

HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 19, 2019

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF NOVEMBER 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:

Ken Rice, San Marcos Police Department 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, Virginia P. Condie, and John Rooney gave public comments.

1. REPORT BY COMMISSIONER MARK JONES AND JEFF MCGILL, DIRECTOR OF INFORMATION TECHNOLOGY, REGARDING THE INTERNET ISSUES AT THE HAYS COUNTY PRECINCT 2 THAT BEGAN ON NOVEMBER 5, 2019.

Jeff McGill, Information Technology Director, explained why the internet was down in Precinct 2 for a full week, starting November 5, 2019. Jeff said there are three partners: the County, Grande Communication and Charter Spectrum. Before contacting the providers, Jeff's team ruled out any internal problems. It became clear that the problem was with Charter Spectrum cable. Unfortunately, the underground cable was inaccessible for several days because large road equipment was parked over it and no one could be found to move it during the holiday weekend. Although Spectrum eventually corrected the problem, McGill pointed out that the system had been down longer than it had been following the Memorial Day Flood in 2015, and that it had consumed an enormous amount of personnel hours and overtime. Judge Becerra and Commissioner Ingalsbe spoke about this item and asked if anyone would like to speak for Charter Spectrum. Alex Villalobos, Hays County Chief of Staff, announced that he had been in communication with Ed Serna from Spectrum to try to find a solution. Ed Serna, Government Affairs with Charter Spectrum, was present in court. Mr. Serna said he was like to sit down with Grande and Hays County IT to come up with a solution for future issues. Commissioner Jones said he would like to be present when this meeting took place. Commissioner Smith commented that he would like to know the plan of action for future issues and would like it to be brought back to court once it has been decided. Jennifer Anderson, Elections Administrator, spoke on this item. She announced that even though this issue took place during elections it did not affect the voting process. **No action was taken.**

34531 APPROVE PAYMENTS OF COUNTY INVOICES.

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

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34532 APPROVE PAYMENTS OF JUROR CHECKS.

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

34533 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve the payment of United Healthcare claims. All present voted "Aye." MOTION PASSED.

34534 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 5, 2019.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve Commissioners' Court minutes of November 5, 2019. All present voted "Aye." MOTION PASSED.

34535 APPROVE THE PAYMENT OF THE NOVEMBER 30, 2019 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$4,100,000.00 EFFECTIVE NOVEMBER 26, 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 November 30, 2019 payroll disbursements in an amount not to exceed \$4,100,000.00 effective November 26, 2019 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

34536 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR A 7-BEDROOM HOTEL EQUIVALENT AT 16221 CRYSTAL HILL DRIVE, AUSTIN, TEXAS 78737.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize on-site sewage facility permit for a 7-bedroom hotel equivalent at 16221 Crystal Hill Drive, Austin, Texas 78737. All present voted "Aye." MOTION PASSED.

34537 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 4 SHORT TERM RENTAL CABINS (CABINS 1-4) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 1-4) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

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34538 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 SHORT TERM RENTAL CABINS (CABINS 5-9) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 5-9) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34539 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 SHORT TERM RENTAL CABINS (CABINS 10-14) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 10-14) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34540 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 SHORT TERM RENTAL CABINS (CABINS 15-19) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 15-19) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34541 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 SHORT TERM RENTAL CABINS (CABINS 20-24) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 20-24) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34542 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 SHORT TERM RENTAL CABINS (CABINS 25-29) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 25-29) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34543 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 5 SHORT TERM RENTAL CABINS (CABINS 30-34) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

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A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 30-34) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34544 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 4 SHORT TERM RENTAL CABINS (CABINS 35-38) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 35-38) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34545 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 4 SHORT TERM RENTAL CABINS (CABINS 39-42) AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize on-site sewage facility permit for 4 short term rental cabins (cabins 39-42) at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34546 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR APARTMENT/OFFICE/LAUNDRY FACILITY AT 1405 PUMP STATION ROAD, WIMBERLEY, TEXAS 78676.

A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize on-site sewage facility permit for apartment/office/laundry facility at 1405 Pump Station Road, Wimberley, Texas 78676. All present voted "Aye." MOTION PASSED.

34547 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #3 TO THE GARVERUSA CONTRACT FOR A TIME EXTENSION ON THE PCT. 1 & 2 LOW WATER CROSSINGS 2016 ROAD BOND PROJECT.

A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the County Judge to execute change order #3 to the Garverusa contract for a time extension on the Pct. 1 & 2 low water crossings 2016 road bond project. All present voted "Aye." MOTION PASSED.

34548 AUTHORIZE THE EXECUTION OF THE MEMORIAL MARKER HIGHWAY SIGN AGREEMENT WITH TXDOT RELATED TO THE PRIVATE FIRST-CLASS KRISTIAN MENCHACA MEMORIAL HIGHWAY SIGNS AND ACCEPT CONTRIBUTIONS FOR FUNDING IN THE AMOUNT OF \$5,000 AND AMEND THE BUDGET ACCORDINGLY.

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Commissioner Ingalsbe noted the contributions for funding were made by private donors. A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the execution of the Memorial Marker Highway Sign Agreement with TxDot related to the Private First-Class Kristian Menchaca Memorial Highway Signs and accept contributions for funding in the amount of \$5,000 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34549 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 3 LONG-TERM RENTAL HOUSES AT 1100 HIGH ROAD, SAN MARCOS, TEXAS, 78666.

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize on-site sewage facility permit for 3 long-term rental houses at 1100 High Road, San Marcos, Texas, 78666. All present voted "Aye." MOTION PASSED.

34550 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE TUBERCULOSIS PREVENTION AND CONTROL - FEDERAL GRANT PROGRAM (TB/PC - FEDERAL) IN THE AMOUNT OF \$26,756.

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 Tuberculosis Prevention and Control - federal grant program (TB/PC - federal) in the amount of \$26,756. All present voted "Aye." MOTION PASSED.

34551 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDED INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF SAN MARCOS, CITY OF KYLE, CITY OF BUDA, AND HAYS COUNTY RELATING TO THE MANAGEMENT AND OPERATION OF THE SAN MARCOS REGIONAL ANIMAL SHELTER.

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize the County Judge to execute the amended Interlocal Cooperative Agreement between the City of San Marcos, City of Kyle, City of Buda, and Hays County relating to the management and operation of the San Marcos Regional Animal Shelter. All present voted "Aye." MOTION PASSED.

34552 APPROVE AND EXECUTE THE SHERIFF'S OFFICE EQUITABLE SHARING AND AGREEMENT CERTIFICATION IN ACCORDANCE WITH THE STATUTES AND GUIDELINES THAT GOVERN THE FEDERAL EQUITABLE SHARING PROGRAM.

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve and execute the Sheriff's Office Equitable Sharing and Agreement Certification in accordance with the statutes and guidelines that govern the Federal Equitable Sharing Program. All present voted "Aye." MOTION PASSED.

**34553 APPROVE UTILITY PERMITS.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve utility permits. All present voted "Aye." MOTION PASSED.

34554 AUTHORIZE THE TRANSPORTATION DEPARTMENT TO PURCHASE A REPLACEMENT DELL LATITUDE 5400 LAPTOP VALUED AT \$949.09 AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the transportation department to purchase a replacement dell latitude 5400 laptop valued at \$949.09 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34555 APPROVE THE SHERIFF'S OFFICE TO UTILIZE SHERIFF DRUG FORFEITURE FUNDS TOTALING \$4,453 FOR OSS ACCESS LICENSES FOR TRAINING PURPOSES AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve the sheriff's office to utilize sheriff drug forfeiture funds totaling \$4,453 for OSS access licenses for training purposes and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34556 APPROVE A \$4,260 ON-SITE SERVICE AGREEMENT WITH SMITH'S DETECTION RELATED TO PREVENTATIVE MAINTENANCE FOR THE SHERIFF OFFICE X-RAY MACHINES LOCATED AT THE GOVERNMENT CENTER.

Judge Becerra and Vickie Dorsett, Auditors Office, spoke on this item. A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve a \$4,260 on-site service agreement with Smith's Detection related to preventative maintenance for the Sheriff Office x-ray machines located at the Government Center. All present voted "Aye." MOTION PASSED.

34557 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A \$30,170.32 SERVICE AGREEMENT RENEWAL WITH APPRISS SAFETY FOR THE FY20 VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) GRANT PROGRAM FUNDED THROUGH THE OFFICE OF THE ATTORNEY GENERAL (OAG).

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a \$30,170.32 service agreement renewal with Appriss Safety for the FY20 Victim Information and Notification Everyday (VINE) grant program funded through the office of the Attorney General (OAG). All present voted "Aye." MOTION PASSED.

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34558 APPROVE SPECIFICATIONS FOR RFQ 2020-Q04 WIMBERLEY VALLEY TRAIL EXTENSION AND MULTI-MODAL PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.

A motion was made by Commissioner Shell seconded by Commissioner Jones to approve specifications for RFQ 2020-Q04 Wimberley Valley trail extension and multi-modal project and authorize purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

34559 AUTHORIZE THE AUDITOR'S OFFICE TO PURCHASE ONE REPLACEMENT DELL LATTITUDE 5500 WITH DOCKING CAPABILITIES VALUED AT \$1,239.03 FOR THE INTERNAL AUDIT DIVISION AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize the auditor's office to purchase one replacement Dell Latitude 5500 with docking capabilities valued at \$1,239.03 for the internal audit division and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34560 AUTHORIZE THE JUSTICE OF THE PEACE PCT. 2 OFFICE TO PURCHASE ONE REPLACEMENT FUJITSU FI-7180 SCANNER VALUED AT \$1,500.39 UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize the Justice of the Peace Pct. 2 office to purchase one replacement Fujitsu fi-7180 scanner valued at \$1,500.39 utilizing the Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34561 RATIFY THE PURCHASE OF ONE (1) REPLACEMENT AO SMITH 110V WATER HEATER VALUED AT \$1,712.31 FOR THE PRECINCT 5 SATELLITE OFFICES AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Shell seconded by Commissioner Jones to ratify the purchase of one (1) replacement AO Smith 110V water heater valued at \$1,712.31 for the Precinct 5 satellite offices and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34562 RATIFY THE EXECUTION OF THE AGENCY AGREEMENT WITH LEADSONLINE, AN ON-LINE INVESTIGATIVE TOOL FOR THE SHERIFF'S OFFICE; AND APPROVE THE RENEWAL FOR \$4,308 AS BUDGETED IN THE FY20 BUDGET PROCESS.

A motion was made by Commissioner Shell seconded by Commissioner Jones to ratify the execution of the agency agreement with Leadsonline, an on-line investigative tool for the Sheriff's Office; and

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approve the renewal for \$4,308 as budgeted in the FY20 budget process. All present voted "Aye." MOTION PASSED.

34563 APPROVE THE SELECTION OF K. FRIESE & ASSOCIATES TO PROVIDE PRELIMINARY ENGINEERING AND PUBLIC INVOLVEMENT SERVICES FOR THE PROPOSED RM 150 EXTENSION FROM RM 12 TO US 290; AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.

A motion was made by Commissioner Smith seconded by Commissioner Jones to approve the selection of K. Friese & Associates to provide preliminary engineering and public involvement services for the proposed RM 150 extension from RM 12 to US 290; and to authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

34564 ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION BOND #SU1146030 IN THE AMOUNT OF \$315,510.25, ACCEPT THE 2-YEAR MAINTENANCE BOND #SU1157965 FOR STREETS IN THE AMOUNT OF \$24,754.74, THE 2-YEAR BOND #SU1157966 FOR DRAINAGE IN THE AMOUNT OF \$7,338.87, AND THE 1-YEAR REVEGETATION BOND #SU1157964 IN THE AMOUNT OF \$3,488.00 FOR REUNION RANCH SUBD., PHASE 2, SECTION 4.

A motion was made by Commissioner Shell seconded by Commissioner Jones to accept road construction & drainage improvements, release the subdivision bond #su1146030 in the amount of \$315,510.25, accept the 2-year maintenance bond #su1157965 for streets in the amount of \$24,754.74, the 2-year bond #su1157966 for drainage in the amount of \$7,338.87, and the 1-year revegetation bond #SU1157964 in the amount of \$3,488.00 for Reunion Ranch Subd., phase 2, section 4. All present voted "Aye." MOTION PASSED.

34565 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCE FUNDING AGREEMENT AND RESOLUTION OF SUPPORT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE US 290 AT MARTIN RD. PROJECT.

Commissioner Smith asked Jerry Borcharding if this project was a part of the budget. Jerry Borcharding, Director of Transportation, assured Commissioner Smith that it was budgeted. A motion was made by Commissioner Smith seconded by Commissioner Ingalsbe to authorize the county judge to execute an advance funding agreement and resolution of support between hays county and the Texas department of transportation (TXDOT) for the us 290 at martin rd. Project. All present voted "Aye." MOTION PASSED.

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34566 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,127,372.10 FOR TRAILS AT WINDY HILL, PHASE ONE SUBDIVISION (BOND #80171662).

Commissioner Jones referred to Jerry Borcharding, Director of Transportation, for staff recommendation. Jerry Borcharding announced staff approval. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to accept fiscal surety for the construction of street and drainage improvements in the amount of \$1,127,372.10 for trails at Windy Hill, phase one subdivision (Bond #80171662). All present voted "Aye." MOTION PASSED.**

34567 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,997,294.74 FOR MULBERRY MEADOWS, PHASE ONE SUBDIVISION (BOND #PB10169600208).

Commissioner Ingalsbe said she knew of staff recommendation for these improvements. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to accept fiscal surety for the construction of street and drainage improvements in the amount of \$1,997,294.74 for Mulberry Meadows, phase one subdivision (Bond #PB10169600208). All present voted "Aye." MOTION PASSED.**

34568 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SECOND AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR ROADWAY REPAIR BETWEEN HAYS COUNTY AND THE CITY OF UHLAND, RELATED TO ONGOING ROAD AND RIGHT OF WAY MAINTENANCE WITHIN THE CORPORATE LIMITS OF THE CITY OF UHLAND.

Commissioner Jones, Commissioner Ingalsbe, Mark Kennedy, General Counsel, Jerry Borcharding, Transportation Director spoke on this item. It has full staff recommendation. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the County Judge to execute a second amended and restated Interlocal agreement for roadway repair between Hays County and the City of Umland, related to ongoing road and right of way maintenance within the corporate limits of the City of Umland. All present voted "Aye." MOTION PASSED.**

34569 GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES PLN-1383-PC; WILDWOOD HILLS, LOTS 9 AND 10, AMENDED PLAT.

Commissioner Smith spoke on this item. Caitlyn Strickland and Colby Machacek, Development Services, reviewed the details that have been worked out with the property owner. **A motion was made by Commissioner Smith seconded by Commissioner Jones to grant a variance from table 10-1 of the Hays County Rules for on-site sewage facilities PLN-1383-PC; Wildwood Hills, Lots 9 and 10, Amended Plat. All present voted "Aye." MOTION PASSED.**

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34570 APPROVE FINAL PLAT FOR RIVER OAKS OF WIMBERLEY, UNIT 5, LOT 8A AND 9A SUBDIVISION.

Colby Machacek, Development Services, noted there are no variances for the property and gave full staff recommendation. A motion was made by Commissioner Shell seconded by Commissioner Jones to approve Final Plat for River Oaks of Wimberley, Unit 5, Lot 8A and 9A subdivision. All present voted "Aye." MOTION PASSED.

34571 GRANTING A VARIANCE FROM CHAPTER 705.12.02 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS FOR THE WATERRIDGE SUBDIVISION.

Commissioner Smith, Commissioner Ingalsbe, and Caitlyn Strickland, Development Services, spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Shell to granting a variance from chapter 705.12.02 of the Hays County development regulations for the Waterridge subdivision. All present voted "Aye." MOTION PASSED.

34572 APPOINT THE MEMBERS OF THE HAYS COUNTY CITIZENS ELECTION ADVISORY COMMISSION (CEAC).

Commissioners named their nominees for the commission: Commissioner Ingalsbe's nominees: Roland Saucedo and Diane Hervol. Commissioner Jones' nominees: Debbie Russ and Patrick Chisholm. Commissioner Shell's nominees: Carol Gaultney and Jon Leonard. Commissioner Smith's nominees: David Edwards and Kent Willis. Judge Becerra's nominees: Linda Tenorio and Arthur Taylor. A motion was made by Commissioner Smith seconded by Commissioner Jones to appoint the members of the Hays County Citizens Election Advisory Commission (CEAC). All present voted "Aye." MOTION PASSED.

34573 SUBMIT A LETTER OF SUPPORT TO THE TEXAS A&M UNIVERSITY, PUBLIC POLICY RESEARCH INSTITUTE FOR THE COUNSEL AT FIRST APPEARANCE - RANDOMIZED CONTROLLED TRIAL

Commissioner Shell explained the proposed study uses an experimental design with random assignment to examine the effects of providing counsel at magistration. Hays County has been invited to submit an application to participate in the trial. The grant would pay the costs. Commissioner Ingalsbe is in support of the study. A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to submit a letter of support to the Texas A&M University, Public Policy Research Institute for the Counsel at First Appearance - Randomized Controlled Trial. All present voted "Aye." MOTION PASSED.

34574 AUTHORIZE THE DEVELOPMENT SERVICES DEPARTMENT TO SERVE AS THE INTERIM FLOODPLAIN ADMINISTRATOR FOR THE CITY OF WIMBERLEY FOR A PERIOD NOT TO EXCEED 6 MONTHS

Commissioner Shell spoke in favor of supporting City of Wimberley by providing an interim Floodplain Administrator while Wimberley is recruiting someone to fill the position. Mark Kennedy, General Counsel and Judge Becerra spoke on this item. A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize the Development Services Department to serve as the Interim

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Floodplain Administrator for the City of Wimberley for a period not to exceed 6 months. All present voted "Aye." MOTION PASSED.

34575 AWARD RFQ 2020-Q01 RIGHT OF WAY ACQUISITION ATTORNEY SERVICES TO LJA ENGINEERING, INC. AND AUTHORIZE STAFF AND GENERAL COUNSEL TO NEGOTIATE A CONTRACT.

Commissioner Jones spoke on this item. Mark Kennedy, General Counsel, made note that the second level of due diligence was reached before deciding to select LJA. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to award RFQ 2020-Q01 Right of Way Acquisition Attorney Services to LJA Engineering, Inc. and authorize staff and General Counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

34576 APPROVE A FINALIZED JOB DESCRIPTION FOR THE HAYS COUNTY OFFICE OF EMERGENCY SERVICES DIRECTOR; AND TO PROVIDE JOB POSTING INSTRUCTIONS.

Commissioner Shell announced the resignation of the Justin McInnis, Emergency Services Interim Director and thanked him for his service. Several court members expressed their gratitude and good wishes for his future role. Sherri Miller, Human Resources Director, Judge Becerra, Commissioner Ingalsbe, Commissioner Shell, Commissioner Jones, and Commissioner Smith all expressed their viewpoints on the proposed job description. At issue were a couple of the specific requirements, including the requirement that candidates be certified fire fighters, which had been added to the original job description. A motion was made by Commissioner Shell seconded by Commissioner Jones to approve the original job description for the Hays County Office of Emergency Services Director to be posted. All present voted "Aye." MOTION PASSED.

Commissioner Smith asked Judge Becerra several times if he had had someone specific in mind—i.e., Randy Moreno—for the position when he added the specific requirements. Judge Becerra denied he had reviewed anyone's resume or suggested changes to the job description based on a resume. Judge Becerra asked that any further discussion be postponed and posted on a future agenda. Mark Kennedy, General Counsel, Commissioner Jones, Commissioner Smith and Judge Becerra spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Shell to continue the discussion rather than postponing it. All present voted "Aye." MOTION PASSED.

48. EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY REGARDING PARKS AND OPEN SPACE WITHIN HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

No action taken.

34577 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.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the County Judge to execute an Exclusion Request form related to Hays County's membership in the Negotiation Class certified in the In Ray National Prescription Opiate Litigation. All present voted "Aye." MOTION PASSED.

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize General Counsel to execute an engagement letter between Hays County and Ross, Molina, Oliveros, related to legal services; and to provide an exemption from the requirements of TX Local Gov. Code 262.023 pursuant to 262.024 (a)(4) professional services. All present voted "Aye." MOTION PASSED.

34578 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF APPROXIMATELY 536 ACRES OF REAL PROPERTY LOCATED IN PRECINCT 3 OF HAYS COUNTY (AND PARTIALLY WITHIN COMAL COUNTY), PART OF THE FORMER EL RANCHO CIMA "SCOUT" PROPERTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT, INCLUDING BUT NOT LIMITED TO AUTHORIZING THE EXECUTION OF AGREEMENT(S) BETWEEN HAYS COUNTY AND THE NATURE CONSERVANCY RELATED TO THE ACQUISITION OF FEE TITLE TO THE PROPERTY.

A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize the County Judge to execute an Agreement for Acquisition and Disposition of Real Property and corresponding Purchase Agreement, both between the Nature Conservancy and Hays County, related to the acquisition of approximately 533 acres of real property in Hays and Comal counties, as presented in Executive Session. All present voted "Aye." MOTION PASSED.

34579 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS IN THE HAYS COUNTY OFFICE OF EMERGENCY SERVICES. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe contingent on the Director of Hays County Office of Emergency Services not being filled by December 20, 2019, to then authorize the appointment of Scott Raven as Interim Director, providing a soft pay of approximately \$1,200 per month during the term of his interim service and prorating the first partial month of soft pay. All present voted "Aye." MOTION PASSED.

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52. DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Scott Raven, Fire Marshall, sent a recommendation to the court to keep the burn ban lifted.

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

Judge Becerra gave an update of the inmate population.

54. 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.

Clerk's Note Agenda Item #54 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.*

55. 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.

Clerk's Note Agenda Item #55 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.*

56. DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW.

Commissioner Shell, Mark Kennedy, General Counsel spoke about this item.

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Commissioner Jones to adjourn court at 11:45 a.m.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 19, 2019

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 November 19, 2019.



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

