



**STATE OF TEXAS** \*  
**COUNTY OF HAYS** \*

**ON THIS THE 13<sup>TH</sup> DAY OF AUGUST A.D., 2019, IN THE HAYS COUNTY COURTHOUSE, 111 E. SAN ANTONIO ST., SUITE 301, SAN MARCOS, TEXAS, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

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

**THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Commissioner Ingalsbe 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.

**POINT OF ORDER**

Commissioner Smith called a Point of Order regarding the circumstances leading to the existence of two agendas, one without the County Clerk's signature, and another with her signature, but missing one of the agenda items (#33 regarding vote locations). Judge Becerra acknowledged that he had removed the item because he did not believe there had been sufficient opportunity for comment and input from the community. Commissioner Smith read a 1983 legal opinion of Attorney General Jim Mattox stating that neither the County Judge nor the County Clerk has the authority to alter a Commissioners Court agenda. When questioned by Commissioner Smith, the County Clerk said the judge had asked her to send the agenda to him for review before signing and posting it. She sent the agenda to him shortly before 5:00PM and signed and posted the agenda he sent back (from which Item #33 had been removed). She said she had believed that the County Judge had final authority over the agenda and the right to make changes, but that she accepted the legal opinion and recognized she had made a mistake in signing the altered agenda instead of the original. She apologized to the commissioners and the public and pledged never to make the mistake again. Janice Jones, a clerk in the General Counsel's office, read an email she had written Friday to Commissioner Smith detailing her recollection of events regarding the removed agenda item (#33). Commissioner Smith called for an investigation of the events, possibly engaging the Texas Rangers.

**PUBLIC COMMENTS**

Jennifer Anderson, Elections Administrator, expressed her displeasure that Agenda Item #33 had been cut, stating that input on voter sites had been obtained through a Polling Locations Study Group composed of municipal and school district representatives and a few others involved with the elections. Rodrigo Amaya challenged the ethics of Commissioner Smith and General Counsel Mark Kennedy. Dan LaBruyere, a Hays County prosecutor, commented on the desperate need for adequate staff in the District Attorney's office. Kurt Lange, of the District Attorney's office spoke of being over-burdened and needing a paralegal as well as other staff support. Guadalupe Cortez, a local entrepreneur/inventor, presented to the commissioners his vision of a collapsible storage facility for classrooms that could be used for protection during active shooter attacks. The system would allow for escape through windows, and could be used in various settings, including courtrooms. He requested endorsement of the Commissioners Court. David Crowell commented on several topics. Among them, he objected to providing financial support to the Greater San Marcos Partnership. Susan Raybuck of the League of Women Voters said she was glad agenda item #33 had been cut because the community needed more time to study the proposed locations and provide input to ensure nothing important was overlooked. Roland Saucedo agreed that he was glad agenda item #33 was not on the agenda. He said there was an effort to disenfranchise Hispanics in box 113 and said the citizens need to have input. He also expressed concern about accessibility for people with disabilities at the polling locations. Gabrielle Moore of the League of Women Voters said she was disturbed that proposed locations weren't posted sooner. She was concerned about the lack of a suitable location on the Texas State University campus and said students were being disenfranchised. Sarah Kline, President of the 290 Safety Coalition, expressed concern about safety on Hwy 290. She called for a lower speed limit, and requested an extra Constable.

**PUBLIC COMMENTS REGARDING ITEM #33—VOTE CENTERS, WHICH HAD BEEN PULLED FROM THE AGENDA**

David Crowell objected to the inconvenient locations of the proposed vote centers and to the "TBD" listed next to Texas State University sites. He also commented on the misallocation of sites, with surpluses in some areas and too few in other areas, such as Kyle. Linda Calvert, President, Hays County League of Women Voters, commended Jennifer Anderson on the move to vote centers, but said she would like to see more transparency with ample opportunities for public input. She questioned the outreach process that relied mostly on municipalities and school districts, with apparently little or no involvement of traditionally underserved populations, including students, ethnic minorities, older people, and people with disabilities. She also commented on the odd spread of locations with two next to each other in Wimberley and too few in rural areas. Cindy Cassidy commented on her discomfort with the "tone this morning" and her concern about the proposed Driftwood location, which she thought was inadequate and unfamiliar to voters in the area. Roland Saucedo objected to the removal of the Health Department from the list of locations and the effect it would have on



people who had always voted at the location. He said the list disenfranchises the elderly, people with disabilities, and others. Lisa Prewitt expressed dismay that polling locations used in previous elections were not used. She called for greater integrity, fairness and transparency, as well as ample time to study proposed plans and have input.

**34146 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones seconded by Commissioner Smith to approve payments of County invoices in the amount of \$12,911,648.24, as submitted by the County Auditor. All present voting "Aye." MOTION PASSED

**34147 APPROVE PAYMENTS OF JUROR CHECKS**

A motion was made by Commissioner Jones seconded by Commissioner Smith to approve payments of Juror Checks in the amount of \$2,903.00, as submitted by the County Auditor. All present voting "Aye." MOTION PASSED

**34148 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS**

A motion was made by Commissioner Jones seconded by Commissioner Smith to approve the payment of United Healthcare claims in the amount of \$232,280.41, as submitted by the County Auditor. All present voting "Aye." MOTION PASSED

**Clerk's Note Agenda Item #4** *RE: APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 6, 2019. BECERRA/CARDENAS - WAS PULLED*

**34149 APPROVE THE PAYMENT OF THE AUGUST 15, 2019 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,680,000.00 EFFECTIVE AUGUST 15, 2019 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 Smith to approve the payment of the August 15, 2019 payroll disbursements in an amount not to exceed \$2,680,000.00 effective August 15, 2019 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voting "Aye." MOTION PASSED

**34150 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR ADDITION OF REHABILITATION CENTER AT 11205 BONHAM RANCH ROAD, DRIPPING SPRINGS, TX 78620**

DV Austin, LLC is proposing to convert a Single Family Residence to a Rehabilitation Center. This facility will have a maximum of 14 patients and no more than 10 staff members. This 10.00-acre tract of land is Lot A in the Terry Subdivision and is served by a private well. The system designer, Jon Maass, R.S., has designed a standard treatment system. After treatment, the effluent will be dispersed via low-pressure pipe for a maximum daily rate of 1260 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to Authorize On-Site Sewage Facility Permit for addition of Rehabilitation Center at 11205 Bonham Ranch Road, Dripping Springs, TX 78620. All present voting "Aye." MOTION PASSED**

**34151 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 RVS AT 1300 THURMAN ROAD, SAN MARCOS, TX 78666**

Arturo Cosme is proposing an On-Site Sewage System to serve 5 recreational vehicles for family and friend gatherings. This 5.498-acre parcel of land is Lot 38 of Section C in the Highlands subdivision and will be served by a private well. The system designer, Doug Dowlearn, R.S., has designed a non-standard treatment system. After treatment, the effluent will be dispersed via surface application for a maximum daily rate of 200 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to Authorize On-Site Sewage Facility Permit for 5 RVs at 1300 Thurman Road, San Marcos, TX 78666. All present voting "Aye." MOTION PASSED.**

**34152 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR OFFICE BUILDING AT 3041 SATTERWHITE ROAD, BUDA, TX 78610**

Nicolas Christy of Mercury Wireless, Inc. is proposing an On-Site Sewage System to serve a small office building. The system is designed to accommodate up to 8 employees. This 15.00-acre tract of land will be served by a public 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 50 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize On-**



Site Sewage Facility Permit for office building at 3041 Satterwhite Road, Buda, TX 78610. All present voting "Aye." MOTION PASSED

**34153 CONFIRM THE REAPPOINTMENT OF BILL GOODWIN TO THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "WTCPUA"), TERM ENDING SEPTEMBER 2022**

Pursuant to the Bylaws and Participant Agreement between Hays County, City of Bee Cave, and MUD No.5, all parties must confirm the appointments of the fourth and fifth board members. Bill Goodwin, who has been mutually selected by MUD No. 5 and Bee Cave, awaits confirmation from Hays County. **A motion was made by Commissioner Jones seconded by Commissioner Smith to confirm the reappointment of Bill Goodwin to the Board of Directors of the West Travis County Public Utility Agency (the "WTCPUA"), term ending September 2022. All present voting "Aye." MOTION PASSED**

**34154 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR OFFICE BUILDING AT 10656 SIGNAL HILL ROAD, AUSTIN, TX 78737**

Dennis Watson is proposing to upgrade to an existing On-Site Sewage System. There is a permitted system that serves a Single Family Residence. The upgrade to the system accommodates an office building. This 9.9945 acre tract of land will be served by a public water supply. The system designer, Hoyt Seidensticker, R.S., has designed a standard treatment system. After treatment, the effluent will be dispersed via standard disposal for a maximum daily rate of 260 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for office building at 10656 Signal Hill Road, Austin, TX 78737. All present voting "Aye." MOTION PASSED**

**34155 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 7 RV SPACES AND 2 SHORT-TERM RENTAL CABINS AT 630 WAYSIDE DRIVE, WIMBERLEY, TX 78676**

Joseph Jamieson of Jamieson Properties, LLC is proposing an On-Site Sewage System to serve 7 recreational vehicles and 2 short-term rental cabins. This 2.10-acre parcel of land is Lot 5 in the Canyon Oaks subdivision and will be served by a public water supply. The system designer, Bucky Smith, R.S., has designed a non-standard treatment system. After treatment, the effluent will be dispersed through drip irrigation tubing for a maximum daily rate of 480 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to Authorize On-Site Sewage Facility Permit for 7 RV spaces and 2 short-term rental cabins at 630 Wayside Drive, Wimberley, TX 78676. All present voting "Aye." MOTION PASSED**

**34156 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 25 RV SPACES 710 HENLY LOOP, DRIPPING SPRINGS, TX 78620**

Joshua Garst and James Kuykendall, Jr. are proposing an On-Site Sewage System to serve 25 recreational vehicles. This 10.40-acre parcel of land is will be served by a public water supply. The system designer, Derrick Lormand, R.S., has designed a non-standard treatment system. After treatment, the effluent will be dispersed via low-pressure pipe for a maximum daily rate of 1200 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for 25 RV spaces 710 Henly Loop, Dripping Springs, TX 78620. All present voting "Aye." MOTION PASSED**

**34157 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR AUTOMOTIVE REPAIR SHOP AT 1701 BEBEE ROAD, KYLE, TX 78640**

Ramon Vidaurri is proposing an On-Site Sewage System to serve an automotive repair shop. The system is designed to accommodate up to 20 employees. This 2.00-acre tract of land is Lot 14A in the Sunrise Acres subdivision and will be served by a public water supply. The system designer, Jim Conner, R.S., has designed a standard treatment system. After treatment, the effluent will be dispersed via low-pressure pipe for a maximum daily rate of 240 gallons. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for Automotive Repair Shop at 1701 Bebee Road, Kyle, TX 78640. All present voting "Aye." MOTION PASSED**

**34158 APPROVE UTILITY PERMITS**

Permit #: Road Name: Utility Company: 1154 Redwood Road The Cleaning Guys, LLC and Permit #: Road Name: Utility Company: 1155 Belterra Drive Atwell, LLC. **A motion was made by Commissioner Jones seconded by Commissioner Smith to approve Utility Permits as presented by the Transportation Director. All present voting "Aye." MOTION PASSED**

**34159 APPROVE OUT OF STATE TRAVEL FOR SCHOOL RESOURCE OFFICER RICHARD LOZANO TO ATTEND THE NATIONAL POSITIVE BEHAVIORAL**




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**INTERVENTIONS AND SUPPORTS FORUM ON OCTOBER 3-4, 2019 IN CHICAGO, ILLINOIS**

Out of state travel is needed to send School Resource Officer Richard Lozano to attend the National Positive Behavioral Interventions and Supports Forum on October 3-4, 2019 in Chicago, Illinois. The Texas School Safety Center has requested SRO Richard Lozano to attend this forum as a speaker, and to discuss his daily interactions with students and staff in the school environment. PBIS (Positive Behavioral Interventions and Supports) is an intervention that is becoming more commonplace in schools across the nation to keep schools healthy and safe. This forum will gather data from school resource officers about the number and nature of their encounters with students. The PBIS forum will be a valuable experience for SRO Lozano, as well as the thousands of participants who come from across the nation to attend this forum. Funding for travel expenses including airfare, lodging and per diem will be paid for by the Texas School Safety Center. **A motion was made by Commissioner Jones seconded by Commissioner Smith to approve out of state travel for School Resource Officer Richard Lozano to attend the National Positive Behavioral Interventions and Supports Forum on October 3-4, 2019 in Chicago, Illinois. All present voting "Aye." MOTION PASSED**

**34160            AUTHORIZE THE EXECUTION OF RESOLUTION AND GRANT APPLICATION SUBMITTAL TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2019 SAFE ROUTES TO SCHOOL - INFRASTRUCTURE (SRTS) CALL FOR PROJECTS**

April 16, 2019 the court approved the submission of a preliminary grant application to TxDOT Safe Routes to Schools Program. The Hays County application was selected to move forward to the second phase of the application process which consists of a detailed comprehensive application. The purpose of Safe Routes to School funding is to enable and encourage children to walk and bicycle to school and to them the more appealing transportation alternatives from an early age. In addition, to facilitate in the planning, development, and implementations of projects and activities that will improve safety and reduce motorized traffic in the vicinity of schools. Eligible project locations are within a 2-mile radius of a K-8th grade public, private, or charter school. There is no Match Requirement for this grant funding and the estimated construction costs for the project is \$11,077,000. The funding requested is for the construction of the proposed 10' - 12' shared use path along the south side of Bebee Road and along the east side of Dacy Lane to service Science Hall Elementary School. Additionally, a sidewalk extending north from the intersection of Bebee Road and Dacy Lane to Hillside Terrace. The sidewalk extending east on Hillside Terrace to Goforth Rd. A sidewalk extending north Goforth Rd. to Tom Green School Rd. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize the execution of Resolution and grant application submittal to the Texas Department of Transportation's 2019 Safe Routes to School - Infrastructure (SRTS) Call for Projects. All present voting "Aye." MOTION PASSED**

**34161            AUTHORIZE PAYMENT TO BLUEBONNET MOTORS, A TOTAL OF \$524.97 WHERE NO PURCHASE ORDER WAS IN PLACE AS PER THE COUNTY PURCHASING POLICY**

The Sheriff's Office is requesting court approval of payments to Bluebonnet Motors for two invoices dated 7/31/19 totaling \$524.97. At the time of purchase, a purchase order was not sought as per the County Purchasing Policy. Funding is available in the Sheriff's Office Vehicle Maintenance & Repair g/l. Attachments: Bluebonnet Motors Invoice # 664458 Bluebonnet Motors invoice # 664237. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize payment to Bluebonnet Motors, a total of \$524.97 where no purchase order was in place as per the County Purchasing Policy. All present voting "Aye." MOTION PASSED**

**34162            AUTHORIZE PAYMENT TO ESQUIVEL GLASS COMPANY, A TOTAL OF \$590.00 WHERE NO PURCHASE ORDER WAS IN PLACE AS PER THE COUNTY PURCHASING POLICY**

The Sheriff's Office is requesting court approval of payment to Esquivel Glass Company for two invoices dated 7/31/19 totaling \$590.00. At the time of service, a purchase order was not sought as per the County Purchasing Policy. Funding is available in the Sheriff's Office Vehicle Maintenance and Repair g/l. Attachments: Esquivel Glass Co. Invoice # 907, \$280 Esquivel Glass Co. Invoice # 908, \$310. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize payment to Esquivel Glass Company, a total of \$590.00 where no purchase order was in place as per the County Purchasing Policy. All present voting "Aye." MOTION PASSED**

**34163            AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO PURCHASE ONE POWEREDGE R340 SERVER WITH 2TB STORAGE CAPABILITIES FOR THE FLOOD MONITORING SYSTEM AND AMEND THE BUDGET ACCORDINGLY**

The server will be used to replace an existing server that can no longer provide real-time capabilities as needed for the Texas Water Development Board (TWDB) Flood Early Warning System. Grant funds will be used to purchase the server. Budget Amendment: Decrease Miscellaneous Capital Improvements: 001-656-99-





101.5741 (\$3,696) Increase Computer Equipment Operating: 001-656-99-101.5712\_400 \$3,696 Attachment: Dell Quote No. 3000042725780.1 DIR-TSO-3763. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize the Office of Emergency Services to purchase one PowerEdge R340 Server with 2TB storage capabilities for the flood monitoring system and amend the budget accordingly. All present voting "Aye." MOTION PASSED**

**Clerk's Note Agenda Item #20 RE:** *AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO PURCHASE AND INSTALL A NEW HVAC UNIT TO REPLACE THE FAILED HVAC UNIT CURRENTLY LOCATED AT THE OFFICE OF EMERGENCY SERVICES AT YARRINGTON. INGALSBE/T. CRUMLEY - WAS PULLED*

**Clerk's Note Agenda Item #21 RE:** *AMEND VARIOUS DEPARTMENTAL OPERATING, SPECIAL REVENUE AND CAPITAL PROJECT BUDGETS IN PREPARATION FOR FISCAL YEAR 2019 MONTHLY FINANCIAL REPORTING. BECERRA/VILLARREAL-ALONZO - WAS PULLED*

**34164 AUTHORIZE THE EXECUTION OF A SUPPLEMENTAL AGREEMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PRIME STRATEGIES, INCORPORATED FOR THE PASS-THROUGH FINANCE PROGRAM MANAGEMENT EFFORT IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$225,000.00 FROM \$7,390,500.00 TO \$7,615,500.00 AND EXTENDING THE TERMINATION DATE OF THE CONTRACT TO SEPTEMBER 30, 2020**

The execution of this supplemental to the program management contract will extend the termination date to September 30, 2020. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize the execution of a Supplemental Agreement No. 6 to the Professional Services Agreement with Prime Strategies, Incorporated for the Pass-Through Finance Program Management effort in Hays County, increasing the Compensation Cap by \$225,000.00 from \$7,390,500.00 to \$7,615,500.00 and extending the termination date of the contract to September 30, 2020. All present voting "Aye." MOTION PASSED**

**34165 AUTHORIZE THE HEALTH DEPARTMENT TO PURCHASE CONSUMABLE ITEMS RELATED TO THE 2019 HEALTH FAIR TO BE HELD ON AUGUST 19, 2019**

The Health Department is hosting the annual Health Fair to promote back to school immunizations the week of August 19th located at 401 Broadway. Items will be purchased to provide to the children and families that attend as well as educational materials related to the benefits of vaccinations. This event is free to the public. Savings within the Health Department operating budget are available to fund this request. **A motion was made by Commissioner Jones seconded by Commissioner Smith to authorize the Health Department to purchase consumable items related to the 2019 Health Fair to be held on August 19, 2019. All present voting "Aye." MOTION PASSED**

**34166 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY, THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT, AND HAYS COUNTY CONSTABLE, PRECINCT 3**

Rodrigo Amaya, resident of San Marcos, made public comment. Commissioner Shell mentioned duties will be separate. Constable Pct. 3, Ray Helm spoke. Superintendent Dwain York spoke. Constable Ayers spoke of the training. On June 25, 2019, the Commissioners Court approved combining two part-time deputy constable positions into one full-time deputy constable position. As discussed in Court, this transition equated to a change in the cost of insurance benefits associated with the positions. The County funded the insurance benefits for the remainder of FY19, and the budget was amended accordingly. This First Amendment to the Interlocal Cooperation Agreement will result in the Wimberley Independent School District funding half of the insurance benefits associated with the position, effective October 1, 2019. The remaining half of the insurance benefits will be funded by the City of Woodcreek. **A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize the County Judge to execute the First Amendment to the Interlocal Cooperation Agreement between Hays County, the Wimberley Independent School District, and Hays County Constable, Precinct 3. All present voting "Aye." MOTION PASSED**

**34167 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE THIRD AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK**

Commissioner Shell mentioned duties will be separate. Constable Pct. 3, Ray Helm spoke. Constable Ayers spoke of the training. On June 25, 2019, the Commissioners Court approved combining two part-time deputy constable positions into one full-time deputy constable position. As discussed in Court, this transition equated to a change in the cost of insurance benefits associated with the positions. The County funded the insurance benefits for the remainder of FY19, and the budget was amended accordingly. This Third Amendment to the



Interlocal Cooperation Agreement will result in the City of Woodcreek funding half of the insurance benefits associated with the position, effective October 1, 2019. The remaining half of the insurance benefits will be funded by the Wimberley Independent School District. **A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize the County Judge to execute the Third Amendment to the Interlocal Cooperation Agreement between Hays County and the City of Woodcreek. All present voting "Aye." MOTION PASSED**

**34168 APPROVE ADVANCE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE US 290 AT TRAUTWEIN ROAD PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY**

Commissioner Smith spoke of the temporary signal. The US 290 at Trautwein Rd. intersection improvement project is an element of the Hays County 2016 Road Bond Program. The project has been included in the Capital Area Metropolitan Planning Organization (CAMPO) FY 2019 to FY 2022 Transportation Improvement Program and has been awarded \$1,049,000.00 in Federal construction funding. Hays County has moved forward with project development of the US 290 at Trautwein Road project, including environmental clearance, construction design, and utility relocation. The Advance Funding Agreement would memorialize the roles and responsibilities of TxDOT and Hays County and is required for the project to receive Federal construction funding. TxDOT would contribute a total of \$1,181,779.00 in State and Federal funds, which includes construction funding and direct State costs, and Hays County would contribute a total of \$236,370.00 which includes construction engineering and environmental clearance. The project is estimated to be let for construction by TxDOT in early 2020. **A motion was made by Commissioner Smith seconded by Commissioner Jones to approve Advance Funding Agreement between Hays County and the Texas Department of Transportation (TxDOT) for the US 290 at Trautwein Road project and authorize the County Judge to execute Advance Funding Agreement on behalf of Hays County. All present voting "Aye." MOTION PASSED**

**34169 APPROVE THE SELECTION OF VOLKERT ENGINEERING TO PERFORM CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE SAWYER RANCH ROAD SIDEWALK PROJECT AUTHORIZED IN THE 2016 ROAD BOND PROGRAM AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT**

Commissioner Smith spoke. This action will provide construction inspection services for the sidewalk project. **A motion was made by Commissioner Smith seconded by Commissioner Jones to approve the selection of Volkert Engineering to perform Construction Engineering and Inspection services for the Sawyer Ranch Road sidewalk project authorized in the 2016 Road Bond Program and to authorize staff and counsel to negotiate a contract. All present voting "Aye." MOTION PASSED**

**34170 RELEASE OF THE MAINTENANCE BOND #4403169MNT-3 IN THE AMOUNT OF \$67,730.33 (ROADS & DRAINAGE), THE RELEASE OF THE MAINTENANCE BOND #1034756MNT IN THE AMOUNT OF \$2,684,684.80 (BRIDGE ONLY), AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR CALITERRA SUBDIVISION, PHASE 1, SECTION 5**

Staff recommends acceptance of this road into the County Road Maintenance System. It includes: a segment of Caliterra Parkway (2,305 ft.). **A motion was made by Commissioner Smith seconded by Commissioner Shell to release of the maintenance bond #4403169MNT-3 in the amount of \$67,730.33 (roads & drainage), the release of the maintenance bond #1034756MNT in the amount of \$2,684,684.80 (bridge only), and the acceptance of roads into the County Road Maintenance System for Caliterra subdivision, Phase 1, Section 5. All present voting "Aye." MOTION PASSED**

**34171 AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT (PSA)/CONTRACT WITH WSB & ASSOCIATES, INC. FOR ENVIRONMENTAL DOCUMENTATION AND DESIGN AND PREPARATION OF PLANS, SPECIFICATIONS, AND ESTIMATES (PS&E) FOR SAFETY IMPROVEMENTS ON RM 967 WEST OF FOREST OAK DRIVE AND AMEND THE BUDGET ACCORDINGLY**

Commissioner Jones spoke. PSA is for the preparation of environmental documentation and construction documents associated with the proposed construction of safety improvements on RM 967 West of Forest Oak Drive [11-646-034]. This new PSA/contract covers the additional design elements required to extend the limits of the County's project westward to allow the County to utilize TxDOT programmed safety funding for construction. This project is part of the Hays County 2016 Road Bond Project. **A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the execution of a Professional Service Agreement**



(PSA)/contract with WSB & Associates, Inc. for environmental documentation and design and preparation of plans, specifications, and estimates (PS&E) for safety improvements on RM 967 West of Forest Oak Drive and amend the budget accordingly. All present voting "Aye." MOTION PASSED

**34172 SUB-1309; HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE THE FINAL PLAT OF THE ROLLING OAKS, SECTION 4, LOT 115, REPLAT**

Judge Becerra opened the public hearing. There was no public input. Judge Becerra closed the public hearing. Director of Development Services, Caitlyn Strickland spoke. Rolling Oaks, Section Four Subdivision is a recorded subdivision located off of FM 3237 in Precinct 3. The proposed re-plat will divide the 7.01 acre Lot 115 into 2 lots, Lot 115-A and Lot 115-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 Shell seconded by Commissioner Jones to approve the final plat of the SUB-1309; Rolling Oaks, Section 4, Lot 115, Replat. All present voting "Aye." MOTION PASSED**

**34173 ACTION TO ADOPT A FORMULA FOR ELECTION FEES ASSOCIATED WITH THE ADMINISTRATION OF ELECTIONS FOR LOCAL POLITICAL SUBDIVISIONS**

Jennifer Anderson explained the formulas used for Election Fees. Hays County Commissioners Court in conjunction with approval from the Office of Secretary of State has given the Hays County Election office the green light to move ahead with the Countywide Polling Place Program for November 2019. The current fee schedule is consistent with charges based on individual jurisdiction elections. My office would like to use a formula to allot charges to jurisdictions based on their individual voter registration populations. Future elections will be run jointly in Hays County. A formula will be a better depiction of actual costs per jurisdiction by the amount of registered voters that they are serving. The formula is as follows: Example: Registered Voters in County - 135,000  $135,000/255,000= 52.94\%$  of total cost. Registered Voters in Joint Entity A - 100,000  $100,000/255,000= 39.23\%$  of total cost. Registered Voters in Joint Entity B - 20,000  $20,000/255,000= 7.84\%$  of total cost. Aggregate Registered Voters - 255,000. \$1,000 dollar minimum cost for elections that don't exceed that total. Since programming and supplies would exceed the cost of elections with very small voter registration populations. Please see attached fees for additional fee amounts. **A motion was made by Commissioner Smith seconded by Commissioner Shell to adopt a formula for election fees associated with the administration of elections for local political subdivisions as discussed in the packet. All present voting "Aye." MOTION PASSED**

**Clerk's Note Agenda Item #32 RE: DISCUSSION AND POSSIBLE ACTION TO APPOINT JUDGES/ALTERNATE JUDGES FOR THE CONSTITUTIONAL AMENDMENT ELECTION TO BE HELD ON NOVEMBER 5, 2019 FOR A TWO YEAR TERM. SMITH/ANDERSON - WAS PULLED**

**Clerk's Note Agenda Item #33 RE: DISCUSSION AND POSSIBLE ACTION TO CALL AN ELECTION TO BE HELD ON NOVEMBER 5, 2019 TO VOTE FOR 10 CONSTITUTIONAL AMENDMENTS. SMITH/ANDERSON - WAS PULLED**

**34174 ADOPT A RESOLUTION OF SUPPORT FOR THE NEW VOTING SYSTEM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN HAYS COUNTY AND HART INTERCIVIC FOR THE PURCHASE OF THE HART VERITY DUO VOTING SYSTEM AND AMEND THE BUDGET ACCORDINGLY**

The Hart InterCivic "Hart Verity Duo" voting system was approved by the Court on July 30, 2019. Contract attached. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a resolution of support for use of Hart InterCivic's Verity Duo system as the new voting system for Hays County. All four Commissioners voting "Aye," Judge Becerra voting "No." MOTION PASSED**

**A motion was made by Commissioner Smith, seconded by Commissioner Shell to request that the Hays County Elections Administrator send a 2-page document, consisting of the 1<sup>st</sup> page of the Verity Master Agreement and Exhibit D to the Verity Master Agreement, to the Secretary of State for approval and confirmation of State Certification. All present voting "Aye." MOTION PASSED**

**A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute the Verity Master Agreement between Hays County and Hart InterCivic, Inc. for hardware, software, software support services, warranty services, and professional services associated with elections equipment, once approval and confirmation from the Secretary of State is received by Hays County. All present voting "Aye." MOTION PASSED**

**A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to sign the quote provided by Hart InterCivic, as quote number 00005672, once approval and**



confirmation from the Secretary of State is received by Hays County. All present voting "Aye." MOTION PASSED

**34175 ADOPT A RESOLUTION IN SUPPORT OF DARK SKY COMMUNITIES AND EFFORTS TO PRESERVE NIGHT SKIES**

Gregg Webb, Chair of the Wimberley Valley Dark Sky Committee, David Crowell, resident of Kyle, and Cindy Cassidy commented in support of the motion. A motion was made by Commissioner Shell seconded by Commissioner Jones to adopt a resolution in support of Dark Sky Communities and efforts to preserve night skies. All present voting "Aye." MOTION PASSED

**34176 AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN HAYS COUNTY AND MILLIMAN, INC. FOR ACTUARIAL SERVICES RELATED TO RETIREE DRUG SUBSIDY**

HR Director, Shari Miller spoke. This agreement authorizes Milliman, Inc. to perform the retiree drug subsidy actuarial testing and attestation for the 2020 plan year and to determine whether Hays County's retiree pharmacy plans provide creditable coverage and are actuarially equivalent to the standard Medicare Part D plan as defined by the Centers for Medicare and Medicaid Services (CMS). A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the execution of an agreement between Hays County and Milliman, Inc. for actuarial services related to retiree drug subsidy. All present voting "Aye." MOTION PASSED

**34177 APPROVE THE ASSESSMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE, ACTING AS BOARD OF DIRECTORS FOR THE 6 CREEKS PUBLIC IMPROVEMENT DISTRICT**

Tax Assessor – Collector, Jennifer O’Kane spoke. We have been asked to collect the assessment for the 6 Creeks PID on the annual property tax bill. A motion was made by Commissioner Smith seconded by Commissioner Shell to approve the Assessment and Collection Agreement between Hays County and the City of Kyle, acting as Board of Directors for the 6 Creeks Public Improvement District. All present voting "Aye." MOTION PASSED

**34178 APPROVE THE ASSESSMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE, ACTING AS BOARD OF DIRECTORS FOR THE SOUTHWEST KYLE PUBLIC IMPROVEMENT DISTRICT #1**

We have been asked to collect the assessment for the Southwest Kyle PID #1 on the annual property tax bill. A motion was made by Commissioner Smith seconded by Commissioner Shell to approve the Assessment and Collection Agreement between Hays County and the City of Kyle, acting as Board of Directors for the Southwest Kyle Public Improvement District #1. All present voting "Aye." MOTION PASSED

**34179 AUTHORIZE THE ENGINEERING TECHNICIAN, SLOT 1028-001 AT THE TRANSPORTATION DEPARTMENT TO BE COMPENSATED FOR OVERTIME PAY NOT TO EXCEED \$1,777 BASE SALARY THROUGH SEPTEMBER 30, 2019**

Transportation Director, Jerry Borcharding spoke. This position has taken responsibility of construction manager for several on-going projects including the new Buda Elementary School. Overtime is anticipated to be 8 hours per week for a period of seven weeks. Funds are available in salary savings due to attrition, \$1,777 - OT Salary, \$373 – Fringe, \$2,150 - Total Requested. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the Engineering Technician, slot 1028-001 at the Transportation Department to be compensated for overtime pay not to exceed \$2,150 base salary through September 30, 2019. All present voting "Aye." MOTION PASSED

**34180 AMEND THE TRANSPORTATION FEE SCHEDULE**

Transportation Director, Jerry Borcharding spoke. The proposed amendments to the Transportation Fee Schedule are as follows: Fee Increases - the proposed increases align current fees with other jurisdictions associated review costs. Increased fees become effective for all applications submitted on or after January 1, 2020. - Driveway Permit Application Fee (increases from \$25 to \$50) New Fees - the proposed new fees are in response to updated policies and procedures in the Transportation Department. New fees will become effective on January 1, 2020. - Paper Application Processing Fee (\$30) - Utility Permit (Right-of-Way - Overhead) Application Fee (\$50) - Utility Permit (Right-of-Way - Trench/Road Cut) Application Fee (\$125). A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the Transportation Fee Schedule. All present voting "Aye." MOTION PASSED





**34181 ADOPT AN APPLICATION FEE SCHEDULE FOR THE OFFICE OF HAYS COUNTY FIRE MARSHAL**

Scott Raven, Fire Marshall, gave a presentation of the fee schedule. The proposed application fee schedule pertains to Fire Marshal fees relating to the adoption of fire code. The proposed new fees are in alignment with other jurisdictions associated review costs. New fees will become effective on January 1, 2020. A copy of the proposed fee schedule is included in backup. **A motion was made by Commissioner Jones seconded by Commissioner Smith to adopt an application fee schedule for the office of Hays County Fire Marshal. All present voting "Aye." MOTION PASSED**

**34182 ACTION TO AMEND THE DEVELOPMENT SERVICES FEE SCHEDULE**

Director of Development Services, Caitlyn Strickland spoke. The proposed amendments to the Development Services Fee Schedule are as follows: Fee Increases - the proposed increases align our current fees with other jurisdictions associated review costs. Increased fees become effective for all applications submitted on or after January 1, 2020. - Class A Flood Hazard Area Permit Applications (increase from \$50 to \$100) - Class B and Class C Flood Hazard Area Permit Applications (increase from \$150 to \$300) - Paper Application Processing Fee (increases from \$10 to \$30) - On-Site Sewage Facility Re-Inspection Fee (increases from \$50 to \$100) - Sprayhead Relocation Fee and Pump Tank Replacement Fee (increases resubmission fee from \$50 to \$100) - Food Establishment Permit Applications - Establishments from 1 to 15 employees (increases from \$100 to \$200) - Establishments from 16+ employees (increases from \$200 to \$300) - Food Establishment Re-Inspection Fee (increases from \$50 to \$100) - Day Care Inspection Fee (increases from \$25 to \$100) New Fees - the proposed new fees are in response to updated policies and procedures in the Development Services Department. New fees will become effective on January 1, 2020. - Development without a Permit (Inside Floodplain) Fee (\$600) - Foster Care Inspection Fee (\$25). **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to amend the Development Services Fee Schedule. All present voting "Aye." MOTION PASSED**

**34183 APPROVE THE EXECUTION OF A SECOND AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT TO ESTABLISH ONE (1) ADDITIONAL SCHOOL RESOURCE OFFICER, EFFECTIVE ON THE FIRST DAY OF SCHOOL**

No budget amendment is necessary, as the Sheriff's Office has salary savings due to attrition. This additional SRO position is included in the FY20 Recommended Budget. **A motion was made by Commissioner Smith seconded by Commissioner Shell to approve the execution of a Second Amendment to the Interlocal Cooperation Agreement between Hays County and the Dripping Springs Independent School District to establish one (1) additional School Resource Officer, effective on the first day of school. All present voting "Aye." MOTION PASSED**

**34184 APPROVE THE EXECUTION OF A THIRD AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT TO ESTABLISH ONE (1) ADDITIONAL SCHOOL RESOURCE OFFICER, EFFECTIVE ON THE FIRST DAY OF SCHOOL**

No budget amendment is necessary, as the Sheriff's Office has salary savings due to attrition. This additional SRO position is included in the FY20 Recommended Budget. **A motion was made by Commissioner Jones seconded by Commissioner Smith to approve the execution of a Third Amendment to the Interlocal Cooperation Agreement between Hays County and the Hays Consolidated Independent School District to establish one (1) additional School Resource Officer, effective on the first day of school. All present voting "Aye." MOTION PASSED**

**10:00 A.M. - BUDGET WORKSHOP REGARDING THE FY 2020 HAYS COUNTY BUDGET. POSSIBLE ACTION MAY FOLLOW**

The following individuals presented arguments for increasing funding for their departments:

- Mark Kennedy, General Counsel
- Sheriff Gary Cutler, Sheriff's Office
- Chief Deputy Mike Davenport, Sheriff's Office
- Captain Villapando, Sheriff's Office
- Judge Tacie Zelhart, County Court at Law
- Judge Chris Johnson, County Court at Law



- Constable David Peterson, Constables Office Precinct 1
- Chief Michael Varela, Constables Office Precinct 1
- Constable Ron Hood, Constables Office Precinct 4
- Jeff McGill, IT Director, Information Technology Department
- Constable Michael Torres, Constables Office Precinct 2
- Justin McInnis, Interim Director, Office of Emergency Services
- Tammy Crumley, Executive Director, County Wide Operations

David Crowell challenged the Commissioners to think creatively about ways to reduce the budget by the \$5 million necessary to achieve the effective tax rate. Roland Saucedo argued for keeping the grants office, which was eliminated in the Judge's budget, arguing that it's vital to the county. Shari Miller spoke about the HR Sheriff's Office.

**34185 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE LEASE AND/OR USE OF REAL PROPERTY OWNED BY HAYS COUNTY LOCATED AT 111 E. SAN ANTONIO STREET, SAN MARCOS. POSSIBLE ACTION TO FOLLOW IN OPEN COURT**

Court convened into Executive Session 2:15 p.m. and reconvened into open court at 2:21 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Judge Becerra, Chief of Staff, Alex Villalobos Assistant General Counsel, Jordan Powell, Legal Support Services Specialist, Janice Jones. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the Office of General Counsel to execute a Right of Entry Agreement with the City of San Marcos related to the County Courthouse property and request the Office of General Counsel to negotiate something more long-term in the future. All present voting "Aye." MOTION PASSED**

**Clerk's Note Agenda Item #47** *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. INGALSBE/CUTLER - WAS PULLED*

**ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Judge Becerra gave the update. Burn Ban will remain in effect.

**Clerk's Note Agenda Item #49 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. BECERRA - WAS PULLED*

**Clerk's Note Agenda Item #50 RE:** *DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW. SHELL - WAS PULLED*

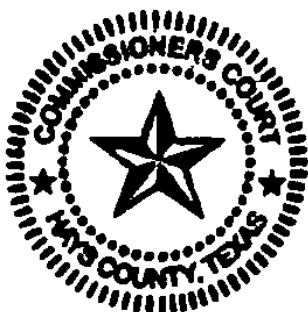
**DISCUSSION RELATED TO THE HAYS COUNTY INMATE POPULATION, TO INCLUDE CURRENT POPULATION COUNTS AND COSTS**

Judge Becerra gave the update. This week the average cost of the county was \$79,000.00

**ADJOURNMENT**

A motion was made by Commissioner Jones 2:23 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 August 13, 2019.



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