

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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SEPTEMBER 17, 2019

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 17<sup>TH</sup> DAY OF SEPTEMBER 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:

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:

Commissioner Jones 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**

Dan Lyon, Rodrigo Amaya, and Sharri Boyett, Hays County residents, gave public comments.

**34300 ADOPT A PROCLAMATION DECLARING SEPTEMBER 15 TO OCTOBER 15, 2019 AS HISPANIC HERITAGE MONTH**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to adopt a proclamation declaring September 15 to October 15, 2019 as Hispanic Heritage Month. All present voted "Aye." MOTION PASSED

**34301 ADOPT A PROCLAMATION DECLARING SEPTEMBER 16, 2019 AS DÍEZ Y SEIS DAY IN HAYS COUNTY**

Roland Saucedo, a Hays County resident, thanked the Commissioners and other Hays County Staff for the Proclamation. A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to adopt a proclamation declaring September 15 to October 15, 2019 as Hispanic Heritage Month. All present voted "Aye." MOTION PASSED

**3 PRESENTATION BY TEXAS STATE UNIVERSITY AND DISCUSSION RELATED TO CENSUS 2020 AND THE COUNTY COMPLETE COUNT COMMITTEE**

Alejandra Lemus, a Texas State University student, presented the court with information about the Census 2020 and the County Complete Count Committee. Efren Chavez, Grants department, Commissioner Ingalsbe, Commissioner Smith, and Judge Becerra spoke on this item. No action was taken.

**34302 APPROVE PAYMENTS OF COUNTY INVOICES**

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A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve payments of County invoices. All present voted "Aye." MOTION PASSED

**34303 APPROVE PAYMENTS OF JUROR CHECKS**

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve payments of County invoices. All present voted "Aye." MOTION PASSED

**Clerk's Note Agenda Item #6 RE:** *APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS. VILLARREAL-ALONZO – WAS PULLED.*

**34304 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 19, 2019, AUGUST 20, 2019, AUGUST 27, 2019, SEPTEMBER 3, 2019, SEPTEMBER 10, 2019, AND APPROVE AMENDED COMMISSIONER COURT MINUTES OF AUGUST 13, 2019**

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve payments of County invoices. All present voted "Aye." MOTION PASSED

**34305 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR DOG BOARDING AND TRAINING FACILITY AT 6595 RANCH ROAD 12, SAN MARCOS, TEXAS 78666**

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve payments of County invoices. All present voted "Aye." MOTION PASSED

**34306 AUTHORIZE THE COMMISSIONER PRECINCT 1 OFFICE TO SUPPORT THE RODRIGUEZ ELEMENTARY FUNDRAISER RELATED TO MEAL, CLOTHING AND SHOE DISTRIBUTION INITIATIVES FOR THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT STUDENTS**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to approve payments of County invoices. All present voted "Aye." MOTION PASSED

**34307 AUTHORIZE THE COUNTY JUDGE TO EXECUTE REQUEST FOR ADDITIONAL CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES NO. 2 DATED MARCH 29, 2019 FOR THE UHLAND PROJECTS AND REQUEST FOR ADDITIONAL CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES NO. 3 DATED MARCH 19, 2019 FOR THE PSB FROM TERRACON FOR WORK RELATED TO THE HAYS COUNTY PUBLIC SAFETY BOND PROJECT**

Mark Kennedy, General Counsel, noted that Court finds for exemption under Texas Local Government Code 262.024(a)(4), for professional services. An amended motion was made with the by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the County Judge to execute Request for Additional Construction Materials Observation and Testing Services No. 2 dated March 29, 2019 for the

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Upland projects and Request for Additional Construction Materials Observation and Testing Services No. 3 dated March 19, 2019 for the PSB from Terracon for work related to the Hays County Public Safety Bond project with the exemption under Texas Local Government Code 262.024(a)(4), for professional services. All present voted "Aye." MOTION PASSED

**34308      AUTHORIZE THE PROCUREMENT OF SERVICES FOR CHIEF (RET.) BRENDAN COX, DIRECTOR OF POLICING STRATEGIES WITH THE LEAD® NATIONAL SUPPORT BUREAU RELATED TO A LEAD PRESENTATION FOR THE GENERAL CRIMINAL JUSTICE COMMISSION**

Commissioner Smith and Judge Becerra spoke on this item. A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the procurement of services for Chief (Ret.) Brendan Cox, Director of Policing Strategies with the LEAD® National Support Bureau related to a LEAD presentation for the General Criminal Justice Commission. All present voted "Aye." MOTION PASSED

**34309      AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO PURCHASE HAZMAT SENSORS AND SUPPLIES FOR THE HAZMAT TEAM AND AMEND THE BUDGET ACCORDINGLY**

Rodrigo Amaya, Hays County resident, made public comments on this item. Justin McInnis, Office of Emergency Services, spoke on this item Caitlyn Strickland, Development Services, and Commissioner Ingalsbe addressed the concerns of Mr. Amaya. Judge Becerra spoke on this item. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the Office of Emergency Services to purchase HazMat sensors and supplies for the HazMat Team and amend the budget accordingly. All present voted "Aye." MOTION PASSED

**34310      AUTHORIZE THE TRANSPORTATION DEPARTMENT TO USE SALARY SAVINGS TO PURCHASE MISCELLANEOUS EQUIPMENT FOR THE MAINTENANCE AREA OF THE TRANSPORTATION DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY**

Dan Lyon, Hays County resident, made public comments on this item. Jerry Borcharding, Director of Transportation Department, Commissioner Shell, Commissioner Ingalsbe, and Judge Becerra spoke on this item. A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize the Transportation Department to use salary savings to purchase miscellaneous equipment for the maintenance area of the Transportation Department and amend the budget accordingly. All present voted "Aye." MOTION PASSED

**34311      APPROVE UTILITY PERMITS**

A motion was made by Commissioner Shell seconded by Commissioner Smith to approve Utility Permits. All present voted "Aye." MOTION PASSED

**34312      APPROVE AND CONFIRM THE APPOINTMENT OF BILL HUDDLESTON AS DEPUTY RESERVE IN THE HAYS COUNTY CONSTABLE PRECINCT 1 OFFICE, EFFECTIVE DATE SEPTEMBER 17, 2019**

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A motion was made by Commissioner Shell seconded by Commissioner Smith to approve and confirm the appointment of Bill Huddleston as Deputy Reserve in the Hays County Constable Precinct 1 Office, effective date September 17, 2019. All present voted "Aye." MOTION PASSED

**34313        AUTHORIZE THE CONSTABLE PCT. 5 OFFICE TO ACCEPT A \$1,000 DONATION FROM NIECE EQUIPMENT AND TO PURCHASE AN EZ CHILD ID ALL-IN-ONE MOBILE SYSTEM PARTIALLY FUNDED THROUGH DONATIONS AND AMEND THE BUDGET ACCORDINGLY**

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize the Constable Pct. 5 Office to accept a \$1,000 donation from Niece Equipment and to purchase an EZ Child ID All-In-One Mobile System partially funded through donations and amend the budget accordingly. All present voted "Aye." MOTION PASSED

**34314        RATIFY THE SUBMISSION OF THE COUNTY FERAL HOG ABATEMENT GRANT SUBMISSION TO THE TEXAS A&M AGRILIFE EXTENSION SERVICES, WILDLIFE SERVICES PROGRAM**

Dan Lyon, Hays County resident, made public comments on this item. Nick Nordak gave information on the program and benefits for Hays County and surrounding counties. A Hays County Extension speaker also presented application information to the court. Commissioner Jones and Commissioner Ingalsbe spoke on this item. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to ratify the submission of the County Feral Hog Abatement Grant submission to the Texas A&M AgriLife Extension Services, Wildlife Services Program. All present voted "Aye." MOTION PASSED

**34315        AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND BANKS & ASSOCIATES EXECUTED ON OR ABOUT SEPTEMBER 12, 2018**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Smith to authorize the County Judge to execute a First Amendment to the Professional Services Agreement (PSA) between Hays County and Banks & Associates executed on or about September 12, 2018. All present voted "Aye." MOTION PASSED

**34316        AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND CARSON SELECT INVESTMENTS, LP EXECUTED ON OR ABOUT NOVEMBER 13, 2018**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Smith to authorize the County Judge to execute a First Amendment to the Memorandum of Understanding between Hays County and Carson Select Investments, LP executed on or about November 13, 2018. All present voted "Aye." MOTION PASSED

**34317        AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION AND LETTER OF SUPPORT TO THE HOGG FOUNDATION FOR "GET OUT THE COUNT"**



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**EFFORTS IN RELATION TO THE U.S. CENSUS BUREAU'S APPROACH TO  
HARD-TO-COUNT (HTC) POPULATIONS**

A motion was made by Commissioner Smith seconded by Commissioner Jones to authorize the submission of a grant application and letter of support to the Hogg Foundation for "Get Out the Count" efforts in relation to the U.S. Census Bureau's approach to hard-to-count (HTC) populations. All present voted "Aye." MOTION PASSED

**34318        RELEASE OF THE MAINTENANCE BOND #4413352 (FOR STREETS) IN  
THE AMOUNT OF \$16,016.15, THE RELEASE OF THE MAINTENANCE  
BOND #70144631 (FOR DRAINAGE) IN THE AMOUNT OF \$33,717.26, AND  
THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE  
SYSTEM FOR REUNION RANCH SUBDIVISION, PHASE 2, SECTION 5**

Commissioner Smith spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Jones for the release of the maintenance bond #4413352 (for streets) in the amount of \$16,016.15, the release of the maintenance bond #70144631 (for drainage) in the amount of \$33,717.26, and the acceptance of roads into the county road maintenance system for Reunion Ranch subdivision, Phase 2, Section 5. All present voted "Aye." MOTION PASSED

**34319        RELEASE OF THE MAINTENANCE BOND #4407309MNT-4 (FOR STREETS)  
IN THE AMOUNT OF \$39,869.25, THE RELEASE OF THE MAINTENANCE  
BOND #4407309MNT-1 (FOR DRAINAGE) IN THE AMOUNT OF  
\$115,408.88, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY  
ROAD MAINTENANCE SYSTEM FOR REUNION RANCH SUBDIVISION,  
PHASE 3, SECTION 1**

Commissioner Smith spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Jones for the release of the maintenance bond #4407309MNT-4 (for streets) in the amount of \$39,869.25, the release of the maintenance bond #4407309MNT-1 (for drainage) in the amount of \$115,408.88, and the acceptance of roads into the county road maintenance system for Reunion Ranch subdivision, Phase 3, Section 1. All present voted "Aye." MOTION PASSED

**34320        RELEASE OF THE REVEGETATION BOND #K13533428 IN THE AMOUNT  
OF \$61,000.00 FOR BURBA RANCH SUBDIVISION (A.K.A. ESTATES AT  
SAWYER RANCH)**

A motion was made by Commissioner Smith seconded by Commissioner Jones for the release of the revegetation bond #K13533428 in the amount of \$61,000.00 for Burba Ranch subdivision (a.k.a. Estates at Sawyer Ranch). All present voted "Aye." MOTION PASSED

**34321        CALL FOR A PUBLIC HEARING ON OCTOBER 1, 2019 TO ESTABLISH A 4-  
WAY STOP ON WHITE WING TRAIL AT THE INTERSECTION WITH FIRE  
CRACKER DRIVE**

Commissioner Jones announced a name change from White Wing Trail to Overpass Rd. A motion was made with the amendment by Commissioner Jones seconded by Commissioner Ingalsbe to call for a

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public hearing on October 1, 2019 to establish a 4-way stop on Overpass Rd at the intersection with Fire Cracker Drive. All present voted "Aye." MOTION PASSED

**34322 CALL FOR A PUBLIC HEARING ON OCTOBER 1, 2019 TO ESTABLISH "NO PARKING" ZONES ON SECTIONS OF CREEK ROAD & MT. GAINOR ROAD ALONG ONION CREEK**

Commissioner Smith spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Ingalsbe to call for a public hearing on October 1, 2019 to establish "No Parking" zones on sections of Creek Road & Mt. Gainor Road along Onion Creek. All present voted "Aye." MOTION PASSED

**34323 GRANT A VARIANCE TO SECTION 701.13.05 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS TO THE OWNER OF LOT 6, DOWNSTREAM SUBDIVISION IN PRECINCT 2**

Thomas Schneider, Hays County resident, spoke on this item. Caitlyn Strickland, Development Services, spoke on the variances and plat notes. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe for the grant a variance to Section 701.13.05 of the Hays County Development Regulations to the owner of Lot 6, Downstream Subdivision in Precinct 2. All present voted "Aye." MOTION PASSED

**34324 ADOPT A RESOLUTION DESIGNATING A PORTION OF STATE HIGHWAY 21, FROM NEAR SH 80 INTERSECTION TO YARRINGTON ROAD INTERSECTION, AS THE PRIVATE FIRST CLASS KRISTIAN MENCHACA MEMORIAL HIGHWAY**

Chief Goodman and Commissioner Ingalsbe spoke on this item. A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to adopt a Resolution designating a portion of State Highway 21, from near SH 80 intersection to Yarrington Road intersection, as the Private First Class Kristian Menchaca Memorial Highway. All present voted "Aye." MOTION PASSED

**34325 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND MYERS CONCRETE CONSTRUCTION FOR THE ELECTIONS PUBLIC ENTRANCE REMODEL PROJECT**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the County Judge to execute a Professional Services Agreement between Hays County and Myers Concrete Construction for the Elections Public Entrance Remodel project. All present voted "Aye." MOTION PASSED

**34326 APPROVE CHANGING TWO NAMING CONVENTIONS ON THE HAYS COUNTY DEVELOPMENT SERVICES FEE SCHEDULE**

Caitlyn Strickland spoke on this agenda item. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve changing two naming conventions on the Hays County Development Services Fee Schedule. All present voted "Aye." MOTION PASSED

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**34327 PUBLIC HEARING ON THE FY 2020 HAYS COUNTY PROPOSED BUDGET - 10:00 A.M.**

Judge Becerra opened the public hearing at 10:29A.M. Dan Lyon, Rodrigo Amaya, Hays County residents, spoke about county spending. Jeff Thompson, Living Word Lutheran Church spoke about Capital Idea, a career education program and requested county funds for support. Dale Nave, Prevent a Liter (PALS), spoke about the PALS program, and requested county funds for support. Kathy Morris, Family Justice Center Board, spoke about the benefits to the county and requested county funds for support. Julie Hollar, San Marcos Youth Services Bureau, thanked the Commissioners for their continued support. Karen Brown, Child Protective Board, thanked the Commissioners for their continued support, and requested county funds for support. Ellen Ermis, Kyle Area Seniors, requested county support. Wes Mau, Criminal District Attorney, presented his budget proposal. Vickie Dorsett, Auditor Office, reviewed the proposed budget and reviewed any changes made. Mark Kennedy, General Counsel, and Marisol Villarreal-Alonzo, Auditors Office, spoke on this item. Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, and Judge Becerra all spoke and reviewed details and edits made to the proposed budget. Judge Becerra closed the public hearing at 12:32P.M.

**A motion was made by Commissioner Smith seconded by Commissioner Shell to move the position of Chief of Staff for Hays County into one which answers to the Commissioner Court, under County Wide 645 in the General Fund, and amend the budget accordingly. Commissioner Jones, Commissioner Shell, Commissioner Smith voted "Aye." Commissioner Ingalsbe, Judge Becerra voted "No." MOTION PASSED**

**34328 SET THE FY 2020 SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS**

**A motion was made by Judge Becerra seconded by Commissioner Jones to set the FY 2020 salaries and allowances for Hays County Elected Officials. All present voted "Aye." MOTION PASSED**

**34329 ADOPT THE FY 2020 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES AS A RESULT OF THE PUBLIC HEARING**

Rodrigo Amaya, and Dan Lyon, Hays County residents, made public comments on this item. Vickie Dorsett, Auditors Office, spoke on this item. **A motion was made by Judge Becerra seconded by Commissioner Jones to adopt the FY 2020 Hays County budget after making any final changes as a result of the public hearing. All present voted "Aye." MOTION PASSED**

**34330 RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY 2020 HAYS COUNTY BUDGET**

Vickie Dorsett, Auditors Office, spoke on this item. Commissioner Jones spoke on this item. **A motion was made by Commissioner Jones seconded by Commissioner Shell to All present voted "Aye." MOTION PASSED**

**34331 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY 2020 AND LEVY THE TAXES**

Vickie Dorsett, Auditors Office, spoke on this item. Commissioner Shell spoke on this item. **A motion was made by Commissioner Jones seconded by Commissioner Shell to approve an order adopting the tax rate for FY 2020 and levy the taxes. All present voted "Aye." MOTION PASSED**

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- 35 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 MOLLY, PROJECT RX, PROJECT WOLVERINE AND PROJECT KING. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT**

Court convened into Executive Session at 1:06 p.m. and reconvened into open court at 1:41 p.m. Mark Kennedy spoke on this item. No action was taken.

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

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

- 37 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 to the county was \$73,155.00.

- 38 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**

Commissioner Shell and Commissioner Ingalsbe spoke on this item.

**Clerk's Note Agenda Item #39 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 #40 RE:** *DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW – WAS PULLED.*

## ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Commissioner Jones to adjourn court at 1:44 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 September 17, 2019.



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

