

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF DECEMBER 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
CHRISTOPHER ALANIZ	DEPUTY COUNTY CLERK

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

Vilma Resendiz 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, resident of San Marcos, and Trampas Sibert, resident of San Marcos, all made public comment.

33335 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve payments of County invoices in the amount of \$2,491,057.40 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33336 APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve payments of Juror checks in the amount of \$360.00 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33337 APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve the payment of United Healthcare claims in the amount of \$525,109.08 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33338 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 4, 2018

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

33339 APPROVE THE PAYMENT OF THE DECEMBER 15, 2018 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,650,000.00 EFFECTIVE DECEMBER 14, 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 Whisenant, to approve the payment of the December 15, 2018 payroll disbursements in an amount not to exceed \$2,650,000.00 effective December 14, 2018 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

33340 APPROVE UTILITY PERMITS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve Utility Permit # 1120 located on McGregor Lane issued to Electric (PEC). All present voting "Aye". MOTION PASSED



33341 APPROVE THE REAPPOINTMENT OF JERRY BORCHERDING, DIRECTOR OF TRANSPORTATION, AS THE PRIMARY VOTING MEMBER ON THE TECHNICAL ADVISORY COMMITTEE OF CAMPO AND TIM VANDEVORDE, ASSISTANT TRANSPORTATION SUPERINTENDENT, AS THE ALTERNATE VOTING MEMBER, TERM ENDING DECEMBER 31, 2019

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve the reappointment of Jerry Borcharding, Director of Transportation, as the primary voting member on the Technical Advisory Committee of CAMPO and Tim VandeVorde, Assistant Transportation Superintendent, as the alternate voting member, term ending December 31, 2019. All present voting "Aye". MOTION PASSED

33342 APPROVE THE REAPPOINTMENTS OF SHARON O'BRIEN AND TOM RICHEY TO THE BOARD OF HAYS COUNTY ESD #3, TERM ENDING DECEMBER 31, 2020

Sharon O'Brien and Tom Richey have agreed to serve an additional term. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant, to approve the reappointments of Sharon O'Brien and Tom Richey to the board of Hays County ESD #3, term ending December 31, 2020. All present voting "Aye". MOTION PASSED

33343 RATIFY THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FLOOD MITIGATION ASSISTANCE (FMA) GRANT FUNDING

This grant application is for the Hays County Community Flood Mitigation Project. The Flood Mitigation Assistance grant program under FEMA, provides federal funding to assist states and communities to fund cost effective measures to reduce or eliminate the long-term risk of flood damage to structures insurable under the National Flood Insurance Program. The application is due to TWDB through the FEMA eGrants system by noon on Monday December, 10, 2018. This project was submitted to FEMA in the FY17 FMA, but did not receive funding. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant, to ratify the submission of a grant application to the Texas Water Development Board for Flood Mitigation Assistance (FMA) grant funding. All present voting "Aye". MOTION PASSED

33344 AUTHORIZE THE EXECUTION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE PRE-DISASTER MITIGATION (PDM) GRANT FUNDING FOR THE HAYS COUNTY COMMUNITY FLOOD MITIGATION PROJECT

The Pre-Disaster Mitigation program is designed to reduce the overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding in future disasters. This project is also being submitted for funding under the FY18 FMA, as well as was submitted through HMGP. The application is due to TDEM through the FEMA eGrants system by December 14, 2018 for considerations and prioritization. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant, to authorize the execution of a grant application to the Texas Department of Emergency Management for the Pre-Disaster Mitigation (PDM) grant funding for the Hays County Community Flood Mitigation Project. All present voting "Aye". MOTION PASSED

33345 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE PRE-DISASTER MITIGATION (PDM) GRANT FUNDING FOR THE EXPANSION OF THE EXISITING FLOOD SYSTEM INFRASTRUCTURE

The Pre-Disaster Mitigation program is designed to reduce the overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding in future disasters. Funding will be utilized to expand the existing flood system infrastructure which will include flood inundation mapping, models, and discharge rating work. The total project cost is \$106,000 (75% Federal Funding - \$79,500; 25% County Funding \$26,500). The application is due to TDEM through the FEMA eGrants system by December, 14, 2018 for considerations and prioritization. A motion was made by Commissioner Shell, seconded by Commissioner Whisenant, to authorize the submission of a grant application to the Texas Department of Emergency



Management for the Pre-Disaster Mitigation (PDM) grant funding for the expansion of the existing flood system infrastructure. All present voting "Aye". MOTION PASSED

33346 APPROVE THE APPOINTMENT OF ALEXANDRA THOMPSON AS THE HAYS COUNTY REPRESENTATIVE TO PLUM CREEK WATERSHED PARTNERSHIP

The Plum Creek Watershed Partnership, composed of local stakeholders, was formed to guide the planning process and address the bacteria and nutrient concerns in the stream. Led by a Steering Committee, the Partnership works with citizens, businesses, and officials in the watershed to restore the health of Plum Creek, recognizing that success in improving and protecting water resources depends on the people who live and work there. Our Steering Committee includes representatives from the following organizations: - Caldwell and Hays Counties - The Cities of Lockhart, Luling, Kyle, Uhland, and Buda, - The Guadalupe - Blanco River Authority - Plum Creek Conservation District - Polonia Water Supply Corporation - Hays and Caldwell County Soil and Water Conservation Districts. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve the appointment of Alexandra Thompson as the Hays County representative to Plum Creek Watershed Partnership. All present voting "Aye". MOTION PASSED**

33347 APPROVE SELECTION OF CONTRACTORS PURSUANT TO RFQ 2018-P17 UTILITY COORDINATOR AND AUTHORIZE GENERAL COUNSEL TO NEGOTIATE CONTRACTS

Dan Lyon, resident of San Marcos, made public comment. General Counsel, Mark Kennedy spoke. The top two firms ranking wise were LJA Engineering, Inc. and Binkley & Barfield, Inc. The third firm was Cobb, Fendley & Associates, Inc. A recommendation is to go with the top three. Purchasing received Statements of Qualifications from the following firms in response to RFQ 2018-P16 Utility Coordinator: Binkley & Barfield, Inc. Cardno, Inc. Cobb, Fendley & Associates, Inc. Costello, Inc. Criado & Associates, Inc. Halff Associates, Inc. HDR Engineering, Inc. KCI Technologies LJA Engineering, Inc. Maestas & Associates, LLC MWM DesignGroup Pike Engineering, LLC Quora Ipsum, LLC RESPEC Surveying and Mapping, LLC Texas Engineering Solutions, LLC Texas Utility Engineering, Inc. The evaluating committee has reviewed the respondents' qualifications and will identify the highest-ranking firms in court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to approve the selected recommended top three firms LJA Engineering, Inc., Binkley & Barfield, Inc. and Cobb, Fendley & Associates, Inc. as contractors pursuant to RFQ 2018-P17 Utility Coordinator and authorize General Counsel to negotiate contracts. All present voting "Aye". MOTION PASSED**

33348 AUTHORIZE OUT OF STATE TRAVEL FOR CAPTAIN JULIE VILLALPANDO AND LIEUTENANT ERIC BATCH TO HUNTSVILLE, ALABAMA RELATED TO JAIL EQUIPMENT INSPECTIONS AND AMEND THE BUDGET ACCORDINGLY

Captain Villalpando and Lt. Batch will travel to the Huntsville, Alabama to visit the City Jail to inspect similar cell inserts for purchase consideration for the new Jail Facility. This onsite meeting is necessary to confirm that the layout, logistics, functionality and construction of the premanufactured cell meets the expectations of the Sheriff's Office and will satisfy the operational needs as designed. Equipment inspection is required as part of the submittal/manufacturing process to accept the cell design prior to the continued manufacturing of the remaining cells and before they are delivered to the site. Any changes after the cells are delivered will be costly and timely therefore it is imperative to obtain visual inspections as required. Travel costs are currently estimated at \$868 for airfare and hotel accommodations for both individuals. Additional funds may be needed if costs have increased at the time of booking all accommodations. The Jail Division does not have a miscellaneous travel budget, therefore requests the Courts consideration to move funds from contingencies. The total funds moved will not exceed the actual costs of all related travel items. Budget Amendment: Increase Jail Travel: 001-618-03.5501 – TBD Decrease County-Wide Contingencies: 001-645-00.5399 – TBD. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to authorize out of state travel for Captain Julie Villalpando and Lieutenant Eric Batch to Huntsville, Alabama related to Jail equipment inspections and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33349 AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE ONE (1) NEW DELL SMART-UPS 5000VA RACK TOWER AND AMEND THE BUDGET ACCORDINGLY

The new Dell Storage Server that was ordered as part of the Law Enforcement NIBRS project has different power requirements than our existing Dell Storage Servers. The new server requires a 220v UPS and circuit, which was discovered once the equipment was received. The new UPS and circuit will need to be installed and complete prior to the deployment of the new hardware. Attachment: Dell Quote #3000030948200.1 DIR Contract # DIR-TSO-3763 Budget Amendment: Increase Computer Eqpt_Ops .5712_400 Decrease Data Supplies .5202). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to**



authorize the Information Technology Department to purchase one (1) new Dell Smart-UPS 5000VA Rack Tower and amend the budget accordingly. All present voting "Aye". MOTION PASSED

33350 AUTHORIZE THE EXECUTION OF AN AMENDMENT TO THE TYLER TECHNOLOGIES CLIENT SUPPORT AND SOFTWARE SERVICES AGREEMENT FOR THE TAX OFFICE RELATED TO PUBLIC ACCESS SOFTWARE PRODUCTS

The Tax Assessor would like to utilize the Tyler Technologies Public Access Software Product to enhance their current Orion Tax Products. Public Access will provide taxpayers with online access to local property assessment and valuation data, tax billing and collection information, and other important records. Constituents will be able to contact our office through our website and find information easily and securely anytime. Some key product information includes; >Search for property information, valuation notices, and tax bills >Review tax amounts, assessment notices, or tax bills >Find property information, such as ownership, location, parcel, and legal description Funds were budgeted during the FY19 budget process to add this product to the current software package. Attachment: Tyler Technologies Software Agreement Amendment Sourcewell Contract #110515-TTI. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant, to authorize the execution of an Amendment to the Tyler Technologies Client Support and Software Services Agreement for the Tax Office related to Public Access software products. All present voting "Aye". MOTION PASSED**

33351 APPROVE EXECUTION OF PROFESSIONAL SERVICE AGREEMENTS WITH FREESE & NICHOLS TO MANAGE TCEQ'S MUNICIPAL SEPARATE STORMWATER SYSTEM PROGRAM (MS4) FOR HAYS COUNTY

Transportation Director, Jerry Borcharding spoke. 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 Shell, seconded by Commissioner Ingalsbe, to approve execution of Professional Service Agreements with Freese & Nichols to manage TCEQ's Municipal Separate Stormwater System program (MS4) for Hays County. All present voting "Aye". MOTION PASSED**

33352 SUB-870; SUNSET OAKS SUBDIVISION (2227 LOTS) DISCUSSION AND POSSIBLE ACTION TO APPROVE VARIANCES FROM CHAPTER 721.5.03 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS

Interim Director of Development Services, Caitlyn Strickland, spoke. Transportation Director, Jerry Borcharding spoke. Sunset Oaks is a master planned subdivision located at the corner of Yarrington Road and Hwy 21. The subdivision will be served by Maxwell WSC and wastewater service will accomplished by Aqua Texas INC. The developer is asking for variances from Chapter 721.5.03 of the Hays County Development Regulations, which outline building line setbacks from county roadways and driveway spacing. Building Lines Setbacks: The county regulation for roadways fronting along a roadway is a standard 25 ft setback. The developer would like to follow the City of San Marcos standard of 10ft corner side setback for lots that have two sides of the lot fronting along a roadway. Driveway Spacing: The county regulation for driveway spacing is 50 feet. The developer would like to follow the city of San Marcos standard of "one driveway per property" with no distance separation limitation. The size of the lots will not allow for the 50ft spacing requirement the county has. Additional information is provided in back up. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones, to approve SUB-870; Sunset Oaks Subdivision (2227 Lots) variances from Chapter 721.5.03 of the Hays County Development Regulations. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #19 RE: APPROVE A VARIANCE WHICH WOULD ALLOW THE PROPERTY AT 279 GRIST MILL RD, KYLE, TX TO USE OSSF RULES IN PLACE IN AUGUST OF 1986. – was pulled

33353 APPROVE THE APPOINTMENT OF ALEX GARCIA TO THE BOARD OF EMERGENCY SERVICES DISTRICT #3, TERM ENDING DECEMBER 31, 2020

Commissioner Whisenant spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell, to approve the appointment of Alex Garcia to the board of Emergency Services District #3, term ending December 31, 2020. All present voting "Aye". MOTION PASSED**



33354 AUTHORIZE THE EXECUTION OF AN ENGAGEMENT LETTER BETWEEN HAYS COUNTY AND DAVIS KAUFMAN PLLC RELATED TO THE 86TH LEGISLATIVE SESSION OF THE TEXAS LEGISLATURE

Dan Lyon, resident of San Marcos, made public comment. Commissioner Shell spoke. **A motion was made by Commissioner Shell, seconded by Commissioner Whisenant, to authorize the execution of an engagement letter between Hays County and Davis Kaufman PLLC related to the 86th legislative session of the Texas Legislature. All present voting "Aye". MOTION PASSED**

33355 AUTHORIZE THE EXECUTION OF THE CONFIDENTIAL DATA RELEASE AND INDEMNIFICATION AGREEMENT BETWEEN HAYS COUNTY, UNITED HEALTHCARE SERVICES INC., FROST INSURANCE AND ZYWAVE, INC

HR Director, Shari Miller spoke. General Counsel, Mark Kennedy spoke. Hays County utilizes benefit data analysis services from Zywave, Inc. in conjunction with Frost Insurance and United Healthcare. United Healthcare requires this multi-party agreement authorizing the release of data. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell, to authorize the execution of the Confidential Data Release and Indemnification Agreement between Hays County, United Healthcare Services Inc., Frost Insurance and Zywave, Inc. All present voting "Aye". MOTION PASSED**

33356 AUTHORIZE THE EXECUTION OF AN INTERLOCAL AGREEMENT (ILA) BETWEEN HAYS COUNTY AND THE CITY OF BUDA FOR LIBRARY SERVICES

Commissioner Jones spoke. General Counsel, Mark Kennedy spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe, to authorize the execution of an Interlocal Agreement (ILA) between Hays County and the City of Buda for library services. 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. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT. - was pulled

33357 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS WITHIN THE HAYS COUNTY AUDITOR'S OFFICE. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into Executive session at 9:43 a.m. and reconvened into open court at 10:29 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Assistant General Counsel, Jordan Powell, HR Director, Shari Miller, County Auditor, Marisol Villarreal – Alonso, First Assistant County Auditor, Vickie Dorset and Legal Support Services Specialist, Janice Jones. **A motion was made by Commissioner Whisenant, seconded by Commissioner Shell, to move to accept the Auditors Office proposed reorganization as presented regrade the Purchasing Manager position grade 116 to 117 effective 1/1/19, hire the Accounting Associate slot 002 at 28.86 percentile effective 12/27/18, delay an Accounting Manager start date 3/1/19, the pros of restructure will be an estimated savings \$5362.00 due to vacant positions and attrition. All present voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #26 RE: EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS WITHIN THE COUNTY COURTS AT LAW. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT. - was pulled

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT KING, PROJECT SHAMROCK, PROJECT BLUE SKY, PROJECT BIG HAT, PROJECT MAGIC MINT AND PROJECT DESERT SAND. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

HAYS COUNTY COMMISSIONERS' COURT MINUTES



Court convened into Executive session at 10:32 a.m. and reconvened into open court at 11:03 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Whisenant, General Counsel, Mark Kennedy, Assistant General Counsel, Jordan Powell, 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. POSSIBLE ACTION MAY FOLLOW. - was pulled*

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn Ban will remain lifted.

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

Court adjourned at 11:07 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 December 11, 2018.




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

