

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF NOVEMBER 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:

Vilma Resendez 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, Deborah Marasco, resident of San Marcos, and Rodrigo Amaya, resident of San Marcos, all made public comments.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

HR Specialist, Kim Jeter presented the Hays County Service Awards. 5 – Years, Shannon Follis, District Attorney's office. 10 –Years, John Dempsey Tomlin, Sheriff's office, Patricia Sanchez, Building Maintenance, Valerie Marie Zerr, Juvenile Probation office. 15 –Years, Marisol Villarreal-Alonzo, Auditor's office, Tom Mayfield, Transportation, Nelson Mark Wray, Sheriff's office. 20 –Years, Tammy L. Crosby, District Clerk's office. Retirement – Lisa Rodriguez, Sheriff's office.

33280 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve payments of County invoices in the amount of \$2,122,865.49, as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33281 APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve payments of Juror checks in the amount of \$930.00, as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33282 APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the payment of United Healthcare claims in the amount of \$133,166.43, as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33283 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 13 & NOVEMBER 14, 2018

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve Commissioner Court Minutes of November 13 & November 14, 2018, as presented by the County Clerk. All present voting "Aye". MOTION PASSED

33284 APPROVE THE PAYMENT OF THE NOVEMBER 30, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,650,000.00



EFFECTIVE NOVEMBER 30, 2018 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the payment of the November 30, 2018 payroll disbursements in an amount not to exceed \$3,650,000.00 effective November 30, 2018 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

33285 APPROVE AND EXECUTE THE SHERIFF'S OFFICE EQUITABLE SHARING AGREEMENT AND CERTIFICATION IN ACCORDANCE WITH THE STATUTES AND GUIDELINES THAT GOVERN THE FEDERAL EQUITABLE PROGRAM

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve and execute the Sheriff's Office Equitable Sharing Agreement and Certification in accordance with the statutes and guidelines that govern the Federal Equitable Program. All present voting "Aye". MOTION PASSED

33286 APPROVE UTILITY PERMITS

Permit 1115 Road Name 2011 Mustang Lane Utility Electric(PEC), Permit 1116 Road Name Harris Hill Road Utility Water(Whisper Master Community), Permit 1117 Road Name Windy Hill Road At Triumph Road Utility Communication Line(Grande Communications, Permit 1118 Road Name Old San Antonio Road Utility Waste Water & Water Line(Bartlett Cocke). A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve Utility Permits # 1115 located on 2011 Mustang Lane issued to Electric (PEC), Permit # 1115 located on 2011 Mustang Lane issued to Electric (PEC), Permit # 1116 located on Harris Hill Road issued to Water (Whisper Master Community), Permit # 1117 located on Windy Hill Road at Triumph Road issued to Communication Line (Grande Communications), and Permit # 1118 located on Old San Antonio Road issued to Waste Water & Water Line (Bartlett Cocke) as submitted by the Transportation Director. All present voting "Aye". MOTION PASSED

33287 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO HOST THE ANNUAL LOCAL EMERGENCY PLANNING COMMITTEE LUNCHEON

In accordance with the Emergency Planning and Community Right to Know Act (EPCRA and under the direction of the Texas Commission on Environmental Quality (TCEQ), Hays County Office of Emergency Services is requesting authorization to host the annual Local Emergency Planning Committee working lunch meeting. Business and Community partners will meet to provide updates on emergency response planning and provide/receive information on hazardous materials sites. LEPC Stakeholder participation is required and must include local business/facility representatives.). A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Office of Emergency Services to host the annual Local Emergency Planning Committee Luncheon. All present voting "Aye". MOTION PASSED

33288 APPROVE THE INTERGOVERNMENTAL TRANSFER (IGT) OF LOCAL PROVIDER PARTICIPATION FUNDS (LPPF) FOR THE DY7 UNCOMPENSATED CARE (UC) PAYMENT TO THE STATE OF TEXAS THROUGH THE TEXNET ELECTRONIC PAYMENT SYSTEM PURSUANT TO CHAPTER 355 OF THE TEXAS ADMINISTRATIVE CODE

General Counsel, Mark Kennedy spoke. A date for transfer of the DY7 UC payment has been announced. 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 12-7-18): The IGT amount is not to exceed the LPPF account balance. A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the Intergovernmental Transfer (IGT) of Local Provider Participation Funds (LPPF) for the DY7 Uncompensated Care (UC) payment, IGT amount is not to exceed the LPPF account balance to the State of Texas through the TexNet electronic payment system pursuant to Chapter 355 of the Texas Administrative Code. All present voting "Aye". MOTION PASSED



33289 AUTHORIZE THE HISTORICAL COMMISSION TO PURCHASE OR LEASE CHRISTMAS DÉCOR FOR THE HAYS COUNTY GOVERNMENT CENTER UTILIZING DONATED FUNDS AND AMEND THE BUDGET ACCORDINGLY

The Historical Commission Director has received donation commitments from various foundations and individuals for the purchase or lease of Christmas decorations for the Hays County Government Center. The Director will coordinate with the Auditor's Office to acquire quotes for the purchase or lease of Christmas decorations to ensure competitive pricing and procurement policies are met. If a rental agreement is determined to be the best option, the Director will consult with the Office of General Counsel to negotiate the terms of the contract and execute the agreement. The cost to purchase or lease the Christmas decorations will not exceed the amount of donations received for this project. Additionally, the purchase or lease will not take place until all donated funds are received. No County funds are required. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Historical Commission to purchase or lease Christmas Décor for the Hays County Government Center utilizing donated funds and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33290 AUTHORIZE THE HAYS COUNTY AUDITOR'S OFFICE TO CONDUCT THE AUDIT REQUIRED BY ARTICLE 59.06 OF THE TEXAS CODE OF CRIMINAL PROCEDURE FOR THE HAYS COUNTY CONSTABLE PRECINCT 2 CHAPTER 59 ASSET FORFEITURE FUNDS FOR FISCAL YEAR 2018 AND FOR FUTURE FISCAL YEARS

Per the Texas Code of Criminal Procedures Section 59.06, it is necessary for the Commissioners Court to grant authorization to the Auditor's Office for the performance of a Chapter 59 audit. This item will grant that authority for FY 2018 and all future Fiscal Years unless authorization is rescinded by Commissioners Court. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Hays County Auditor's Office to conduct the audit required by Article 59.06 of the Texas Code of Criminal Procedure for the Hays County Constable Precinct 2 Chapter 59 Asset Forfeiture Funds for Fiscal Year 2018 and for future Fiscal Years. All present voting "Aye". MOTION PASSED**

33291 AUTHORIZE THE EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH ELECTRONIC COMMERCE LINK, INC. (DBA E-GOV LINK) RELATED TO THE COUNTY WEBSITE REDESIGN PROJECT AND AMEND THE BUDGET ACCORDINGLY

On June 26, 2018 the Commissioner's Court approved a contract with E-Gov Link for the County Website Redesign in response to RFP 2018-P04. Due to additional content migration, additional funds and a time extension is needed to complete the final design elements and required staff training. Budget Amendment: Decrease Co-Wide Contingencies - 001-645-00.5399 Increase County Wide Operations Software_Capital - .5718_700. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the execution of a Supplemental Agreement with Electronic Commerce Link, Inc. (dba E-Gov Link) related to the County Website Redesign Project and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33292 AUTHORIZE TRANSFER OF DEPUTY CONSTABLE POSITION 0885-001 FROM CONSTABLE PRECINCT 1 TO CONSTABLE PRECINCT 5, ALONG WITH ALL EQUIPMENT, PER THE AGREEMENT OF ALL PARTIES EFFECTIVE 11/16/18 AND AMEND THE BUDGET ACCORDINGLY

Rodrigo Amaya, resident of San Marcos, made public comment. General Counsel, Mark Kennedy spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize transfer of Deputy Constable position 0885-001 from Constable Precinct 1 to Constable Precinct 5, along with all equipment, per the agreement of all parties effective 11/16/18 and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33293 AUTHORIZE THE COUNTY AUDITOR'S OFFICE TO PROCESS NECESSARY EXPENDITURES RELATED TO INCOMING ELECTED OFFICIALS

Per Local Government Code, Sec. 152.907 the commissioners court of a county may authorize payment of reasonable continuing education expenses incurred by a county or precinct officer if the expenses are related to the officer's official duties, including expenses incurred by the officer between the general election at which the officer is elected and the beginning of the officer's term of office. The County Auditor's Office would like authority to approve expenditures related to incoming elected officials for continuing education expenses or necessary



supplies to ensure a seamless transition. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Auditor's Office to process necessary expenditures related to incoming Elected Officials. All present voting "Aye". MOTION PASSED**

33294 RELEASE OF THE MAINTENANCE BOND #1036862 IN THE AMOUNT OF \$858,565.00, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR SUNFIELD SUBDIVISION, PHASE 2, SECTION 5

Transportation Director, Jerry Borcharding spoke and gave staff recommendation. Staff recommends acceptance of the roads into the county road maintenance system. The roads include: Kerr Drive (219 ft.), Betony Loop (2,543 ft.), Cenizio Drive (955 ft.), Esperanza Drive (722 ft.), Rayburn Drive (314 ft.), and a segment of Campo Del Sol Parkway (538 ft.). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release the maintenance bond #1036862 in the amount of \$858,565.00, and the acceptance of roads into the county road maintenance system for Sunfield subdivision, Phase 2, Section 5. All present voting "Aye". MOTION PASSED**

33295 APPROVE THE EXECUTION OF AN ADVANCE FUNDING COMMITMENT AGREEMENT (AFCA) BETWEEN HAYS COUNTY AND PERRY HOMES, LLC REGARDING THE CONSTRUCTION OF A RIGHT TURN LANE ON FM 967 IN PRECINCT 2

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the execution of an Advance Funding Commitment Agreement (AFCA) between Hays County and Perry Homes, LLC regarding the construction of a right turn lane on FM 967 in Precinct 2. All present voting "Aye". MOTION PASSED

33296 ACCEPT LETTER OF CREDIT NO. 1018 FOR STREET AND DRAINAGE IMPROVEMENTS FOR 6 CREEKS PHASE 1 SECTION 1 IN THE AMOUNT OF \$280,830.45

The final plat for the 6 Creeks Phase 1 Section 1 Subdivision has been reviewed under the interlocal cooperation agreement with the City of Kyle and has been approved by County staff. While the plat has been approved administratively, formal acceptance of fiscal surety is required by Commissioners Court action. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept Letter of Credit No. 1018 for street and drainage improvements for 6 Creeks Phase 1 Section 1 in the amount of \$280,830.45. All present voting "Aye". MOTION PASSED**

33297 APPROVE THE SELECTION OF FREESE & NICHOLS TO MANAGE TCEQ'S MUNICIPAL SEPARATE STORMWATER SYSTEM PROGRAM (MS4) FOR HAYS COUNTY AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT

Later this year, TCEQ will come out with new permitting requirements. Activities required to maintain compliance with the County's TPDES permit and prepare for the new permit include: Public education/outreach program Public involvement process Illicit discharge detection and elimination program Construction site stormwater runoff control Post-construction stormwater management Pollution prevention and good housekeeping for County operations. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the selection of Freese & Nichols to manage TCEQ's Municipal Separate Stormwater System program (MS4) for Hays County and to authorize staff and counsel to negotiate a contract. All present voting "Aye". MOTION PASSED**

33298 AUTHORIZE A SALARY EXCEPTION FOR THE COUNTY COURT AT LAW VETERANS COURT PROGRAM MANAGER SLOT 0449-001, FUNDED THROUGH THE TEXAS VETERAN'S COMMISSION GRANT PROGRAM

The Veteran's Treatment Court Program Manager position was filled on August 21, 2018 at the minimum grade 113 salary of \$45,375.13 pursuant to county promotion policy. The candidate has served in the capacity of Veterans Treatment Court Coordinator for the past 22 months and brings vast and complete experience in the operation of Hays County's Veterans Court processes and procedures. The grant funding from the Veterans



Treatment Court grant is sufficient to award the requested salary of \$51,563. This requested salary is at 27.27 percentile of the grade 113 range. No county funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize a salary exception for the County Court at Law Veterans Court Program Manager slot 0449-001, funded through the Texas Veteran's Commission grant program. All present voting "Aye". MOTION PASSED**

33299 AUTHORIZE A SALARY EXCEPTION FOR THE COUNTY COURT AT LAW VETERAN'S COURT COORDINATOR SLOT 0447-001, FUNDED THROUGH THE OFFICE OF THE GOVERNOR VETERAN'S COURT GRANT PROGRAM

The Veteran's Court Coordinator position was filled on October 1, 2018 at the minimum grade 110 salary of \$34,091.28 with a candidate that brings past work experience and familiarity with the administrative duties associated with court scheduling and updating the court's case management system. The candidate has worked as a Military Veterans Peer Network counselor and Jail Liaison Specialist supporting Hays County Veterans Treatment Court as well as holding a Bachelor of Science in Human Development and Family Services. The grant funding from the Veterans Treatment Court grant is sufficient to award the requested salary of \$35,459. This requested salary is at 8.02 percentile of the grade 110 range. No county funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize a salary exception for the County Court at Law Veteran's Court Coordinator slot 0447-001, funded through the Office of the Governor Veteran's Court grant program. All present voting "Aye". MOTION PASSED**

33300 AUTHORIZE THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE GUADALUPE-BLANCO RIVER AUTHORITY REGARDING THE IMPLEMENTATION OF PLUM CREEK WATERSHED PROTECTION PLAN

Commissioner Jones spoke. General Counsel, Mark Kennedy spoke. This is a one year renewal and extension of an interlocal agreement regarding the implementation of the Plum Creek Watershed Protection Plan. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of an interlocal agreement with the Guadalupe-Blanco River Authority regarding the implementation of Plum Creek Watershed Protection Plan. All present voting "Aye". MOTION PASSED**

33301 AUTHORIZE THE COMMISSIONERS COURT TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE SAN MARCOS ACADEMY TO ESTABLISH ONE (1) NEW SCHOOL RESOURCE OFFICER (SRO) MBS 6 TO THE ACADEMY AND AMEND THE BUDGET ACCORDINGLY

Dan Lyon, resident of San Marcos made public comment. Dr. Brian Guenther, President of the San Marcos Academy spoke. General Counsel, Mark Kennedy spoke. The SRO would be 75% funded by the Academy and 25% funded by the County, as is the case with all other SRO positions on various campuses. Matching funds will be covered through salary savings due to attrition within the SO Operating budget. Attachment: San Marcos Academy ILA Budget Amendment: Increase Intergovernmental Revenue .4301 - \$51,887 Increase Staff Salaries .5021 - \$34,564 Increase Fringe Benefits - \$17,323. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Commissioners Court to execute an Interlocal Cooperation Agreement between Hays County and the San Marcos Academy to establish one (1) new School Resource Officer (SRO) MBS 6 to the Academy and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33302 EXECUTE AN AMENDMENT TO THE TYLER TECHNOLOGIES STANDARD SOFTWARE LICENSE AND SERVICES AGREEMENT FOR THE COUNTY CLERK'S OFFICE RELATED TO THE CONVERSION OF VITAL STATISTICS AND REAL PROPERTY RECORD KEEPING AND AMEND THE BUDGET ACCORDINGLY

Commissioner Shell spoke. General Counsel Mark Kennedy spoke. Client is a member of the Sourcewell (formerly known as the National Joint Powers Alliance). This would be an amendment to the New World Contract but also to the Sourcewell Co-Op resource. The County Clerk would like to utilize the Tyler Technologies Eagle Tyler Software Product for their Land & Vital Statistics Software package. Eagle will easily manage the recording and filing of land records, transfer documents, trust deeds, mortgages, and tax liens. Additionally, the software can maintain the integrity of official records by easily indexing all documents, including birth, death, and marriage certificates, notary bonds, and filings for DBAs. Funds were budgeted during the FY19 budget process to implement the new software package. Attachment: Tyler Technologies Software Agreement Amendment Budget Amendment: Decrease Contract Services .5448 - (\$122,466) Increase Software

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Maintenance .5429 - \$53,026 Increase Software Capital .5718_700 - \$69,440. A motion was made by Commissioner Shell, seconded by Commissioner Jones to execute an Amendment to the Tyler Technologies Standard Software License and Services Agreement for the County Clerk's Office related to the conversion of vital statistics and real property record keeping and amend the budget accordingly. All present voting "Aye". MOTION PASSED

33303 APPOINT COMMISSIONER LON A. SHELL TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) GENERAL ASSEMBLY TO REPLACE THE HAYS COUNTY POSITION PRESENTLY FILLED BY JUDGE BERT COBB

Dan Lyon, resident of San Marcos, made public comment. Rodrigo Amaya, resident of San Marcos, made public comment. Commissioner Mark Jones spoke. Commissioner Ingalsbe spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to appoint Commissioner Lon A. Shell to the Capital Area Council of Governments (CAPCOG) General Assembly to replace the Hays County position presently filled by Judge Bert Cobb. 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 MAY FOLLOW IN OPEN COURT.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into Executive session at 9:59 a.m. and reconvened into open court at 10:58 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, General Counsel, Mark Kennedy, Assistant General Counsel, Jordan Powell, Transportation Director, Jerry Borcharding, and Legal Support Services Specialist, Janice Jones. 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. - was pulled

Clerk's Note Agenda Item #29 RE: ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION. - was pulled

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 Shell to adjourn court at 11:03 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 November 20, 2018.




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