DISTRICT #7 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082



A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to accept the 2017 Hays County Emergency Services District #7 Audit Report per Texas Health and Safety Code 775.082. All present voting "Aye". MOTION PASSED

34016A APPROVE AWARD OF IFB 2018-B09 CEDAR OAK MESA WATER LINE IMPROVEMENTS TO M&C FONSECA CONSTRUCTION COMPANY, INC. AND AUTHORIZE THE EXECUTION OF THE SAME

Purchasing received eight bids from M&C Fonseca Construction Co. Inc., Qro Mex Construction Co. Inc., Smith Contracting Co. Inc., Pendleton Excavation LLC, Austin Underground Inc., JKB Construction Company LLC, and Central Road & Utility Ltd. (dba CRU Ltd.). Staff recommends award of the contract to M&C Fonseca Construction Co. Inc. in the amount of \$219,729.50. Funding for this project is provided by a grant from the Texas Department of Agriculture's Community Development Block Grant Program for Rural Texas (TxCDBG) with matching funds from Cedar Oak Mesa Water Supply Corporation. No County funds will be expended for this project. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve award of IFB 2018-B09 Cedar Oak Mesa Water Line Improvements to M&C Fonseca Construction Company, Inc. and authorize the execution of the same. All present voting "Aye". MOTION PASSED

34017A AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 19580 S IH 35, KYLE, TX, 78640

William R Holm is proposing an OSSF to serve a self-storage facility with two employees and no public restroom. There will be a small kitchenette and the condensation amounts from the climate controlled facility will flow into the proposed septic system. This is a 3.58 acre property in the Kyle Industrial Park subdivision and lies inside the City of Kyle. Water will be supplied by a public water supply. The system designer, Stan Burrier, PE, has designed a system, which consists of a 1250 gallon septic tank, a 750 gallon pump tank with dispersal by a low pressure dose system. The maximum daily usage rate is 330 gallons. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize Institutional OSSF Permit at 19580 S IH 35, Kyle, TX, 78640. All present voting "Aye". MOTION PASSED

34018A APPROVE CHANGE ORDER #3 WITH HD COOKS ROCK SOLID, INC. RELATED TO THE AUXILIARY SPILLWAY REPAIRS AND AMEND THE BUDGET ACCORDINGLY

On May 8th the Court approved a contract with HD Cooks Rock Solid, Inc. for the Auxiliary Spillway Repairs to four (4) sites located in San Marcos. Additionally, change order #1 was approved on 7/10/18 for required work at Site 4, and change order #2 on 8/14/18 decrease in shotcrete materials. Change Order No. 3 - \$48,573.00 increase in square yards of topsoil needed for Site 3 - \$30,897.59 increase due to time delays on Site 4 related to Golden Cheek Warbler breeding Season - \$79,470.59 total increase - performance time change, increase term by 21 calendar days All change orders to date are 26% of the original contract award, and allowable per Local Government Code, 262.031(b). Funding for this project is provided by NRCS (75%), TSSWCB (23.75%) and Hays County (1.25%). Budget Amendment: Increase Intergovernmental Revenue: .4301 - \$78,477. Increase Construction: .5611_400 - \$79,471. Decrease Co-Wide Contingencies: .5399 - (\$994). A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve Change Order #3 with HD Cooks Rock Solid, Inc. related to the Auxiliary Spillway Repairs and amend the budget accordingly. All present voting "Aye". MOTION PASSED

34019A AUTHORIZE THE PURCHASE OF ADDITIONAL EQUIPMENT FOR CONSTABLE'S PRECINCTS 1, 2, 3, 4 & 5 LAW ENFORCEMENT VEHICLES AND AMEND THE BUDGET ACCORDINGLY

Rodrigo Amaya and Dan Lyon spoke. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the purchase of additional equipment for Constable's Precincts 1, 2, 3, 4 & 5 law enforcement vehicles and amend the budget accordingly. All present voting "Aye". MOTION PASSED

34020A RATIFY THE EXECUTION OF A TERMINATION LETTER FROM GENERAL COUNSEL RELATED TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND HDR ENGINEERING, INC. FOR SERVICES ON THE DACY LANE PROJECT

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to ratify the execution of a termination letter from General Counsel related to the Professional Services Agreement between Hays County and HDR Engineering, Inc. for services on the Dacy Lane project. All present voting "Aye". MOTION PASSED

34021A AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH AIS TO PERFORM ANNUAL FIRE PANEL AND FIRE SUPPRESSION SYSTEM INSPECTIONS AT THE GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY



Annual inspection of the fire alarm panel, fire sprinklers, and FM 200 fire suppression system is required to ensure the proper functionality of the equipment in case of an emergency, as well as to remain in compliance with Jail Standards Inspection. Increase 001-695-00.5411. Decrease 001-695-00.5201. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of an agreement with AIS to perform annual fire panel and fire suppression system inspections at the Government Center and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

34022A CALL FOR A PUBLIC HEARING ON SEPTEMBER 11, 2018 REGARDING AN APPLICATION FOR HOUSING TAX CREDITS RELATED TO SUBMITTED BY KYLE DACY APARTMENT LTD, PURSUANT TO SECTION 230.67071 OF THE TEXAS GOVERNMENT CODE

Kyle Dacy Apartments Ltd. has proposed a development for affordable rental housing of approximately 324 units that will be located at 3800 Dacy Lane, Kyle, Hays County, Texas. This application is to obtain 2018 tax credits. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to call for a public hearing on September 11, 2018 at 10:30 a.m. regarding an application for housing tax credits related to submitted by Kyle Dacy Apartment Ltd, pursuant to Section 230.67071 of the Texas Government Code. All present voting "Aye". MOTION PASSED**

34023A APPROVE THE INTERGOVERNMENTAL TRANSFER (IGT) OF LOCAL PROVIDER PARTICIPATION FUNDS (LPPF) FOR CENTRAL TEXAS MEDICAL CENTER, SETON MEDICAL CENTER HAYS, METROPLEX ADVENTIST HOSPITAL FOR DY 7 UNCOMPENSATED CARE (UC) PAYMENTS AS PART OF THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM (1115 WAIVER)

A date for transfer of DY7 UC 1115 waiver funds was announced on August 30, 2018. All LPPF funds are collected from Hays County Hospitals and are budgeted. Though the IGT of these funds do not require specific Court approval, having them approved (if sufficient notice is given by the State) or ratified (if sufficient notice is not provided by the State) ensures the Court and the public are informed of the process. IGT amount (settlement date of 9-6-18): \$1,487,627.87. CTMC amount: \$230,184.49. Seton Hays amount: \$717,419.86. Metroplex Adventist Hospital, Inc. dba Rollins Brook Com: \$540,023.52. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve the Intergovernmental Transfer (IGT) of Local Provider Participation Funds (LPPF) for Central Texas Medical Center, Seton Medical Center Hays, Metroplex Adventist Hospital for DY 7 Uncompensated Care (UC) payments as part of the Texas Healthcare Transformation and Quality Improvement Program (1115 Waiver). All present voting "Aye". MOTION PASSED**

34024A ACCEPT A REVEGETATION BOND #K13533428 IN THE AMOUNT OF \$61,000.00 FOR BURBA RANCH SUBDIVISION

Staff recommends acceptance of the revegetation bond regarding establishment within the disturbed areas of the County ROW until approximately 70% of coverage is attained. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to accept a revegetation bond #K13533428 in the amount of \$61,000.00 for Burba Ranch subdivision. All present voting "Aye". MOTION PASSED**

34025A RELEASE THE MAINTENANCE BOND #1048974 IN THE AMOUNT OF \$30,764.84 FOR SHADOW CREEK SUBDIVISION, PH. 7, SEC. 3, AND ACCEPTANCE OF THE ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM

Staff recommends acceptance of the roads into the county maintenance system. The roads include: Heron Drive (431 ft.), Noddy Road (1,435 ft.), Marsh Lane (235 ft.). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to release the maintenance bond #1048974 in the amount of \$30,764.84 for Shadow Creek subdivision, Ph. 7, Sec. 3, and acceptance of the roads into the county road maintenance system. All present voting "Aye". MOTION PASSED**

34026A RELEASE MAINTENANCE BOND #EAIC881700005 IN THE AMOUNT OF \$74,213.52, AND ACCEPTANCE OF THE ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR STONEFIELD SUBDIVISION, SECTION 10, EXCEPT FOR ADOQUIN TRAIL WHICH HAS ONE YEAR REMAINING ON A SEPARATE BOND

Staff recommends acceptance of the roads into the county maintenance system. The roads include: Shale Circle (990 ft.) and Moon Stone Trail (199 ft.). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to release maintenance bond #EAIC881700005 in the amount of \$74,213.52, and acceptance of the roads into the county road maintenance system for Stonefield subdivision,**



Section 10, except for Adoquin Trail which has one year remaining on a separate bond. All present voting "Aye". MOTION PASSED

34027A ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION CONSTRUCTION BOND #0722765 IN THE AMOUNT OF \$709,843.20, AND ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #9636041 IN THE AMOUNT OF \$52,771.01 FOR STONEFIELD SUBDIVISION, SECTION 12

Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. 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, release of the subdivision construction bond #0722765 in the amount of \$709,843.20, and acceptance of the 2-year maintenance bond #9636041 in the amount of \$52,771.01 for Stonefield subdivision, Section 12. All present voting "Aye". MOTION PASSED

34028A AUTHORIZE THE EXECUTION OF WORK AUTHORIZATION ONE (WA2) WITH AMERICAN STRUCTUREPOINT, INC. IN REGARDS TO PROVIDING SCHEMATIC, ENVIRONMENTAL DOCUMENTATION AND PLANS, SPECIFICATIONS & ESTIMATES (PS&E) SERVICES FOR THE RM 3237 SAFETY IMPROVEMENT PROJECT FROM RM 150 TO RM 12 IN PRECINCT 3 AS PART OF THE 2016 ROAD BOND PROGRAM

The RM 3237 safety improvement project from RM 150 to RM 12 is included in the 2016 Road Bond Program and is one of the highest priorities in Precinct 3 and in the County. A Professional Services Agreement with American Structurepoint was approved by the Hays County Commissioners Court in October of 2017. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of Work Authorization One (WA2) with American Structurepoint, Inc. in regards to providing schematic, environmental documentation and Plans, Specifications & Estimates (PS&E) services for the RM 3237 safety improvement project from RM 150 to RM 12 in Precinct 3 as part of the 2016 Road Bond Program. All present voting "Aye". MOTION PASSED

Clerk's Note Agenda Item #22 RE: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE EXECUTION OF A TRI-PARTY AGREEMENT BETWEEN CITY OF KYLE, HAYS COUNTY, AND THE TRAILS, LLC, PROVIDING FOR REGULATION OF SUBDIVISION AND APPROVAL OF THE TRAILS AT WINDY HILL DEVELOPMENT- was pulled

Clerk's Note Agenda Item #23 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 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY

Court convened into Executive session at 10:21 a.m. and reconvened into open court at 10:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Director of Transportation, Jerry Borcharding, Legal Support Services Specialist, Janice Jones, and Human Resources Director, Shari Miller. No action taken.

34029A EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS FOR THE SHERIFF'S OFFICE

Court convened into Executive session at 9:37 a.m. and reconvened into open court at 9:52 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Director of Transportation, Jerry Borcharding, Legal Support Services Specialist, Janice Jones, Captain Mike Davenport of the Sheriff's Office, and Human Resources Director, Shari Miller. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to permit the placement of Deputy Jeffrey McKinney in Merit Based Step 4 of the pay plan for Sheriff's Deputies, pursuant to Article 20 of the Collective Bargaining Agreement for Hays County, effective September 1, 2018 and also reference policy going forward to reflect the Lateral Entry position on the payroll change notice and/or offer letter in order to express intentions at the time of hire. All present voting "Aye". MOTION PASSED

34030A EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE,



VALUE OF REAL PROPERTY IN OR NEAR RM 3237 BETWEEN FM 150 AND RR 12 IN PCT. 3

Court convened into Executive session at 9:52 a.m. and reconvened into open court at 10:21 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Director of Transportation, Jerry Borcharding, Legal Support Services Specialist, Janice Jones, and Human Resources Director, Shari Miller. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize General Counsel to retain survey and appraisal services for the acquisition of approximately 1 acre of land near the intersection of RM 3237 and Camino de Rancho in Pct. 3. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #27 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-* **was pulled**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Hays County Fire Marshall Clint Browning gave an update on the burn ban. He recommended the County wait on lifting the burn ban to later this week, depending on the rainfall predicted. Burn Ban will remain in place. No action was taken.

Clerk's Note Agenda Item #29 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**

Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION -* **was pulled**

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 10:58 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 September 4, 2018.





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

