



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 4TH DAY OF JUNE 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:

Esperanza Baltazar 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.

Clerk's Note: Granicus live stream was not available from 9 a.m. to 10:45 a.m.

PUBLIC COMMENTS

Harvey Jenkins, resident of San Marcos spoke of County debt. Dan Lyon, resident of San Marcos spoke of Greater San Marcos Partnership. Rodrigo Amaya, resident of San Marcos spoke of the courthouse sidewalk. Jon Leonard, resident of spoke of the voting machine workshop being held today.

33910 ADOPT A PROCLAMATION DECLARING JUNE 2019 AS JUNETEENTH MONTH IN HAYS COUNTY

Rose Brooks spoke and invited the public to the upcoming Juneteenth events. Additional back up was given to the Court of the events. Constable Pct. 1, David Peterson spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a proclamation declaring June 2019 as Juneteenth Month in Hays County All present voting "Aye". MOTION PASSED**

33911 ADOPT A PROCLAMATION DECLARING JUNE 7, 2019 AS NATIONAL DONUT DAY FOR THE SALVATION ARMY

Roland Saucedo spoke on behalf of the Salvation Army. Historically, donuts were distributed by the Salvation Army during the WWI and they have carried on the tradition and will be distributing donuts to first responders in all of Hays County on June 7th. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a proclamation declaring June 7, 2019 as National Donut Day for the Salvation Army. All present voting "Aye". MOTION PASSED**

33912 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of County invoices in the amount of \$ 4,530,464.17, as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

33913 APPROVE PAYMENTS OF JUROR CHECKS

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve payments of Juror checks in the amount of \$2,454.00, as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

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

33914 APPROVE COMMISSIONERS COURT MINUTES OF MAY 21, 2019

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of May 7, 2019, as presented by the County Clerk. All present voting "Aye". MOTION PASSED



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33915 APPROVE THE PAYMENT OF THE JUNE 15, 2019 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,648,500.00 EFFECTIVE JUNE 14, 2019 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the payment of the June 15, 2019 payroll disbursements in an amount not to exceed \$2,648,500.00 effective June 14, 2019 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye". MOTION PASSED

33916 AUTHORIZE THE PARKS DEPARTMENT TO PURCHASE AND INSTALL A MINI-SPLIT HVAC SYSTEM IN THE VISITOR CENTER AT THE GAY RUBY DAHLSTROM NATURE PRESERVE

The Parks Department request authority to purchase and install a new Daikin Ductless Mini-Split 2-Ton Heat Pump System. This system will be installed in the visitor center at the Gay Ruby Dahlstrom Nature Preserve. Funds are available in the Park Bond Fund for this purchase. * SI Mechanical Quote Attached Budget Amendment: Increase .5719_700 - Misc. Equipment Capital Decrease .5448 - Contract Services. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to pull agenda item #8. All present voting "Aye". MOTION PASSED**

33917 AUTHORIZE THE HAYS COUNTY CONSTABLE, PCT. 4 OFFICE TO ENTER INTO A STATE PLAN OF OPERATION AGREEMENT WITH THE STATE OF TEXAS TO RECEIVE CERTAIN EXCESS DEPARTMENT OF DEFENSE (DOD) PROPERTY UNDER THE LAW ENFORCEMENT SUPPORT OFFICE (1033 / LESO) PROGRAM ADMINISTERED BY THE DEFENSE LOGISTICS AGENCY (DLA)

Harvey Jenkins, resident of San Marcos, made public comment. Rodrigo Amaya, resident of San Marcos, made public comment. Commissioner Smith spoke of the recent flooding in Dripping Springs and would like the county to have a vehicle in the future to assist the public during a flood. Constable Pct. 4, Ron Hood discussed the importance of purchasing a vehicle in the future. **A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the Hays County Constable, Pct. 4 Office to enter into a State Plan of Operation Agreement with the State of Texas to receive certain excess Department of Defense (DOD) property under the Law Enforcement Support Office (1033 / LESO) Program administered by the Defense Logistics Agency (DLA). All present voting "Aye". MOTION PASSED**

33918 RATIFY THE PURCHASE AND INSTALLATION OF A NEW HVAC UNIT LOCATED IN THE KYLE WIC BUILDING AND AMEND THE BUDGET ACCORDINGLY

The Building Maintenance department had a failed HVAC unit replaced with a York 2.5-Ton Air Handler System located in the Kyle WIC building. Funding is available in the maintenance and repair budget for this replacement equipment. Attachment: SI Mechanical Quote Budget Amendment: Decrease 001-695-00.5451 Building Maintenance and Repair (\$8,100) Increase 001-695-00.5719_700 Miscellaneous Equipment Capital Outlay \$8,100. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to ratify the purchase and installation of a new HVAC unit located in the Kyle WIC building and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33919 APPROVE ON-SITE SEWAGE FACILITY PERMIT FOR 2 LONG-TERM RENTAL MOBILE HOMES AT 199 FRED TRIMBLE RD, DRIFTWOOD, TX

Director of Development Services, Caitlyn Strickland spoke and gave staff recommendation. Tomasz Johannsen is proposing an On-Site Sewage System to serve two mobile homes for long-term rental. This 50.61 acre tract of land is not located within a recorded subdivision and will be served by a private well. The system designer, Stan Burrier, P.E., has designed a low pressure dosed system. The system consists of two 1000 gallon tanks, one 1000 gallon pump tank and will be dispersed through low pressure dosed lines for a maximum daily rate of 480 gallons. **A motion was made by Commissioner Smith, seconded by Commissioner Jones to approve On-Site Sewage Facility Permit for 2 long-term rental mobile homes at 199 Fred Trimble Rd, Driftwood, TX. All present voting "Aye". MOTION PASSED**



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33920 ACCEPT A DONATION OF \$750.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH DIVISION AND AMEND THE BUDGET ACCORDINGLY

Rodrigo Amaya, resident of San Marcos, made public comment. The Sheriff's Office Community Outreach Division received a donation of \$750.00 from the San Marcos Lions Club. The Lions Club is requesting for the donation to be used towards supplies and materials for the 2019 Jr. Deputy program. Budget Amendment Special Projects Fund Increase 052-618-00.4610 Contributions \$750.00 Increase 052-618-00.5222 Crime Prevention \$750.00. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept a donation of \$750.00 to the Sheriff's Office Community Outreach Division and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33921 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY20 TUBERCULOSIS PREVENTION AND CONTROL - STATE GRANT PROGRAM (TB/PC-STATE) IN THE AMOUNT OF \$25,875

On February 5, 2019 the Commissioners' Court authorized submission of a grant application to the DSHS for the FY20 TB/PC-State. Funds will be used to provide support to the local health department for the identification and treatment of those persons with, or who have been exposed to tuberculosis. The state allocation amount is \$25,875, with a cash match of 20% in the amount of \$5,175 from the County for participation in the program, for a combined total amount of \$31,050. Grant funds will be budgeted during the FY20 budget process. Grant Period: 09/01/2019 - 08/31/2020 Contract Number: HHS000486300001 Attachment: DSHS Tuberculosis Prevention and Control - State Grant Program Contract. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with the Department of State Health Services (DSHS) for the FY20 Tuberculosis Prevention and Control - State Grant Program (TB/PC-State) in the amount of \$25,875. All present voting "Aye". MOTION PASSED**

33922 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDED AND RESTATED INTERLOCAL AGREEMENT BY AND BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS REGARDING THE HAYS COUNTY NARCOTICS TASK FORCE

Rodrigo Amaya, resident of San Marcos, made public comment. This Amended and Restated Interlocal Agreement is simply to update operating procedures and composition of the HCNTF since the last Agreement was executed. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute the Amended and Restated Interlocal Agreement by and between Hays County and the City of San Marcos Regarding the Hays County Narcotics Task Force. All present voting "Aye". MOTION PASSED**

33923 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR OFFICE BUILDING AT 210 FM 2001, BUDA, TEXAS 78610

LSH Properties, LLC is proposing an On-Site Sewage System to serve an insurance office building, which has a failing septic system. The system is designed to accommodate up to 24 employees and customers. This 0.703-acre tract of land is Lot B in the Santa Cruz subdivision and will be served by a public water supply. The system designer, Dave McGhee, R.S., has designed a proprietary treatment system with flow equalization. After treatment, the effluent will be dispersed via drip irrigation tubing for a maximum daily rate of 300 gallons. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for office building at 210 FM 2001, Buda, Texas 78610. All present voting "Aye". MOTION PASSED**

33924 APPROVE UTILITY PERMITS

Permit # 1140, Road Name: Belterra Drive Hays County, Utility Company: WCID#2, Permit # 1141, Road Name: Springlake Subdivision, Utility Company: DSWSC. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Utility Permit # 1140, located on Belterra Drive issued to Hays County WCID#2 and Permit # 1141, located on Springlake Subdivision, issued to DSWSC, as submitted by the Transportation Director. All present voting "Aye". MOTION PASSED**

33925 AUTHORIZE THE CONSTABLE PRECINCT 5 OFFICE TO ACCEPT A \$1,500 CASH DONATION FROM WAL-MART, INC. FOR LAW ENFORCEMENT SUPPLIES RELATED TO COMMUNITY SERVICE PROGRAMS AND AMEND THE BUDGET ACCORDINGLY



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Rodrigo Amaya, resident of San Marcos, made public comment. Assistant Auditor, Vickie Dorset spoke and gave clarification. Commissioner Jones joined in discussion. The Constable has received a commitment from Wal Mart, Inc. to provide a cash donation of \$1,500 to be utilized for the betterment of the community. Funds will be utilized to purchase supplies related to community outreach programs. Attachment: Donation Letter Budget Amendment: Increase Contributions - .4610 Increase Law Enforcement Supplies - .5206. **A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the Constable Precinct 5 Office to accept a \$1,500 cash donation from Wal-Mart, Inc. for law enforcement supplies related to community service programs and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33926 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT A \$500 CASH DONATION FROM WILLIAMS-SEBBY VETERINARY CLINIC AND AMEND THE BUDGET ACCORDINGLY

The Juvenile Probation Department has received a donation from the Williams-Sebby Vet Clinic to be utilized for community programs for juveniles within the program. Funds will be utilized to purchase supplies related to upcoming summer programs. Budget Amendment: Increase .4610 Contributions Increase .5391 Miscellaneous **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Juvenile Probation Department to accept a \$500 cash donation from Williams-Sebby Veterinary Clinic and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33927 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 2 WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY20 CONTRACT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) PROGRAM IN THE AMOUNT OF \$122,790

On January 22, 2019 Commissioners' Court authorized the submission of a renewal of the contract with DSHS for the FY20 PHEP Program. Funds will be used to provide support of the salary and benefits for the Emergency Preparedness Coordinator and SNS Coordinator and operating expenses in the Hays County Health Department. Amendment No. 2 reflects the addition of the FY20 Statement of Work, extends the termination date to June 30, 2020 & adds federal funding of \$122,790 with a cash match of 10% in the amount of \$12,279, for a combined total amount of \$135,069. Grant funds will be budgeted during the FY20 budget process. Grant period: 07/01/2019 - 06/30/2020 Contract Number: 537-18-0153-00001 Attachment: DSHS PHEP Program Amendment No. 02. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of Amendment No. 2 with the Department of State Health Services (DSHS) for the FY20 contract for the Public Health Emergency Preparedness (PHEP) Program in the amount of \$122,790. All present voting "Aye". MOTION PASSED**

33928 AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE SIX (6) REPLACEMENT APC UPS SYSTEMS FOR EQUIPMENT PROTECTION AND AMEND THE BUDGET ACCORDINGLY

The IT Department is in need of six replacement UPS systems. These systems will protect servers, switches, routers and networking devices while providing battery backup power with Smart-UPS SMT2200RM2UC and APC SmartConnect. Funds have been identified within the IT operating budget for this purchase. No additional county funds are required. Attachment: Dell Quote 3000039384510.1 DIR Contract #DIR-TSO-3763 Budget Amendment: Increase Computer Equipment Operating - .5712_400 - \$6,395 Decrease Computer Equipment Capital - .5712_700 - (\$6,231) Decrease Postage - .5212 - (\$164). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Information Technology Department to purchase six (6) replacement APC UPS systems for equipment protection and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33929 ACCEPT THE DELIVERY OF THE FISCAL YEARS 2017 AND 2018 INTERNAL EXAMINATION REPORT FOR THE CONSTABLE PRECINCT 2 OFFICE FORFEITURE FUND

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the delivery of the Fiscal Years 2017 and 2018 Internal Examination Report for the Constable Precinct 2 Office Forfeiture Fund. All present voting "Aye". MOTION PASSED

33930 AUTHORIZE THE BAIL BOND BOARD TO PURCHASE ONE (1) COMPUTER WITH ACCESSORIES AND HOST THE BAIL 101 WORKSHOP AND AMEND THE BUDGET ACCORDINGLY



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The Bail Bond Board has approved the purchase of one replacement computer for the Bail Bond Administrative Assistant as well as expenses related to hosting a Bail 101 Workshop on June 21st. Funding for these expenses are available in the Bail Bond Special Revenue Fund. No additional funds are required. Attachment: Dell Quote 3000038658677.1 DIR Contract #DIR-TSO-3763 Roger Moore Workshop Quote Budget Amendment: Increase Computer Equipment Operating - .5712_400 - \$880 Increase Data Supplies - .5202 - \$275 Increase Software License - .5429 - \$387 Increase Continuing Education - .5551 - \$1,500 Decrease Operating Expenses - .5301 - (\$3,042). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Bail Bond Board to purchase one (1) computer with accessories and host the Bail 101 Workshop and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33931 AUTHORIZE PAYMENT TO AMG PRINTING FOR THE COUNTY COURT AT LAW OFFICE IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY AND AMEND THE BUDGET ACCORDINGLY

The CCL Office ordered letterhead envelopes for daily operations and failed to obtain the purchase order prior to having the work completed. Funds are available within their operating budget to cover this expenditure. Budget Amendment: Decrease Continuing Education .5551 Increase Printing .5461. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment to AMG Printing for the County Court at Law Office in which no purchase order was issued as required per County Purchasing Policy and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

33932 AUTHORIZE THE HAYS COUNTY CONSTABLE, PCT. 4 TO ISSUE PAYMENT FOR HAYS CO. DEPUTY CONSTABLE, PCT. 4, KEN NICOLAS (RESERVE) TO ATTEND THE "STREET COP SMART COP/PRO-ACTIVE PATROL TACTICS TRAINING" IN AUSTIN, TX ON JULY 15TH & 16TH, 2019

Rodrigo Amaya, resident of San Marcos, made public comment. This training will better prepare and equip the officer in response to traffic or criminal activity w/in Hays County. The necessary funds are available in the Constable's Pct. 4 Continuing Education Line Item (638.00.5551). **A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the Hays County Constable, Pct. 4 to issue payment for Hays Co. Deputy Constable, Pct. 4, Ken Nicolas (Reserve) to attend the "Street Cop Smart Cop/Pro-Active Patrol Tactics Training" in Austin, TX on July 15th & 16th, 2019. All present voting "Aye". MOTION PASSED**

33933 AUTHORIZE COMMISSIONER FOR PRECINCT 1 TO EXECUTE DOCUMENTS RELATED TO THE CERTIFICATION AND LETTING OF CONSTRUCTION BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR SOUTH SEGMENT OF THE FM 110 PROJECT, FROM SH123 TO FM621 WITHIN PRECINCT 1

Commissioner Ingalsbe spoke. General Counsel gave a brief clarification of the certificate. Letting is scheduled for July 2019 for the South Segment. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize Commissioner for Precinct 1 to execute documents related to the certification and letting of construction by the Texas Department of Transportation for South Segment of the FM 110 project, from SH123 to FM621 within Precinct 1. All present voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item # 26 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND DOUCET & ASSOCIATES FOR PLANS, SPECIFICATIONS AND ESTIMATES (PS&E) SERVICES FOR A PARKING LOT AT THE HAYS COUNTY GOVERNMENT CENTER. – was pulled

33934 RELEASE OF THE MAINTENANCE BOND #713279P IN THE AMOUNT OF \$748,660.00, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR SUNFIELD SUBDIVISION, PHASE 2, SECTION 10

Staff recommends acceptance of the roads into the county road maintenance system. The roads include: Yellow Grass Drive (244 ft.), Lyre Leaf Drive (686 ft.), Nectar Drive (1,619 ft.) and Sunwheat Boulevard (1,107 ft. new total length). **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release of the maintenance bond #713279P in the amount of \$748,660.00, and the acceptance of roads into the county road maintenance system for Sunfield subdivision, Phase 2, Section 10. All present voting "Aye". MOTION PASSED**



33935 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND COBB, FENDLEY & ASSOCIATES, INC. FOR DESIGN AND PREPARATION OF PLANS, SPECIFICATIONS, AND ESTIMATES (PS&E) INCLUDING BID AND CONSTRUCTION PHASE SERVICES ON THE WINTERS MILL INTERSECTION IMPROVEMENTS AT RM 12 AND RM 3237 AS PART OF THE HAYS COUNTY 2016 ROAD BOND PROJECT

Commissioner Shell spoke of the accommodation of the traffic. PSA is for the preparation of construction documents associated with the proposed construction of safety improvements at the intersections of Winters Mille with RM 12 and RM 3237. This new PSA/contract will replace the original contract executed 8/2/2016. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute a Professional Services Agreement (PSA) between Hays County and Cobb, Fendley & Associates, Inc. for design and preparation of plans, specifications, and estimates (PS&E) including bid and construction phase services on the Winters Mill Intersection Improvements at RM 12 and RM 3237 as part of the Hays County 2016 Road Bond Project. All present voting "Aye". MOTION PASSED**

33936 SUB-1274; WESTWOOD VFW (1 LOT). DISCUSSION AND POSSIBLE ACTION TO CONSIDER GRANTING A VARIANCE FROM CHAPTER 715.4.05 OF THE HAYS COUNTY DEVELOPMENT SERVICES REGULATIONS

County Planner Marcus Pacheco spoke and gave staff recommendations. Commissioner Smith spoke of the donated property that is the proposed VFW. The proposed Westwood VFW Subdivision is a 1 Lot subdivision across 2.575 acres located of W. US Highway 290 in Precinct 4. Water service will be provided by Dripping Springs Water Supply and wastewater service will be accomplished by Individual On-Site Sewage Facility. Section 715.4.05 of the Hays County Development Regulations states that an applicant proposing to serve a development by On-Site Sewage Facilities shall submit a design report sealed by a Texas licensed professional engineer or a Texas registered sanitarian describing how the proposed development will be provided with wastewater service. The developers are requesting to provide a design report at the time a Site Plan application is submitted for review. Justification for the variance is included in backup. The final plat for the Westwood VFW 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 Jones to grant a variance from Chapter 715.4.05 of the Hays County Development Services Regulations for SUB -1274, Westwood VFW (1 Lot). All present voting "Aye". MOTION PASSED**

33937 SUB-1247; CALL FOR A PUBLIC HEARING ON JUNE 18TH, 2019 TO DISCUSS APPROVAL OF THE FINAL PLAT OF THE ROLLING OAKS, SECTION 3, LOT 55, REPLAT

Rolling Oaks, Section Three is a recorded subdivision located off of Rolling Oaks Drive in Precinct 3. The proposed re-plat will divide the 10.67 acre lot 55 into 2 lots, Lot 55-A and Lot 55-B. Water service will be provided by individual wells. Wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to call for a public hearing on June 18, 2019 to discuss approval of the final plat of SUB -1247; Rolling Oaks, Section 3, Lot 55 Replat. All present voting "Aye". MOTION PASSED**

33938 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE HAYS COUNTY UNMANNED ROBOTICS TEAM INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS

Dan Lyon, resident of San Marcos, made public comment. This Agreement would formalize a joint relationship between Hays County and the City of San Marcos creating the Hays County Unmanned Robotics Team, rather than each agency operating individual robotics teams with individual resources. This team would combine resources from each agency for the deployment of small unmanned robotic systems to assist law enforcement with crime scene forensic collection, tactical operations, officer training, Fire Department assistance, disaster response, etc. **A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to authorizing the County Judge to execute the Hays County Unmanned Robotics Team Interlocal Agreement between Hays County and the City of San Marcos. All present voting "Aye". MOTION PASSED**



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33939 APPROVE THE APPOINTMENT OF COMMISSIONER MARK JONES AND COMMISSIONER DEBBIE GONZALES-INGALSBE TO THE CITY OF KYLE TAX REINVESTMENT ZONE NO. 2 BOARD

Commissioners Jones and Gonzales-Ingalsbe have agreed to serve on this newly created board. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the appointment of Commissioner Mark Jones and Commissioner Debbie Gonzales-Ingalsbe to the City of Kyle Tax Reinvestment Zone No. 2 board. All present voting "Aye". MOTION PASSED**

33940 AMEND THE CONSTABLE PRECINCT 4 OPERATING BUDGET FOR ADDITIONAL FUNDS REQUIRED FOR VEHICLE REPAIRS

Constable Pct. 4, Ron Hood spoke on the needed repairs. The Constable is requesting additional funds for repairs needed on the 2016 Ford Explorer Interceptor, VIN 1FMSKBAR5GGB97014. Budget Amendment: Increase Constable 4 Vehicle Repairs - .5413 Decrease County Wide Fuel - 001-645-00.5271. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to amend the Constable Precinct 4 operating budget for additional funds required for vehicle repairs. All present voting "Aye". MOTION PASSED**

33941 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND VISTA PLANNING AND DESIGN RELATED TO A PROPOSAL FOR THE PRESERVATION OF CAPES DAM

Kelly Stone, resident of San Marcos, made public comment and opposed this agreement. General Counsel, Mark Kennedy gave a briefing of the proposal to restore the dam. Commissioner Ingalsbe joined in discussion. The Historical Commission would like to assist in the creation of a conceptual master plan for the San Marcos River Capes Dam Preservation project. The proposal also has time in support of other illustrations that depict historical & ecological significance, as well as economic and recreational importance. The process that will be followed to develop this master plan will also be a valuable tool for future potential grants and other funding sources. Funds have been identified in the Historical Commission general fund operating budget for this contract. Attachment: Vista Planning and Design PSA. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute a Professional Services Agreement between Hays County and Vista Planning and Design related to a proposal for the preservation of Capes Dam. All present voting "Aye". MOTION PASSED**

33942 AMEND THE BUILDING MAINTENANCE DEPARTMENT BUDGET FOR BUILDING MAINTENANCE AND REPAIRS AS NEEDED FOR THE REMAINDER OF THE FISCAL YEAR 2019

Additional funds will be needed for building maintenance and repairs for the remainder of the fiscal year 2019. This is due to unforeseen repairs on the heating and cooling systems at several locations throughout the County, as well as other building maintenance and repair items not previously budgeted for. Funding has been identified as follows: Budget Amendment: Decrease 001-695-00.5455 Ground Maintenance and Repair (\$15,000) Decrease 001-695-00.5551 Continuing Education (\$3,000) Decrease 001-695-00.5480_100 Utilities_Buda (\$4,000) Decrease 001-695-00.5480_110 Utilities_Courtouse (\$4,000) Decrease 001-695-00.5480_120 Utilities_Kyle (\$2,000) Decrease 001-695-00.5480_160 Utilities_Dripping Springs (\$2,000) Decrease 001-645-00.5399 County Wide Contingencies (\$30,000). **A motion was made by Commissioner Smith, seconded by Commissioner Jones to amend the Building Maintenance Department budget for building maintenance and repairs as needed for the remainder of the fiscal year 2019. All present voting "Aye". MOTION PASSED**

33943 ADOPT A RESOLUTION APPROVING THE FORM OF A REIMBURSEMENT AGREEMENT CONCERNING LA CIMA PUBLIC IMPROVEMENT DISTRICT NEIGHBORHOOD IMPROVEMENT AREA #2; TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AGREEMENT; AND TO APPROVE ANY ADDITIONAL ACTIONS NECESSARY IN CONNECTION WITH THIS AGREEMENT

Bound Council for La Cima, Julie Hauston spoke of the reimbursement agreement. General Counsel, Mark Kennedy spoke of the agreement on the additional costs. The La Cima Public Improvement District ("PID") was created pursuant to Chapter 372, Texas Local Government Code on September 23, 2014 to finance certain public improvement projects ("Authorized Improvements") for the benefit of the property within the PID. This is



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an agreement between the County and the Developer, in which the Developer agrees to construct the Authorized Improvements and to fund certain Actual Costs of the Authorized Improvements and the County agrees to (i) pay directly or reimburse the Developer for Actual Costs of an Authorized Improvement from the proceeds of PID Bonds in accordance with the Act, this NIA #2 SAP Update and the applicable Indenture, and (ii) reimburse the Owner for Actual Costs of an Authorized Improvement not paid by proceeds of PID Bonds solely from the revenue collected from Special Assessments, including Annual Installments, not pledged to the payment of PID Bonds. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to adopt a resolution approving the form of a Reimbursement Agreement concerning La Cima Public Improvement District Neighborhood Improvement Area #2; to authorize the County Judge to execute the agreement; and to approve any additional actions necessary in connection with this agreement. All present voting "Aye". MOTION PASSED**

33944 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ERECORDING PARTNERS NETWORK, LLC (EPN), CORPORATION SERVICE COMPANY (CSC) AND SIMPLIFILE

General Counsel, Mark Kennedy spoke. This is a template that the Clerk's Office can use for the future. If any future changes the Clerk could bring this item back to court as a consent agenda item. The County Clerk's office acquired a new software vendor and needs to have a new MOU with each provider. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute a Memorandum of Understanding with eRecording Partners Network, LLC (EPN), Corporation Service Company (CSC) and Simplifile. All present voting "Aye". MOTION PASSED**

33945 ACTION TO CONSIDER GRANTING A VARIANCE FROM THE GOVERNING 1986 OSSF RULES FOR THE PROPERTY LOCATED AT 4009 HUNTER RD, SAN MARCOS, TX

The property owner at 4009 Hunter Road in San Marcos, is proposing to repair a failing OSSF. The 1.94 acre parcel is serviced by a public water system. There are currently 3 mobile homes on the property in addition to the main residence. The governing rules for On-Site Sewage Facilities in place at the time the property was created as 1.94 acres, did not allow four (4) residential units to be serviced by an OSSF wherein the minimum lot size requirement was 0.73 acres as per Section 8.03.b.1.C. This rule states that private sewage facilities for lots in subdivision shall be approved by the licensing authority subject to the following provisions: (C) For clay soils (eighteen inches and deeper) or slowly permeable soils with average percolations rates in excess of forty-five (45) minutes per one inch, add ten thousand square feet to lot area. The property owner is seeking a variance to allow the additional structures, due to the fact that they have been in place since the property was created. Granting of this variance will allow the property owner to utilize the property as it has been and replace the failing OSSF while dissolving an environmental and public health concern. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to grant a variance from the governing 1986 OSSF rules for the property located at 4009 Hunter Rd, San Marcos, TX. All present voting "Aye". MOTION PASSED**

33946 AUTHORIZE THE HAYS COUNTY CLERK'S OFFICE TO RE-STRUCTURE PERSONNEL, INCLUDING RE-GRADING POSITIONS AND ADDING ADDITIONAL STAFF AND EQUIPMENT

County Clerk, Elaine H. Cárdenas presented the Court with a PowerPoint Presentation. Summary to be provided in open court. Staffing request: approval to hire 4 additional staff members – 1 Chief Deputy to Oversee Courts, 2 Deputy Clerk IIs to Provide Support to Courts, 1 Administrative Assistant to Provide Bookkeeping and other Administrative Support to Courts and approval to reorganize staff and re-grade two positions – Assistant County Clerk and Chief Deputy Clerk. Funds will be out of the Records Management Fund for the 1 - New Chief Deputy Court Clerk, 2- New Deputy II's and 1 – New Admin. Asst. II. Funds for the regrading of the Asst. County Clerk and the regrading of the Chief Deputy Clerk Records Division will be out of the General Fund. Equipment will be out of the Records Management Fund. Salary Savings will be used to cover. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Clerk's Office to re-structure personnel, including re-grading positions and adding additional staff and equipment as outlined and amend the budget accordingly effective July 1, 2019. All present voting "Aye". MOTION PASSED**

Clerk's Note: Workshop started at 12:05 p.m.

11:00 A.M. - WORKSHOP WITH HART INTERCIVIC AND ES & S TO EXHIBIT BOTH CERTIFIED VENDORS AND THEIR RESPECTIVE HYBRID VOTING SOLUTIONS



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The Court last visited the subject of acquisition election equipment in 2017. Since that time, legislative changes have been made concerning the type of equipment that is allowable for use in the Countywide Polling Place Program under the AG opinion KL-0170. This opinion allows Hays County to consider the recommendation of the previously assembled committee to purchase a hybrid system that will provide a paper back-up of a voter's record that the voter can verify before casting their ballot. The paper back-up will provide an additional opportunity for checks and balances, post-election auditing and recount. This workshop will give each vendor 30 minutes for a presentation and opportunity to answer questions from the Court on the capabilities of each system and vendor. Felice Liston, Hart Intercivic spoke first and gave a presentation of the Hart equipment. Matt Kunz and Chris Walaschin, ESNS spoke second and gave a presentation of the ESNS equipment.

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 BIG HAT AND PROJECT WOLVERINE. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Court convened into Executive Session 3:19 p.m. and reconvened into open court at 3:33 p.m. In Executive Session were Commissioner Jones, Commissioner Smith, Judge Becerra, General Counsel, Mark Kennedy, Jason Giulietti – GSMP, and Legal Support Services Specialist, Janice Jones. No action taken.

33947 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 11:10 a.m. and reconvened into open court at 12:02 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra, General Counsel, Mark Kennedy, Assistant General Counsel, Jordan Powell, Legal Support Services Specialist, Janice Jones, Rebecca Phillips of Lainer Law Firm, and the following individuals from Howry, Breen & Herman LLP: Ryan Ellis, James Hatchef, Randy Howry, Jená Tyra. Court convened into Executive Session 3:33 p.m. and reconvened into open court at 3:41 p.m. In Executive Session were Commissioner Jones, Commissioner Smith, Judge Becerra, General Counsel, Mark Kennedy, and Legal Support Services Specialist, Janice Jones.

A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize General Counsel to execute an updated engagement letter between Hays County and Sheets & Crossfield, P.L.L.C., related to Right of Way acquisition within Hays County. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize General Counsel to execute an engagement letter between Hays County and Winstead, P.C., related to construction of FM 1626 in Precinct 2. All present voting "Aye". MOTION PASSED

33948 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING POSITIONS WITHIN THE HAYS COUNTY ELECTION'S OFFICE. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

Jennifer Anderson spoke and gave a brief review of the request of re-grading of the Equipment Data Coordinator from a 109 to 110. There will be no impact for the cost for this year due to salary savings to cover. **A motion was made by Commissioner Jones, seconded by Commissioner Smith to re-grade the Equipment Data Coordinator in the Elections Office from a 109 to 110 effective 5/28/2019. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING RELATED TO ALL EMPLOYEES WHO OPERATE UNDER A COMMERCIAL DRIVER'S LICENSE FOR HAYS COUNTY

Court convened into Executive Session 2:26 p.m. and reconvened into open court at 3:19 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Smith, Judge Becerra, Chief of Staff, Alex Villalobos, General Counsel, Mark Kennedy, Transportation Director, Jerry Borcharding, Aaron Jones, HR Director, Shari Miller, Laureen Chernow, and Legal Support Services Specialist, Janice Jones. No action taken.



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Clerk's Note: Agenda Item # 45 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

Clerk's Note: Agenda Item # 46 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION. - was pulled

Clerk's Note: Agenda Item # 47 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, WADE BENTON, HNTB AND ALLEN CROZIER, HDR. POSSIBLE ACTION MAY FOLLOW. - was pulled

Clerk's Note: Agenda Item # 48 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 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. The jail's daily average was 550 and peak was 557 on May 28th for the week of May 26th to June 1st, 2019. Estimated cost for outsourcing inmates this week as \$79,295.00. The average number of outsourced males is 216 and females are 8. This week's inmates were housed in the following counties: Bastrop, Bell, Blanco, Burnett, Caldwell, Guadalupe, McLennan, Limestone and Walker.

ADJOURNMENT

A motion was made by Commissioner Jones to adjourn court at 3:49 p.m.

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 June 4, 2019.



Elaine H. Cardenas

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

