

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH 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 CLERK

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

Miss Dirje Childs with the United Wimberley 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

Dan Lyon, San Marcos resident, and Rodrigo Amaya, San Marcos resident gave public comments.

34031A 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 \$1,157,254.50 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

34032A 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 \$1,188.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

34033A 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 \$89,859.73 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

34034A APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 4, 2018

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve Commissioners Court Minutes of September 4, 2018 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

34035A APPROVE THE PAYMENT OF THE SEPTEMBER 15, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,690,000.00 EFFECTIVE SEPTEMBER 14, 2018 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve the payment of the September 15, 2018 payroll disbursements in an amount not to exceed \$2,690,000.00 effective September 14, 2018 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

34036A APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to approve permit #1097 on CR 157 issued to Goforth SUD, permit #1098 on Prochnow Rd. issued to PEC, permit #1099 on Posey Rd. issued to City of San Marcos, and permit #1100 on Old Bastrop Hwy. issued to City of San Marcos as submitted by the Transportation Department. All present voting "Aye". MOTION PASSED



34037A AUTHORIZE THE EXECUTION OF AN ENGAGEMENT LETTER WITH ARBITRAGE COMPLIANCE SPECIALISTS, INC. (ACS) RELATED TO ARBITRAGE COMPLIANCE COMPUTATIONS FOR TAX-EXEMPT DEBT

ACS will provide arbitrage calculations as required by the Department of the U.S. Treasury, Internal Revenue Service for all Hays County tax-exempt debt. ACS is an independently owned firm which specializes in post issuance bond compliance services to include: arbitrage rebate, yield reduction, spending exceptions, and record retention. ACS' founders have been at the forefront of every advance and reform of the Tax Code since 1986. Their compliance reports have been relied upon for over 17,500 debt issues tied to over 1,600 separate governmental clients. ACS has provided arbitrage calculations for Hays County for over 13 years with no rate increase in their fee schedule. Estimated expenditures are less than \$50k annually, however; a discretionary exemption is requested pursuant to Local Government Code Ch. 262.024(a)(4) in order to utilize the firm in future years per the renewal terms outlined in the Engagement Letter. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize the execution of an Engagement Letter with Arbitrage Compliance Specialists, Inc. (ACS) related to arbitrage compliance computations for tax-exempt debt. All present voting "Aye". MOTION PASSED**

34038A APPROVE PAYMENT TO MEDICAL EXPLORERS POST 4077 FOR THE OFFICE OF EMERGENCY SERVICES DEPARTMENT RELATED TO CPR TRAINING IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY

The number of CERT students able to be trained for CPR increased and a PO was not issued in advance to pay for the instructors and the class. Savings within the CERT Operating budget are available to cover this expense. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to approve payment to Medical Explorers Post 4077 for the Office of Emergency Services Department related to CPR Training in which no purchase order was issued as required per County Purchasing Policy. All present voting "Aye". MOTION PASSED**

34039A AUTHORIZE THE EXECUTION OF AN ADDENDUM TO THE CONTRACT FOR PROFESSIONAL SERVICES RELATED TO THE HAYS COUNTY FLOOD MONITORING SYSTEM BETWEEN HAYS COUNTY AND HALFF ASSOCIATES, INC

This Addendum to Contract ("Addendum") shall modify that PROFESSIONAL SERVICES AGREEMENT related to the Hays County Flood Monitoring System ("Contract"), dated April 17, 2018, between Hays County, Texas, a political subdivision of the State of Texas ("Client") and Halff Associates, Inc. ("Engineer"). This addendum includes the addition of the Work Product and the No Debt Against the State Clause. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of an Addendum to the Contract for Professional Services related to the Hays County Flood Monitoring System between Hays County and Halff Associates, Inc. All present voting "Aye". MOTION PASSED**

34040A AUTHORIZE THE EXECUTION OF THE AMENDED AND RESTATED PHASING AGREEMENT FOR HEADWATERS AT BARTON CREEK SUBDIVISION

The Headwaters at Barton Creek Subdivision is an approximately 1000 residential lot planned development in Precinct 4. A previous phasing agreement was authorized on April 17, 2018. The execution of this amended and restated agreement will allow the project to implement changes to the phasing schedule and clarify expiration terms for proposed phases. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of the amended and restated phasing agreement for Headwaters at Barton Creek Subdivision. All present voting "Aye". MOTION PASSED**

34041A AUTHORIZE THE EXECUTION OF AMENDMENT NO. 1 TO THE GENERAL LAND OFFICE (GLO) CONTRACT NO. 18-501-000-B226 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM INFRASTRUCTURE PROJECTS NON-RESEARCH & DEVELOPMENT 2015 FLOOD ALLOCATION

Amendment No. 1 to the GLO Contract No. 18-501-000-B226 addresses minor wording, periods, and preferences. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the execution of Amendment No. 1 to the General Land Office (GLO) Contract No. 18-501-000-B226 Community Development Block Grant Disaster Recovery Program Infrastructure Projects Non-Research & Development 2015 Flood Allocation. All present voting "Aye". MOTION PASSED**



34042A ACCEPT THE MONTHLY FINANCIAL REPORT FOR FISCAL YEAR TO DATE THROUGH JUNE 30, 2018 AS PRESENTED BY THE OFFICE OF THE COUNTY AUDITOR

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to accept the monthly financial report for fiscal year to date through June 30, 2018 as presented by the office of the County Auditor. All present voting "Aye". MOTION PASSED

34043A AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO PURCHASE TWO ARC GIS SOFTWARE LICENSES RELATED TO FIELD PROCESS IMAGERY AND AMEND THE BUDGET ACCORDINGLY

The Office of Emergency Services and GIS will be able to assist the UAV team with post process imagery collected from the field. Budget Amendment: Decrease Eqpt Maint. & Repair .5411, Increase Software Maint. .5429. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Office of Emergency Services to purchase two ARC GIS software licenses related to field process imagery and amend the budget accordingly. All present voting "Aye". MOTION PASSED

34044A APPROVE PAYMENT TO THOMSON REUTERS FOR BOOK SUBSCRIPTIONS FOR THE COUNTY COURT AT LAW 2 OFFICE IN WHICH NO PURCHASE ORDER WAS ISSUED AND AMEND THE BUDGET ACCORDINGLY

The CCL Judge ordered Texas Estates and Family Codes books for the courts and did not follow the County procurement policies. Additional funds are needed to cover this expense and are available within the operating budget. Budget Amendment: Decrease .5202 - (\$405), Increase .5213 - \$405. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payment to Thomson Reuters for book subscriptions for the County Court at Law 2 office in which no purchase order was issued and amend the budget accordingly. All present voting "Aye". MOTION PASSED

34045A APPROVE PAYMENT TO KING FEED HARDWARE FOR THE EXTENSION OFFICE RELATED TO EQUIPMENT FOR THE FERAL HOG PROGRAM IN WHICH NO PURCHASE ORDER WAS ISSUED, OR QUOTES OBTAINED AS REQUIRED PER COUNTY PURCHASING POLICY

Supplies necessary to build the feral hog trap were purchased and did not follow the County procurement policies. Funds are available within the grant budget to cover these expenses. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payment to King Feed Hardware for the Extension Office related to equipment for the feral hog program in which no purchase order was issued, or quotes obtained as required per County Purchasing Policy. All present voting "Aye". MOTION PASSED

34046A APPROVE THE TRANSFER OF A 2004 CHEVY SILVERADO FROM THE HAYS COUNTY PARKS DEPARTMENT TO THE HAYS COUNTY LOCAL HEALTH DEPARTMENT

The following vehicle has been removed from services from the Parks Department and is being requested for transfer to the Local Health Department be utilized by the Emergency Preparedness Coordinator: 2004 Chevy Silverado, VIN: 1GCEC19V24Z247443, Hays County Tag EH-04. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the transfer of a 2004 Chevy Silverado from the Hays County Parks Department to the Hays County Local Health Department. All present voting "Aye". MOTION PASSED

34047A AUTHORIZE COMMERCIAL OSSF PERMIT AT 301 HAYS COUNTRY ACRES ROAD, DRIPPING SPRINGS, TEXAS 78620

Holy Spirit Episcopal Church is proposing to replace their existing system with an OSSF to the church and recently constructed school. This 39.86-acre tract of land will be served by a public water supply. The system designer, Dan Balboa, R.S., has designed a non-standard 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 540 gallons. A motion was made by Commissioner Whisenant, seconded by Commissioner Shell to authorize Commercial OSSF Permit at 301 Hays Country Acres Road, Dripping Springs, Texas 78620. All present voting "Aye". MOTION PASSED

34048A AUTHORIZE THE COURT TO EXECUTE A SUPPLEMENTAL NO. 2 TO THE PROFESSIONAL SERVICE AGREEMENT (PSA) WITH LJA ENGINEERING,



INC. FOR PROFESSIONAL ENGINEERING SERVICES NECESSARY TO ADDRESS THE INCLUSION OF AN ADDITIONAL BRIDGE AND RELATED IMPROVEMENTS AT YARRINGTON ROAD AS WELL AS MODIFICATIONS OF THE BRIDGE OVER THE UNION PACIFIC RAILROAD AND ARNOLD AVE AS PART OF THE FM 110 NORTH (IH-35 TO SH 80) PROJECT AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM

Commissioner Ingalsbe, and Laura Harris of HNTB spoke. Additional funds will be used for completion of 90% and Final plans, specifications, and estimate (PS&E) development, and construction phase services to develop FM 110 from IH 35 to SH 80. The main changes in design are the inclusion of a bridge to address local access issues and associated roadway/drainage modifications for that bridge. The modification of the bridge over the Union Pacific Railroad and Arnold Ave and associated roadway/drainage modification for that bridge. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Court to execute a Supplemental No. 2 to the Professional Service Agreement (PSA) with LJA Engineering, Inc. for professional engineering services necessary to address the inclusion of an additional bridge and related improvements at Yarrington Road as well as modifications of the bridge over the Union Pacific Railroad and Arnold Ave as part of the FM 110 North (IH-35 to SH 80) project as part of the Hays County/TxDOT Partnership Program. All present voting "Aye". MOTION PASSED**

34049A 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

Commissioner Jones, Interim Director of Development Services, Caitlyn Strickland and General Counsel Mark Kennedy spoke. Hays County staff, along with the Precinct 2 Commissioner, have met on multiple occasions with the parties involved in the above-mentioned agreement. It is meant to delineate the responsibilities for review and maintenance of improvements made in the Trails at Windy Hill subdivision. At the time of the posting of this agenda item, Staff is conducting one more review of the attached agreement. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe 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. All present voting "Aye". MOTION PASSED**

34050A AUTHORIZE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ANITA MANCINI-MICHELL FOR PERFORMANCE OF PRE-EMPLOYMENT PSYCHOLOGICAL EVALUATIONS

General Counsel, Mark Kennedy spoke. Anita Mancini-Michell currently performs pre-employment psychological evaluations for prospective employees of the Sheriff's Office, including the jail. Ms. Mancini-Michell charges a per-evaluation rate on an as-needed basis. It was determined that entering into a Professional Services Agreement for payment would be preferable to obtaining purchase orders. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize execution of a Professional Services Agreement with Anita Mancini-Michell for performance of pre-employment psychological evaluations. All present voting "Aye". MOTION PASSED**

34051A AUTHORIZE ADMINISTRATIVE WAIVER OF THE OSSF LATE FEE FOR HAYS COUNTY CITIZENS, AS NECESSARY

Interim Director of Development Services, Caitlyn Strickland spoke. On July 24th, 2018, Hays County Commissioners Court enacted the OSSF Maintenance Contract Late Fee and removed the annual OSSF Registration 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. The Director of Development Services would like an ability to waive the OSSF Late Fee, as needed, to establish and maintain reasonable standards for the citizens of Hays County. Approval of this action would allow the Director Of Development Services to make such changes without the need of additional court action. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize administrative waiver of the OSSF Late Fee for Hays County citizens, as necessary. All present voting "Aye". MOTION PASSED**

RECEIVE THE UNANIMOUS RECOMMENDATION OF THE SALARY GRIEVANCE COMMITTEE FOR FY 2019, AND TO INCLUDE THE INCREASE IN THE FY 2019 BUDGET, PURSUANT TO TX LOCAL GOVERNMENT CODE §152.016

Dan Lyon, a San Marcos resident and Rodrigo Amaya, a San Marcos resident gave public comments. General Counsel, Mark Kennedy spoke. A public meeting of the Salary Grievance Committee met on September 7th at 8:30am to hear from three filers. In a 9-0 vote, the Committee recommended setting the filers salaries at \$74,000 plus fringe benefits. No action taken.



34052A 10:30AM - HOLD A PUBLIC HEARING ON THE PROPOSED KYLE DACY APARTMENTS DEVELOPMENT IN ACCORDANCE WITH TEX. GOV'T CODE, §2306.67071(B) AND AUTHORIZE THE EXECUTION OF A RESOLUTION OF NO OBJECTION FOR AN APPLICATION SUBMITTED BY KYLE DACY APARTMENT LTD TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Commissioner Ingalsbe opened the public hearing at 10:33 a.m. Jason Arechiga of the NRP Group gave a presentation on the project. Commissioner Ingalsbe closed the public hearing at 10:42 a.m. 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 Ingalsbe, seconded by Commissioner Jones to authorize the execution of a Resolution of No Objection for an application submitted by Kyle Dacy Apartment Ltd to the Texas Department of Housing and Community Affairs. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #24 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 – 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 10:03 a.m. and reconvened into open court at 10:27a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Director of Transportation, Jerry Borcharding, and Legal Support Services Specialist, Janice Jones. No action taken.

34053A 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 10:03 a.m. and reconvened into open court at 10:27a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Director of Transportation, Jerry Borcharding, and Legal Support Services Specialist, Janice Jones. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize the Commissioner for Pct. 1 to execute a Purchase and Sale Agreement, as presented in executive session, for the purchase of approximately 1 Acre, as an Emergency Water Supply Site, from Dana and Dennis Pape, located in Pct. 3, for a total purchase and closing cost not to exceed \$60,000; to authorize the Treasurer to provide said costs for closing by wire transfer; and to authorize General Counsel to execute any and all documents incidental to closing. All present voting "Aye". MOTION PASSED**

A motion was made by Commissioner Shell, seconded by Commissioner Whisenant to authorize execution of a Professional Services Agreement between Hays County and Erin Banks & Associates, as negotiated by General Counsel, related to the development of permitting and entitlements on property owned or to be owned by Hays County in Precinct 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

Commissioner Ingalsbe informed the citizens of Hays County that the Burn Ban was lifted Friday, September 7, 2018, after consultation with the Hays County Fire Marshall.

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 Whisenant, seconded by Commissioner Jones to adjourn court at 10:43 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 September 11, 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

