

HAYS COUNTY COMMISSIONERS' COURT MINUTES



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 12<sup>TH</sup> DAY OF MARCH A.D., 2019, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

RUBEN BECERRA	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
LON A. SHELL	COMMISSIONER, PCT. 3
WALT SMITH	COMMISSIONER, PCT. 4
ELAINE H. CÁRDENAS	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Velma Resendiz of the Pentecostal Church gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Becerra called the meeting to order.

**PUBLIC COMMENTS**

Johnny Johnston Jr. resident of Kyle, Dan Lyon, resident of San Marcos, Sam Brannon, resident of San Marcos, all made public comments.

**UPDATE ON THE HILL COUNTRY MENTAL HEALTH AND DEVELOPMENT DISABILITIES (MHDD) MARCH 5TH BOARD MEETING FROM CHARLIE CAMPISE, HAYS COUNTY REPRESENTATIVE ON THE BOARD**

Charles Campise, Hays County representative of the board spoke and gave a brief update on the Hill Country Mental Health and Development Disabilities. The board has 6 County Judges, 2 members of the general public and 1 County Commissioner. The agency serves 19 counties in Central Texas. The largest of the counties is Hays County. The annual cost for a hospital stay for a private facility is \$75,000.00. The annual cost for a hospital stay for a public facility is \$38,000.00.

**A SUMMARY BY THE CHIEF OF STAFF ON THE CRIMINAL JUSTICE SUMMIT HELD ON MARCH 8, 2019**

Chief of Staff, Alex Villalobos spoke. Chief of Staff will provide a summary on the Criminal Justice Summit that was held at the Government Center on March 8th, 2019. The Criminal Justice Summit had presentations from the following offices: Sheriff's Office, District Attorney's Office, District Judge, County Court at Law, and local attorney's offices.

**33647 APPROVE PAYMENTS OF COUNTY INVOICES**

Marisol Villarreal-Alonzo, Hays County Auditor spoke. An additional \$166.00 needed to be added to the disbursements. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County invoices in the amount of \$4,477,629.16, as submitted by the County Auditor. All present voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #4 RE: APPROVE PAYMENTS OF JUROR CHECKS. – was pulled**

**Clerk's Note Agenda Item #5 RE: APPROVE THE PAYMENT OF HUMANA AND UNITED HEALTHCARE CLAIMS. – was pulled**

**33648 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 5, 2019**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of March 5, 2019 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

**33649 APPROVE THE PAYMENT OF THE MARCH 15, 2019 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,650,400.00 EFFECTIVE MARCH 15, 2019 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED**



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A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the payment of the March 15, 2019 payroll disbursements in an amount not to exceed \$2,650,400.00 effective March 15, 2019 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

**33650                                    AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT AT 301 EAGLES NEST, CABINS #1-3, WIMBERLEY, TEXAS 78676**

Curtis Smith with Wimberley Realty Services is proposing a new on-site sewage facility for the property located at 301 Eagles Nest in Wimberley Texas. This system will serve three small long-term rental cabins (#1, 2, and 3) and is designated as "System A". This 11.38-acre tract of land will be served by a private water supply. The system designer, Stan Burrier, P.E., has designed a standard treatment system. After treatment, the effluent will be dispersed via low-pressure pipe for a maximum daily rate of 540 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize Commercial On-Site Sewage Facility Permit at 301 Eagles Nest, Cabins #1-3, Wimberley, Texas 78676. All present voting "Aye". MOTION PASSED**

**33651                                    AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT AT 301 EAGLES NEST, CABINS #4 & 5, WIMBERLEY, TEXAS 78676**

Curtis Smith with Wimberley Realty Services is proposing a new on-site sewage facility for the property located at 301 Eagles Nest in Wimberley Texas. This system will serve two small long-term rental cabins (#4 & #5) and an existing house and is designated as "System B". This 11.38-acre tract of land will be served by a private water supply. The system designer, Stan Burrier, P.E., has designed a standard treatment system. After treatment, the effluent will be dispersed via low-pressure pipe for a maximum daily rate of 540 gallons. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize Commercial On-Site Sewage Facility Permit at 301 Eagles Nest, Cabins #4 & 5, Wimberley, Texas 78676. All present voting "Aye". MOTION PASSED**

**33652                                    APPROVE UTILITY PERMITS**

Permit: # 1131 Road Name: 809 Petra's Way Utility Company: Goforth (SUD). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve utility permit # 1131 located on 809 Petra's Way issued to Goforth (SUD) as presented by the Director of Transportation. All present voting "Aye". MOTION PASSED**

**33653                                    AUTHORIZE PAYMENT TO KONE INC. FOR ELEVATOR REPAIRS AT THE GOVERNMENT CENTER WHERE NO PURCHASE ORDER WAS ISSUED PER COUNTY PURCHASING POLICY**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment to KONE Inc. for elevator repairs at the Government Center where no purchase order was issued per County purchasing policy. All present voting "Aye". MOTION PASSED**

**33654                                    AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT A DONATION IN THE AMOUNT OF \$50.00 FOR THE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office received a donation of \$50.00 from Marcello and Virginia Rodriguez. The Rodriguez's are requesting for the funds to be used for supplies and materials towards the Jr. Deputy Academy. Budget Amendment Special Projects Fund Increase 052-618-00.4610 Contributions \$50.00 Increase 052-618-00.5222 Crime Prevention \$50.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Sheriff's Office to accept a donation in the amount of \$50.00 for the Community Outreach Program and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33655                                    APPROVE CORRECTION TO SECTION 2B111 BEREAVEMENT LEAVE IN THE HAYS COUNTY EMPLOYEE PERSONNEL POLICY**

The Bereavement Leave Section included incorrect leave hours in the policy adopted effective 1/1/2019. The correct language should be: 2B111 BEREAVEMENT LEAVE Full time employees will be allowed up to 24 hours leave with pay for a death in the immediate family (18 hours for ¾ time employees and 12 hours for regular part-time employees working at least 20 hours per week). For purposes of this policy, immediate family will be defined as spouse, child, parent, sibling, grandparent, grandchild or spouse's child, parent, sibling, grandparent, grandchild, or a son-in-law or daughter-in-law. Special consideration may also be given to any other person whose association with the employee is similar to the above relationships. **A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve correction to Section 2B111 Bereavement Leave in the Hays County Employee Personnel Policy. All present voting "Aye". MOTION PASSED**



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**33656                    AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 1 FOR KLOTZ ASSOCIATES, INC. DBA RPS ON THE FM 621 SAFETY IMPROVEMENTS HAYS COUNTY 2016 ROAD BOND PROJECT**

A change order requesting additional performance days under the contract for the FM 621 Safety Improvements Project: to extend the contract termination date to accommodate the revised schedule in the TxDOT Advance Funding Agreement (AFA). A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute Change Order No. 1 for Klotz Associates, Inc. dba RPS on the FM 621 Safety Improvements Hays County 2016 Road Bond Project. All present voting "Aye". MOTION PASSED

**33657                    APPROVE THE REAPPOINTMENT OF COMMISSIONER DEBBIE GONZALES INGALSBE AND COMMISSIONER LON SHELL TO THE SAN MARCOS TAX INCREMENT REINVESTMENT ZONE NO. 5 (DOWNTOWN) BOARD OF DIRECTORS, TERM ENDING MARCH 19, 2021**

These reappointments are for 2 year terms, beginning March 19, 2019 and ending March 19, 2021. A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve the reappointment of Commissioner Debbie Gonzales Ingalsbe and Commissioner Lon Shell to the San Marcos Tax Increment Reinvestment Zone No. 5 (downtown) Board of Directors, term ending March 19, 2021. All present voting "Aye". MOTION PASSED

**33658                    AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GENERAL AND CLOSING CERTIFICATE OF HAYS COUNTY, TEXAS, RELATED TO THE REFUNDING OF BONDS BY THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

As a Participating Entity in the West Travis County PUA, Hays County must execute the attached Certificate prior to A.G. approval of the Refunding Bonds, Series 2019. A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute a General and Closing Certificate Of Hays County, Texas, related to the refunding of bonds by the West Travis County Public Utility Agency. All present voting "Aye". MOTION PASSED

**33659                    ACCEPT THE 2018 HAYS COUNTY EMERGENCY SERVICES DISTRICT #4 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082**

Texas Health and Safety Code 775.082 requires that the District prepare and file with the Commissioners Court by June 1 of each year an audit report of the district's fiscal accounts and records. The District's Audit Report is attached. A motion was made by Commissioner Jones, seconded by Commissioner Smith to accept the 2018 Hays County Emergency Services District #4 Audit Report per Texas Health and Safety Code 775.082. All present voting "Aye". MOTION PASSED

**33660                    ACCEPT THE DELIVERY OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT'S (CSCD) FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING ON AUGUST 31, 2018 FOR FILING WITH THE HAYS COUNTY COMMISSIONERS COURT PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 140.004(D) AND THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE-COMMUNITY JUSTICE ASSISTANCE DIVISIONS FINANCIAL MANAGEMENT MANUAL**

Texas Local Government Code 140.004(d) requires that the community supervision and corrections department (CSCD) file with the Commissioners Court a complete financial statement of the department's preceding fiscal year. The CSCD Financial Audit Report is attached. A motion was made by Commissioner Jones, seconded by Commissioner Smith to accept the delivery of the Community Supervision and Corrections Department's (CSCD) Financial Statements for the Fiscal Year ending on August 31, 2018 for filing with the Hays County Commissioners Court pursuant to Local Government Code, Section 140.004(d) and the Texas Department of Criminal Justice-Community Justice Assistance Divisions Financial Management Manual. All present voting "Aye". MOTION PASSED

**33661                    AUTHORIZE A POSITION CHANGE FROM JUSTICE COURT TRAINER, GRADE 112 TO JUSTICE COURT ADMINISTRATOR,**



**GRADE 111 IN THE JUSTICE OF THE PEACE PRECINCT 3 OFFICE  
WITH AN EFFECTIVE DATE OF MARCH 9, 2019**

The current Justice Court Trainer employee is vacating this position and transferring to another Hays County department effective March 9, 2019. Information Technology staff has assumed some of the technology support functions previously performed by the Justice Court Trainer. The Justice Court Administrator position is the appropriate position to fulfill the required duties. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize a position change from Justice Court Trainer, grade 112 to Justice Court Administrator, grade 111 in the Justice of the Peace Precinct 3 office with an effective date of March 9, 2019. All present voting "Aye". MOTION PASSED**

**33662 ACCEPT AND APPROVE THE 2018 RACIAL PROFILING REPORT  
FOR THE HAYS COUNTY CONSTABLE'S OFFICE, PRECINCT 5**

The annual Racial Profiling Report has to be submitted for 2018 in accordance to Law Enforcement Policy on Racial Profiling - Article 2.132 Texas Code of Criminal Procedure (7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept and approve the 2018 Racial Profiling Report for the Hays County Constable's Office, Precinct 5. All present voting "Aye". MOTION PASSED**

**33663 AUTHORIZE THE JUVENILE DETENTION CENTER TO PURCHASE A  
REPLACEMENT DVR SYSTEM FOR FACILITY MONITORING AND  
AMEND THE BUDGET ACCORDINGLY**

A portion of the facilities camera system DVR is not functioning and is not repairable. The Juvenile Facility Administrator obtained quotes to replace the DVR's in order to get the 32 cameras back on-line for monitoring various parts of the facility. There are no recurring costs associated with the purchase, as existing cables and cameras will be utilized. Funds are available within their operating budget for this purchase. Budget Amendment: Increase Misc Equipment - .5719\_400 Decrease Bldg Maint & Repairs - .5451. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Juvenile Detention Center to purchase a replacement DVR system for facility monitoring and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33664 AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT AT  
16580 FITZHUGH ROAD, DRIPPING SPRINGS, TX**

Danny Cabela is proposing an On-Site Sewage System to serve four buildings with living quarters. These quarters are for nightly rentals. This 10.08-acre tract of land is not in a subdivision and will be served by a private well. The system designer, Stan Burrier, P.E., has designed a proprietary treatment plant with flow equalization. After treatment, the effluent will be dispersed via drip irrigation tubing for a maximum daily rate of 980 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize Commercial On-Site Sewage Facility Permit at 16580 Fitzhugh Road, Dripping Springs, TX. All present voting "Aye". MOTION PASSED**

**33665 APPROVE AND CONFIRM THE APPOINTMENT OF ALEX  
VILLALOBOS AS A RESERVE DEPUTY CONSTABLE FOR HAYS  
COUNTY CONSTABLE PRECINCT 3 OFFICE**

Constable Pct. 3, Ray Helm spoke. Commissioner Jones, Commissioner Smith and Commissioner Shell spoke. Chief of Staff, Alex Villalobos spoke. Judge Becerra spoke. Alex has met and exceeded the qualifications for Deputy Constable. He worked for over 10 years at Texas State PD and has his Master Peace Officer License. Pursuant to Local Government Code Chapter 86, Subchapter B 86.011 (a) The Commissioner's Court shall approve and confirm the appointment of a Deputy Constable. Sec. 86.011. **APPOINTMENT OF DEPUTY CONSTABLE.** (a) An elected constable who desires to appoint a deputy must apply in writing to the commissioners court of the county and show that it is necessary to appoint a deputy in order to properly handle the business of the constable's office that originates in the constable's precinct. The application must state the name of the proposed deputy. The commissioners court shall approve and confirm the appointment of the deputy only if the commissioners court determines that the constable needs a deputy to handle the business originating in the precinct. (b) Each deputy constable must qualify in the manner provided for deputy sheriffs. (c) The constable is responsible for the official acts of each deputy of the constable. The constable may require a deputy to post a bond or security. A constable may exercise any remedy against a deputy or the deputy's surety that a person may exercise against the constable or the constable's surety. (d) A person commits an offense if the person: (1) serves as a deputy constable and the person has not been appointed as provided by Subsection (a); or (2) is a constable and issues a deputyship without the consent and approval of the commissioners court. (e) An offense under Subsection (d) is punishable by a fine of not less than \$50 or more than \$1,000. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve and confirm the appointment of Alex Villalobos as a Reserve Deputy Constable for Hays County Constable Precinct 3 Office. All present voting "Aye". MOTION PASSED**





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**33666 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE LETTER OF CREDIT/BOND #SBP702570 IN THE AMOUNT OF \$131,721.80, AND ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #70167847 IN THE AMOUNT OF \$71,856.34 FOR BELTERRA SUBDIVISION, PHASE 20, SECTION 2 & PHASE 21, SECTION 2**

Transportation Director, Jerry Borcharding spoke and gave staff recommendation. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. An engineer's concurrence letter and as-built construction plans have been received. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept road construction and drainage improvements, release of the Letter of Credit/bond #SBP702570 in the amount of \$131,721.80, and acceptance of the 2-year maintenance bond #70167847 in the amount of \$71,856.34 for Belterra subdivision, Phase 20, Section 2 & Phase 21, Section 2. All present voting "Aye". MOTION PASSED**

**33667 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL NO. 1 TO WORK AUTHORIZATION NO. 1 FOR AMERICAN STRUCTUREPOINT, INC. FOR THE FM 3237 SAFETY IMPROVEMENTS FROM RM 150 TO RM 12 ROAD BOND PROJECT**

Commissioner Shell spoke. A Supplemental Work Authorization requesting additional scope and funds for the RM 3237 Safety Improvements (RM150-RM12) Project to add intersection improvements in the vicinity of Myers Creek including Rogers Road and Smith Creek Road Intersections. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute Supplemental No. 1 to Work Authorization No. 1 for American Structurepoint, Inc. for the FM 3237 Safety Improvements from RM 150 to RM 12 Road Bond project. All present voting "Aye". MOTION PASSED**

**33668 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL NO. 2 TO A PROFESSIONAL SERVICE AGREEMENT (PSA) WITH DANNENBAUM ENGINEERING COMPANY - AUSTIN, LLC TO PROVIDE CONSTRUCTION PHASE SERVICES, ON THE POSEY AT I-35 PROJECT AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM**

Commissioner Ingalsbe spoke. Additional funds will cover a new work authorization for construction phase services that will allow for the review of structural shop drawings and contractor requests for information related to the structural design. Construction has been initiated on this project by TxDOT. Previously allocated dollars for construction phase services were used for the redesign of the project three times per TxDot request. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute Supplemental No. 2 to a Professional Service Agreement (PSA) with Dannenbaum Engineering Company - Austin, LLC to provide construction phase services, on the Posey at I-35 project as part of the Hays County/TxDOT Partnership Program. All present voting "Aye". MOTION PASSED**

**SUB-1205; REPLAT OF LOT 75, RESUBDIVISION OF RIVER OAKS RANCH, PHASE ONE (2 LOTS). DISCUSSION AND POSSIBLE ACTION TO CONSIDER A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES, ACCEPT FISCAL SURETY FOR CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$47,435.15 (CHECK # 1002), AND APPROVAL OF FINAL PLAT; HOLD PUBLIC HEARING**

Judge Becerra opened the public hearing. Lee Hicks and Janice Revault made public comment. Judge Becerra closed the public hearing. County Planner, Marcus Pacheco spoke. Resubdivision of River Oaks Ranch, Phase One is a recorded subdivision located off of Bell Springs Road in Precinct 4. Current Hays County minimum lot size requirements dictate that new lots in this area which are served by a Public Groundwater Supply System and Conventional On-site sewage facilities be at least 2.50 acres in size. The proposed Lot 75A will be a proposed 2.13 acres with an existing conventional septic system. Should the existing on-site sewage facility need to be replaced, it will be replaced by an advanced septic system. The owner's justification for the variance is provided in backup. The proposed re-plat will divide the 2.506 acre lots 75 into 2 lots, one of the lots will be served as ROW for a proposed road improvement. Water service will be provided by Monarch Water Utilities I and wastewater treatment will be accomplished by individual on-site sewage facilities. No Action Taken.

**33669 SUB-1146. BOOKY T, REPLAT OF LOT 2 (2 LOTS) CALL FOR A PUBLIC HEARING ON MARCH 26, 2019 TO DISCUSS FINAL PLAT**



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**OF THE REPLAT OF LOT 2, BOOKY T SUBDIVISION AND APPROVE  
VARIANCE REQUEST**

Booky T subdivision is a two lot subdivision located along Hwy 290 in precinct 4. The division of lot two would create 2 new lots. Lot 2B will be served by private well and Lot 2A will be served by rainwater collection. Both lots would have individual onsite sewage facilities. Variance paperwork attached in backup. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve SUB-1146. Booky T, Replat of Lot 2 (2 lots) to call for a public hearing on March 26, 2019 to discuss final plat of the replat of lot 2, Booky T Subdivision and approve variance request. All present voting "Aye". MOTION PASSED**

**33670 SUB-1198; DRIFTWOOD VALLEY SUBDIVISION (26 LOTS).  
DISCUSSION AND POSSIBLE ACTION TO CONSIDER GRANTING A  
VARIANCE FROM CHAPTER 721.5.05 OF THE HAYS COUNTY  
DEVELOPMENT REGULATIONS**

County Planner, Marcus Pacheco spoke. The proposed Driftwood Valley Subdivision is a 26 lot subdivision across 165.62 acres located off of FM 150 in Precinct 4. Water service will be provided by Individual Water Wells and wastewater service will be provided by Individual On-Site Sewage Facilities. Section 721.5.05 of the Hays County Development Regulations states the following: "Flag lots shall not be permitted, except if approved by the Commissioners Court as consistent with the intent and spirit of these Regulations. The Department shall advise the Commissioners Court if a proposed Lot constitutes a "flag lot" and the Commissioners Court shall, in reviewing all the circumstances, make the final determination." The owner is requesting that the proposed lots 15 and 26 be allowed to utilize a flag lot configuration. Justification for the variance is included in backup. The final plat for the Driftwood Valley subdivision has been reviewed under the interlocal cooperation agreement with the City of Dripping Springs and the approval of the variance is required for final plat approval. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to granting a variance from Chapter 721.5.05 of the Hays County Development Regulations. All present voting "Aye". MOTION PASSED**

**33671 ACTION TO CHANGE THE PUBLIC POSTING OF THE  
COMMISSIONERS COURT AGENDA TO ALLOW CITIZENS MORE  
TIME TO REVIEW THE AGENDA**

Chief of Staff, Alex Villalobos spoke. Commissioner Jones, Commissioner Ingalsbe, Commissioner Shell, Commissioner Smith spoke. Marisol Villarreal-Alonzo, Hays County Auditor spoke. Transportation Director, Jerry Borcharding spoke. General Counsel, Mark Kennedy spoke. Judge Becerra spoke. In an effort to give the public time to prepare comments regarding an agenda item, public posting of an agenda should be at least 1 week/5 business days in advance, maintaining the 72 hour window open to allow time for adjustments. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to have the Office of General Counsel to develop a timeline for agenda posting and draft agenda posting and submit that to the court within two weeks. All present voting "Aye". MOTION PASSED**

**33672 ADOPT A RESOLUTION, TO SUPPORT THE PASSAGE OF  
LEGISLATION, INCLUDING AN AMENDMENT TO THE  
CONSTITUTION OF THE STATE OF TEXAS THAT WOULD PROHIBIT  
THE IMPOSITION OF UNFUNDED MANDATES ON TEXAS COUNTIES**

County Clerk, Elaine Cárdenas read the resolution. Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell and Commissioner Smith spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a resolution, to support the passage of legislation, including an amendment to the Constitution of the State of Texas that would prohibit the imposition of unfunded mandates on Texas Counties. All present voting "Aye". MOTION PASSED**

**33673 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO  
PURCHASE SUPPLIES FOR THE HAYS COUNTY HAZMAT  
RESPONSE VEHICLE AND AMEND THE BUDGET ACCORDINGLY**

The Hays County Hazmat Response Vehicle has responded to several incidents over the past two months and is in need of replacement consumable items. List of items used is attached. The OES office is requesting monies from the general fund to replace these items. Future expenses should be covered through the HazMat billing company, once the contract is executed. Potential Funding Source: County-wide contingencies 001-645-00.5399. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Office of Emergency Services to purchase supplies for the Hays County Hazmat response vehicle and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**33674 APPROVE THE FORM OF AN INTERLOCAL AGREEMENT BETWEEN  
HAYS COUNTY AND FIRE DEPARTMENTS THROUGHOUT THE  
COUNTY TO PROTECT THE PUBLIC, PROPERTY OR THE**



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**ENVIRONMENT FROM THE ADVERSE EFFECTS OF RELEASED HAZARDOUS MATERIALS (HAZMAT), CHEMICALS OR SUBSTANCES; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID AGREEMENTS, GRANTED THAT NO SUBSTANTIVE CHANGES ARE MADE BY THE FIRE DEPARTMENT**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the form of an Interlocal Agreement between Hays County and Fire Departments throughout the county to protect the public, property or the environment from the adverse effects of released hazardous materials (HazMat), chemicals or substances; and to authorize the County Judge to execute said Agreements, granted that no substantive changes are made by the Fire Department. All present voting "Aye".  
**MOTION PASSED**

**33675 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH FIRST RESPONDERS SOLUTIONS LLC TO BILL FOR THE HAZMAT INCIDENTS IN HAYS COUNTY**

Through the utilization of First Responders Solutions LLC, local departments will have the ability to recover costs associated with HazMat incidents that occur throughout the county. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with First Responders Solutions LLC to bill for the HazMat incidents in Hays County. All present voting "Aye".  
**MOTION PASSED**

**NEWLY FORMED CRIMINAL JUSTICE COMMISSION**

Chief of Staff, Alex Villalobos, Commissioner Jones, Commissioner Smith, Commissioner Shell, Judge Becerra, Commissioner Ingalsbe and General Counsel, Mark Kennedy all spoke. The County Judge will open the discussion and give County Commissioners the opportunity to pick an individual to serve on a NEWLY FORMED criminal justice commission. The criminal justice commission will be tasked with helping prioritize suggestions/recommendations for criminal justice reform in Hays County and report periodic findings to the Commissioners Court. No Action Taken.

**Clerk's Note Agenda Item #36 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**

**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 MAGIC MINT AND PROJECT BIG HAT. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into Executive session at 11:23 a.m. and reconvened into open court at 11:29 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra, General Counsel, Mark Kennedy, Chief of Staff, Alex Villalobos and Legal Support Services Specialist, Janice Jones. No action taken.

**33676 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE VALUE OF RIGHT OF WAY ALONG AND INCLUDING LIME KILN ROAD IN PCT.3 & 4. POSSIBLE ACTION TO FOLLOW IN OPEN COURT**

Court convened into Executive session at 11:29 a.m. and reconvened into open court at 11:34 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra, General Counsel, Mark Kennedy, Chief of Staff, Alex Villalobos and Legal Support Services Specialist, Janice Jones. A motion was made by Commissioner Smith, seconded by Commissioner Jones to accept the counteroffer, as presented in Executive Session, for acquisition of property from San Marcos Treatment Center related to the Lime Kiln Road project. All present voting "Aye".  
**MOTION PASSED**

**EXECUTIVE SESSION PURSUANT TO SECTION 557.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING ADHERENCE TO THE TEXAS OPEN MEETINGS ACT CH. 551 OF THE TEXAS GOVERNMENT CODE**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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Court convened into Executive session at 11:34 a.m. and reconvened into open court at 11:51 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra, General Counsel, Mark Kennedy, Chief of Staff, Alex Villalobos and Legal Support Services Specialist, Janice Jones. No action taken.

**Clerk's Note Agenda Item #40 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.**

Judge Becerra gave the update. Burn Ban will remain lifted.

**Clerk's Note Agenda Item #42 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 #43 RE:** *DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW. – was pulled*

**DISCUSSION RELATED TO THE HAYS COUNTY INMATE POPULATION, TO INCLUDE CURRENT POPULATION COUNTS AND COSTS**

Hays County's current maximum jail capacity is 474 inmates. Jail Standards recommends holding approximately 10% of capacity open. The jail's daily average was 474 and peak was 482 on March 6<sup>th</sup> for the week of March 3 to March 9, 2019. Estimated cost for outsourcing inmates this week as \$ 51,569.00. The average number of outsourced males is 147 and females are 5. This week's inmates were housed in the following counties: Burnet, Caldwell, McLennan and Limestone. County Jail Trustee's for the month of January 2019, the County Jail Trustee's worked 4,555 hours at an average rate of \$12.00 an hour for a savings of \$54,666.00. Jobs performed by the trustees are kitchen, laundry, cleaning within the facility and special projects assigned. County Jail Trustee's for the month of February 2019, the County Jail Trustee's worked 4,711 hours at an average rate of \$12.00 an hour for a savings of \$56,535.00.

**ADJOURNMENT**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adjourn court at 12:02 p.m.

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I, ELAINE H. CÁRDENAS, 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 March 12, 2019.



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ELAINE H. CÁRDENAS, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS

