

**Commissioners Court -- MAY 2, 2023
NOTICE OF A MEETING OF THE
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS**



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNONS TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on **MAY 2, 2023**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag

D. ROLL CALL

E. PUBLIC COMMENTS
At this time 3-MINUTE comments will be taken from the audience on Non-Agenda related topics. To address the Court, please submit a Public Participation/ Witness Form to the County Clerk. Please Complete the Public Participation/ Witness Form in its Entirety.
NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS .

F. PRESENTATIONS & PROCLAMATIONS

1. Adopt a Proclamation declaring May 15-21, 2023 as Police Week and May 18, 2023 as Peace Officers Memorial Day. **BECERRA**
2. Adopt a Proclamation recognizing May 9, 2023 as National Fentanyl Awareness Day. **COHEN/CUTLER/T.CRUMLEY**
3. Adopt a Proclamation recognizing May 2023 as Mental Health Awareness Month. **BECERRA**
4. Presentation to update the Commissioners Court on the Plum Creek Watershed Partnership & Watershed Protection Plan by the new Coordinator, Sean Melvin. **INGALSBE/T.CRUMLEY**

G. CONSENT ITEMS
The following may be acted upon in one motion.
A Commissioner, the County Judge, or a Citizen may request items be pulled for separate discussion and/or action.

1. Approve payments of County invoices. **VILLARREAL-ALONZO**
2. Approve the payment of Juror checks. **TENORIO**
3. Approve the payment of United Healthcare claims. **VILLARREAL-ALONZO**
4. Approve Commissioners Court Minutes of April 25, 2023. **BECERRA/CARDENAS**
5. Approve the payment of the May 15, 2023 payroll disbursements in an amount not to exceed \$4,000,000.00 effective May 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. **BECERRA/TENORIO**

6. Authorize the County Judge to execute a no-cost, time extension to the Halff Associates, Inc. Work Authorization #3 Agreement, related to the 2020 Parks and Open Space Bond Program master Services Agreement. **SHELL/T.CRUMLEY**
7. Authorize the County Judge to execute a General and No Litigation Certificate of Hays related to the issuance of bonds by Capital Area Housing Finance Corporation for Preserve at Mustang Creek, Williamson County, Texas. **BECERRA**
8. Authorize Building Maintenance to purchase and install two new Herman Miller cubicle spaces valued at \$13,354.01 for the Development Services Office and amend the budget accordingly. **INGALSBE/T.CRUMLEY/PACHECO**
9. Authorize the acceptance of an amended grant award from the Office of the Governor, Bullet Resistant Shield Grant Program to reflect the total number of shields to be purchased as 41 instead of 38 and amend the budget accordingly. **INGALSBE/T.CRUMLEY**
10. Authorize the County Judge to execute an Order Form with Flock Group, Inc. for the Constable Pct. 4 Office to purchase a software subscription for one Falcon Flex LPR Camera System under the Sheriff's Office Master Agreement; authorize a purchasing waiver to the purchasing policy. **SMITH/HOOD**
11. Approve the Consent to Assignment of IFB 2020-B02 Hauling Solid Waste with JJ's Waster and Recycling (formerly Central Waste & Recycling) to Central Texas Refuse, LLC. **BECERRA/T.CRUMLEY**
12. Authorize the County Judge to execute an updated Proposal with Firetrol Protection Systems for \$95,285 to purchase and install the required items for the IT-Election Building Renovation. **SHELL/DOINOFF/MCGILL**
13. Authorize the County Judge to execute Contract Amendment No. 5 with Pritchard Industries, SW, formerly known as PBS of Texas, related to RFP 2020-P02 Countywide Janitorial Services, adding janitorial services at 101 Thermon Drive, total monthly amount \$1,725.00 and amend the budget accordingly. **BECERRA/T.CRUMLEY**
14. Authorize the Hays County Judge to execute an amendment and renewal of the Interlocal Agreement with the Guadalupe-Blanco River Authority regarding the funding and implementation of the Plum Creek Watershed Protection Plan (PCWPP) executed on or about July 11, 2011. **INGALSBE/T.CRUMLEY**
15. Authorize the submission of a grant application to the City of San Marcos's Community Block Development Grant program (CDBG) in the amount of \$30,000.00. **INGALSBE/T.CRUMLEY/KENNEDY**

H.

ACTION ITEMS

I.

SUBDIVISIONS

1. PLN-1956-PC; Call for a Public Hearing on May 23, 2023, followed by discussion and possible action regarding the 3-G Ranch Addition, Section 3, Lot 5, Replat. **INGALSBE/MACHACEK**
2. PLN-2090-NP; Discussion and possible action regarding the Hays Commons Subdivision, Preliminary Plan; and to provide feedback to staff regarding preliminary plans under Chapter 705 of the Hays County Development Regulations. **SMITH/PACHECO**

J.

MISCELLANEOUS

1. Discussion and possible action to adopt an order authorizing the sale of fireworks beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May 2023. **SHELL**
2. Discussion and possible action to authorize the County Judge to execute an Amended and Restated Interlocal Agreement Regarding the City of Kyle Tax Increment Reinvestment Zone Number Two between Hays County and the City of Kyle. **COHEN**
3. Discussion and possible action on implementation of salary progression plans within the new salary chart. **SHELL/MILLER**
4. Discussion and possible action to consider granting a variance from Section 705.2.01 of the Hays County Development Regulations and allow issuance of development permits to the owner(s) of a portion of Tract 40C in

Rainbow Ranch Subdivision, an unrecorded subdivision, in Precinct 3. **SHELL/PACHECO**

5. Discussion and possible action to authorize each County Courts at Law Judge to procure a credit card in an amount not to exceed \$2,000.00 per card from the County depository bank. **BECERRA/JOHNSON/BROWN/HALL**
6. Discussion and possible action to authorize the re-grade of one Bookkeeper/Purchasing Coordinator position in the Transportation Department, grade 114 to Financial Specialist I, grade 115, effective May 1, 2023. **SMITH/INGALSBE/MILLER/BORCHERDING**
7. Discussion and possible action to consider a continuance of the Local Disaster Declaration originally proclaimed by the County Judge on or about February 3, 2023, and extended by Commissioners Court on February 10, 2023. **BECERRA/MIKE JONES**
8. Discussion and possible action to call for a public hearing on May 23, 2023 to hear and finalize changes to the Hays County Food Establishment Regulations. **BECERRA/PACHECO**

K.

EXECUTIVE SESSIONS

The Commissioners Court will announce that it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The Commissioners Court may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

1. 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 and/or value of real property associated with Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court. **BECERRA**
2. 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 and/or value of Right of Way located at or near Windy Hill Road in Pct. 2. Possible discussion and/or action may follow in open court. **COHEN**

L.

STANDING AGENDA ITEMS

The Commissioners Court utilizes Standing Agenda Items to address issues that are frequently or periodically discussed in court. This section allows the Court to open the item when a need for discussion arises.

1. Discussion and possible action related to the burn ban. **BECERRA**
2. Discussion related to the Hays County inmate population, to include current population counts and costs. **BECERRA**
3. 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**
4. Discussion and possible action regarding Hays County's use of federal or other grant funding related to COVID-19 response including but not limited to the American Rescue Plan Act (ARPA) and the Emergency Rental Assistance Program (ERAP). **BECERRA**
5. Updates of community health assessment by local health department. **BECERRA**
6. Discussion and possible action related to proposed bills in the 87th Regular Session of the Texas Legislature and to consider adoption of resolution(s) regarding proposed bills. The Court may opt to withdraw to Executive Session during this item to consult with legal counsel pursuant to Texas Government Code 551.071. **SMITH**
7. Updates on measurable advancement of Pretrial Services to include the areas of staffing, equipment, training, operations and policy, by Director Pre-Trial Services Randy Focken. **BECERRA**

M. **ADJOURNMENT**

**Posted by 5:00 o'clock P.M. on the 28th day of April, 2023
COMMISSIONERS COURT, HAYS COUNTY, TEXAS**

CLERK OF THE COURT

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.



AGENDA ITEM REQUEST FORM: F. 1.

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Sponsor: Judge Becerra

Agenda Item

Adopt a Proclamation declaring May 15-21, 2023 as Police Week and May 18, 2023 as Peace Officers Memorial Day.
BECERRA

Summary

Attached: Proclamation

Attachments

Proclamation



**PROCLAMATION FOR
POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY**

State of Texas

County of Hays

WHEREAS, the Congress and President of the United States have designated May 15th as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of law enforcement agencies of Hays County play an essential role in safeguarding the rights and freedoms of the citizens of Hays County; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement agencies, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, since the first known line-of-duty death in 1791, 26,287 law enforcement officers have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, seven law enforcement officers have given their lives in the line of duty serving Hays County, Texas; and

WHEREAS, we will never forget the sacrifices of Deputy Sheriff Henry C. Banks (Hays County Sheriff's Office); Night Watchman Henry H. Joslin (Kyle Police Department); Deputy Sheriff John S. Davis, Jr. (Hays County Sheriff's Office); Trooper Randall W. Vetter (Texas Department of Public Safety); Officer Kenneth M. Copeland (San Marcos Police Department); Officer Justin Putnam (San Marcos Police Department); Deputy Constable Manuel Phillipe De La Rosa (Hays County Constable's Office, Precinct 2); Deputy Sheriff Dustin Speckels (Hays County Sheriff's Office); Correctional Officer James Henry (Hays County Sheriff's Office); and their families; and

WHEREAS, the law enforcement agencies of Hays County unceasingly provide a vital public service; and

NOW, THEREFORE, BE IT RESOLVED that the Commissioners Court of Hays County does call upon all citizens of Hays County and upon all patriotic, civil and educational organizations to observe the week of May 15 to May 21, 2023, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

WE FURTHER call upon all citizens of Hays County to observe May 18, 2023 as Peace Officers Memorial Day to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

ADOPTED THIS THE 2nd DAY OF May 2023

Ruben Becerra
Hays County Judge

Debbie Gonzales Ingalsbe
Commissioner, Pct. 1

Dr. Michelle Cohen
Commissioner, Pct. 2

Lon Shell
Commissioner, Pct. 3

Walt Smith
Commissioner, Pct. 4

ATTEST:

Elaine H. Cardenas MBA PhD
Hays County Clerk



AGENDA ITEM REQUEST FORM: F. 2.

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

T. Crumley

Sponsor:

Commissioner Cohen

Agenda Item

Adopt a Proclamation recognizing May 9, 2023 as National Fentanyl Awareness Day. COHEN/CUTLER/T.CRUMLEY

Summary

Attachments

Proclamation Fentanyl Awareness Day



**PROCLAMATION RECOGNIZING MAY 9, 2023 AS
NATIONAL FENTANYL AWARENESS DAY**

WHEREAS, National Fentanyl Awareness Day aims to amplify nationwide efforts to increase awareness and decrease demand for fentanyl, which is a highly addictive synthetic opioid that continues to drive the overdose epidemic; and

WHEREAS, the Fentanyl crisis is a public safety and public health issue; and

WHEREAS, Fentanyl is a synthetic opioid that is approximately 50 times more potent than heroin and 100 times more potent than morphine; and

WHEREAS, Drug traffickers are increasingly mixing fentanyl with other drugs, and even putting it in marijuana, cocaine, etc. many people who are overdosing and dying don't even know that they are taking fentanyl; and

WHEREAS, the Centers for Disease Control and Prevention estimates that in the United States, nearly 107,000 people died as the result of a drug overdose in the 12-month period ending November 2021; and

WHEREAS, the Hays County Sheriff's Office has responded to a total of 37 overdose and overdose-death related events for the year 2022; and

WHEREAS, the Hays County Sheriff's Office has responded to a total of 14 overdose and overdose-death related events for the year 2023; and

WHEREAS, the Hays County Sheriff's Office has reported a loss of 6 valuable lives in their jurisdiction to this epidemic for the year 2022; and

WHEREAS, the Hays County Sheriff's Office has reported a loss of 3 valuable lives in their jurisdiction to this epidemic for the year 2023; and

WHEREAS, the Hays County Sheriff's Office has made "14" arrest related to the production and selling of fentanyl for the years 2022 and 2023; and

WHEREAS, the total number of overdose, overdose-death, and arrest does not include other law enforcement agencies in Hays County; and

WHEREAS, both the Hays County Sheriff's Office and the Hays County Local Health Department are working on community responses to eliminate the use of fentanyl in our communities; and

WHEREAS, only two milligrams of fentanyl is considered a potentially lethal dose; it's particularly dangerous for someone who does not have a tolerance to opioids; and

WHEREAS, young people and families need to have a strong sense of awareness about this drug and the dangers of it, kids as young as middle school age have overdosed on fentanyl.

NOW, THEREFORE, BE IT RESOLVED that Hays County Commissioners Court does hereby proclaim May 9, 2023 as:

NATIONAL FENTANYL AWARENESS DAY

in Hays County, and we call upon the people of Hays County to observe this day by informing our families, friends, neighbors, co-workers, and leaders about the detrimental impacts of fentanyl and how to respond as a community.

ADOPTED THIS THE 2ND OF MAY 2023

Ruben Becerra
Hays County Judge

Debbie Gonzales Ingalsbe
Commissioner, Pct. 1

Michelle Cohen, PhD
Commissioner, Pct. 2

Lon A. Shell
Commissioner, Pct. 3

Walt Smith
Commissioner, Pct. 4

ATTEST:

Elaine H. Cárdenas, MBA, PhD
Hays County Clerk



AGENDA ITEM REQUEST FORM: F. 3.

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Sponsor: Judge Becerra

Agenda Item

Adopt a Proclamation recognizing May 2023 as Mental Health Awareness Month. **BECERRA**

Summary

Proclamation attached.

Attachments

Proclamation - Mental Health Awareness



**PROCLAMATION RECOGNIZING MAY 2023 AS
MENTAL HEALTH AWARENESS MONTH**

STATE OF TEXAS §
 §
COUNTY OF HAYS §

WHEREAS, The Core Four Partnership through the SMTX Mental Health Coalition and its members and partners recognize that mental health includes our emotional, psychological, and social well-being; it affects how we think, feel, and act; it also affects how we handle stress, relate to others, and make choices; and

WHEREAS, mental health is foundational to our wellness, allows us to care for ourselves and others, and make valuable contributions to Hays County; and

WHEREAS, with early and effective interventions, those individuals with mental health conditions can recover and lead full productive lives; and

WHEREAS, a lack of mental health awareness leads to devastating impacts on the wellbeing of individuals and communities; and

WHEREAS, each business, school, government agency, health care provider, organization, and citizen share the responsibility to learn about mental health and to promote wellness and support prevention efforts; and

WHEREAS, the Core Four Partnership, SMTX Mental Health Coalition, Youth Task Force, community partners, and care providers collaborate to reduce stigma, and to provide education and awareness of prevention, early intervention and treatment resources for mental health.

NOW, THEREFORE, BE IT RESOLVED that the Hays County Commissioners Court does hereby proclaim May 2023 as:

MENTAL HEALTH AWARENESS MONTH

ADOPTED THIS THE 2nd DAY OF MAY 2023

Ruben Becerra
Hays County Judge

Debbie Gonzales Ingalsbe
Commissioner, Pct. 1

Dr. Michelle Cohen
Commissioner, Pct. 2

Lon A. Shell
Commissioner, Pct. 3

Walt Smith
Commissioner, Pct. 4

ATTEST:

Elaine H. Cárdenas, MBA, PhD
Hays County Clerk



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

TAMMY CRUMLEY

Sponsor:

Commissioner Ingalsbe

Agenda Item

Presentation to update the Commissioners Court on the Plum Creek Watershed Partnership & Watershed Protection Plan by the new Coordinator, Sean Melvin. **INGALSBE/T.CRUMLEY**

Summary

Presentation to update the Commissioners Court on the 2022 Annual Report and other activities of the Plum Creek Watershed Protection Plan (PCWPP) and Plum Creek Watershed Partnership by the new Plum Creek Watershed Coordinator, Sean Melvin. The Plum Creek Watershed Partnership was established in 2006 to restore and protect the water quality in Plum Creek, a tributary of the San Marcos River in the Guadalupe River Basin of Texas.

Attachments

2023 PCWPP Update Presentation

Plum Creek Watershed Partnership Watershed Protection Plan Updates

Hays County Commissioners' Court
May 2, 2023

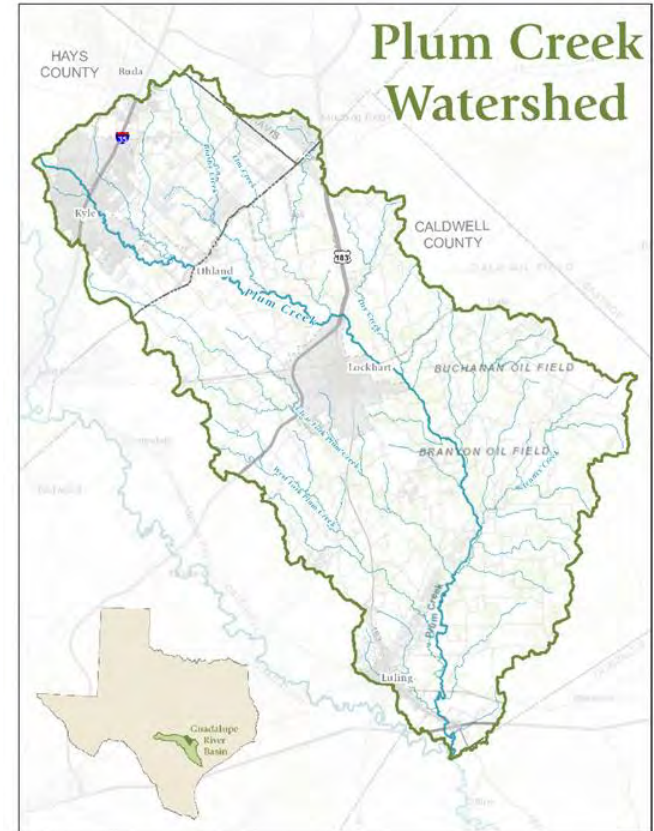
Plum Creek Watershed

The watershed

- Stretches across Hays and Caldwell County and the cities of Kyle, Buda, Uhland, Lockhart and Luling
- ~400 square miles with Plum Creek measuring 52 miles
- Is a significant tributary to the San Marcos River

The issues in the watershed

- Impaired for E. coli bacteria (since 2004)
- Concerns for excessive nutrients and in-stream habitats



The Plum Creek Watershed Partnership

The Partnership is composed of 12 partners which include:

- Hays County
- Caldwell County
- Guadalupe-Blanco River Authority
- City of Kyle
- City of Buda
- City of Lockhart
- City of Uhland
- City of Luling
- Hays County Soil & Water Conservation District
- Caldwell-Travis Soil & Water Conservation District
- Plum Creek Conservation District
- Aqua Water Supply Company

An Interlocal Agreement (ILA) was first established in 2011 and is being renewed again this year. The ILA serves to allow local partners to provide the required 40 percent match each year for the Clean Water Act Section 319(h) grant. Through the efforts of our partners, the Partnership remains at the forefront of water quality management and has played a key role in watershed stewardship in Texas.

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Watershed Protection Plan Updates

A few things have happened in the watershed since last meeting

- As of January 1, 2023, a new grant cycle began. This grant will run for the next 3 years.
- Our former partner Polonia Water Supply merged with Aqua Water Supply Company becoming our new partner.
- A new Watershed Coordinator has joined the Partnership

The New Watershed Coordinator: Sean Melvin



A little about myself

- I joined the Partnership in November 2022
- I am from Tennessee and I graduated from the University of Tennessee, Knoxville
- I love the outdoors and water centric recreation. This is what has motivated me to protection natural resources in my career

2022 Texas Integrated Report - Basin 18

Since the implementation of the WPP, Plum Creek (segment 1810) continues to be recognized by the State of Texas as impaired for Primary Contact Recreation.

Here listed are the current impairments and concerns in Plum Creek as described in the 2022 Texas Integrated Report by TCEQ.

Highest average concentration of *E. coli* is at the 1810_3 segment

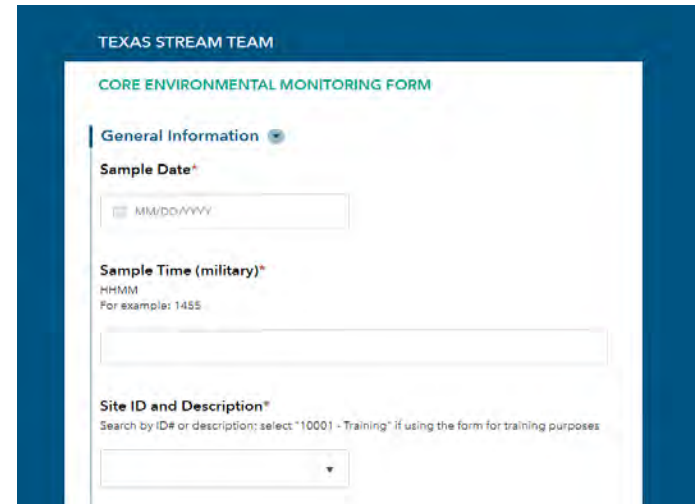
You can view the impaired stream information on TCEQ's Surface Water Quality Segment Viewer. Link: <https://www.tceq.texas.gov/gis/segments-viewer>

Assessment Unit	Parameter	Status
1810_1 (near confluence with San Marcos River)	<i>E. coli</i> (Geomean) Nitrate (nutrient) Total Phosphorus Fish Community Aquatic Habitat	Nonsupport (4b) Concern for screening level Concern for screening level Nonsupport Concern for screening level
1810_2 (~2.5 miles upstream of confluence with Clear Fork)	<i>E. coli</i> (Geomean) Nitrate (nutrient) Total Phosphorus Fish Community Aquatic Habitat	Nonsupport (4b) Concern for screening level Concern for screening level Use Concern Concern for screening level
1810_3 (~0.5 miles upstream of State Hwy 21)	<i>E. coli</i> (Geomean) Nitrate (nutrient) Total Phosphorus Ammonia Macroinvertebrate community Fish Kill Report	Nonsupport (4b) Concern for screening level Concern for screening level Concern for screening level Use Concern Use Concern
1810A_01 Town Branch (perennial stream in Lockhart)	<i>E. coli</i> (Geomean) Nitrate (nutrient) Dissolved O2 (grab)	Nonsupport (4b) Concern for screening level Concern for screening level

Texas Stream Team: Plum Creek Stewards

Another way stakeholders can get involved!

- Currently, there are 5 monitors in the Plum Creek Stewards group
- 12 sites are still available within the Plum Creek Watershed
- There are two monitoring kits available in the watershed for the group to use

A screenshot of a web-based form titled 'TEXAS STREAM TEAM' and 'CORE ENVIRONMENTAL MONITORING FORM'. The form has a blue header and a white body. It includes sections for 'General Information' (with a dropdown arrow), 'Sample Date*' (with a date input field showing 'MM/DD/YYYY'), 'Sample Time (military)*' (with a time input field showing 'HHMM' and an example '1455'), and 'Site ID and Description*' (with a search input field and a dropdown arrow). The form is designed for environmental monitoring data collection.

Central Texas Feral Hogs Task Force

- Since 2012, an estimated 24,500 feral hogs have been removed by the efforts of the Task Force.
- Last year the Feral Hog Bounty Program led to the direct removal of 1,122 feral hogs in Hays and Caldwell county.
- An estimated 2,850 additional feral hogs were removed last year by existing traps throughout the watershed (based on available data).
- 156 bounties have already been claimed this year



Events: Texas Riparian and Stream Ecosystem Training Workshop

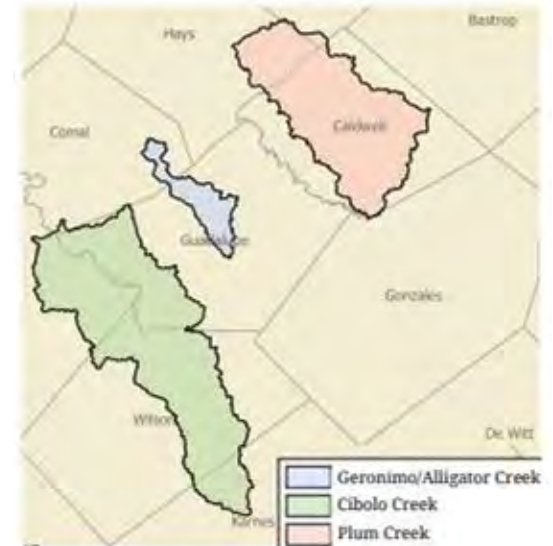
- Workshop hosted with Texas Riparian Association
- Held at Lockhart State Park on May 12th
- Offered individuals potential CEU credits
- Participants learned about riparian and watershed processes, the benefits that healthy riparian areas provide, and the tools that prevent and/or resolve degradation and improve water quality.



Events: Lone Star Healthy Streams Workshop

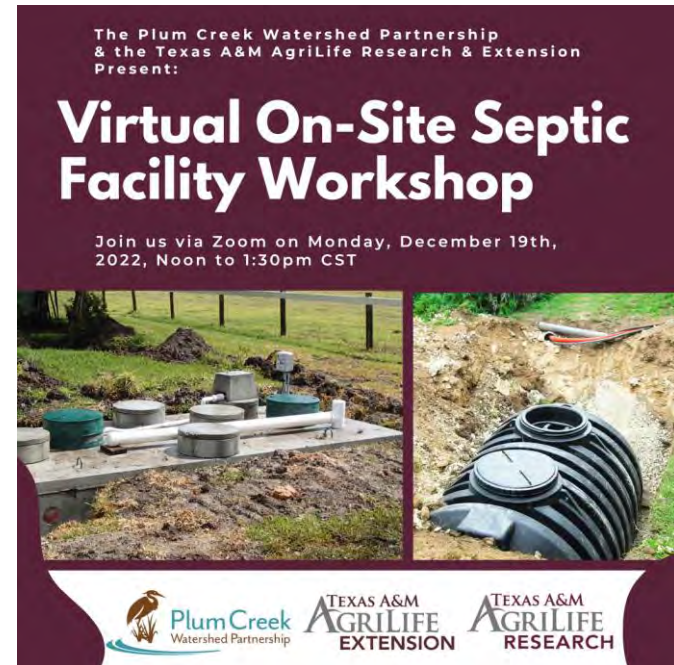
This multi-watershed workshop was in collaboration with Geronimo/Alligator Creek and Cibolo Creek Watersheds

- Held at the Texas Agricultural Education & Heritage Center - The Big Red Barn in Seguin on June 1st
- Offered 2 IMP CEU credits
- Participants learned about cattle BMPs, weed management, feral hog management and reducing nonpoint source pollution.



Events: On-Site Septic Facility Workshop

- Virtual workshop to help landowners to understand the basics to conventional septic systems and aerobic septic systems
- Related how proper OSSF maintenance can protect the watershed
- Partnered with AgriLife Extension
- 9 attendees



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Potential Workshops for the Watershed

There are many workshops that can be brought to the watershed. Here are some that could be hosted here in Hays County

- Rain Water Harvesting workshop
- Urban Riparian and Stream Restoration training
- Texas Well Owner Network training
- Healthy Lawns Healthy Waters workshop

Events: 38th Great Texas River Cleanup, Kyle

- 68 volunteers
- 1740 lbs of trash
- 90 lbs of recycling
- 1 tire





Results of Watershed Protection Priority Planning Form

The purpose of this form was to help define new goals for the WPP and Partnership.

- Youth Education was identified as a top priority of the Steering Committee
- Landowner Outreach and Wastewater as a whole were second to Youth Education

This will help guide the new Work Groups while still meeting the goals of the WPP.

Watershed Protection Priority Planning

Summary of Results Table

Management Measure	Near-term (1-5 yrs)	Long-term (5-10 yrs)
Urban Stormwater	Urban Riparian Restoration ⁴	Urban Riparian Restoration ²
	Healthy Lawns ⁴	Healthy Lawns ²
	Capturing runoff ⁴	Capturing runoff ²
Wastewater	Monitoring WWTFs ²	Monitoring WWTFs ²
	Managing OSSFs ²	Managing OSSFs ²
Agriculture	Water Quality Management Plans ⁴	Water Quality Management Plans ²
	Landowner Outreach ²	Landowner Outreach ²
Wildlife	Feral Hog Control ²	Feral Hog Control ²
Outreach & Education	Youth Education ²	Youth Education ²
	Citizen Science WQ Monitoring ⁴	Citizen Science WQ Monitoring ²
	Cleanup Events ⁴	Cleanup Events ⁴
	Public Stakeholder Meetings ⁴	Public Stakeholder Meetings ⁴

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Upcoming events

- Texas Watershed Stewards Workshops
 - August 2023
- Feral Hog Bounty Claim Collection
 - Collection Dates: May 18th, June 15th, July 20th

And more to come soon! So follow us on [Facebook](#) to stay up-to-date.

THANK YOU!

Sean Melvin
smelvin@plumcreekwatershed.org
830-557-7358
plumcreekwatershed.org



AGENDA ITEM REQUEST FORM: **G. 4.**

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Elaine Cardenas, Hays County Clerk

Sponsor:

Judge Becerra

Agenda Item

Approve Commissioners Court Minutes of April 25, 2025. **BECERRA/CARDENAS**

Summary

Attached: 4-25-2023 Minutes

Attachments

4-25-2023 Minutes

HAYS COUNTY COMMISSIONERS' COURT MINUTES



APRIL 25, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25th DAY OF APRIL A.D., 2023, 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
MICHELLE COHEN	COMMISSIONER, PCT. 2
LON A. SHELL	COMMISSIONER, PCT. 3
WALT SMITH	COMMISSIONER, PCT. 4
ELAINE H. CÁRDENAS	COUNTY CLERK

Clerk's Note: For complete transcript go to Hays County Website
<https://hayscountytexas.com/commissioners-court/court-video/>
Transcript can be translated into any language through Google.com.

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Michael Pigg, Wayfinders Church, gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Becerra called the meeting to order.

PUBLIC COMMENTS

Dan Lyon made a public comment concerning rising valuations made by the Hays Central Appraisal District.

Recognition of Margarita "Margie" Rodriguez for 30 years of service to the Hays County Local Health Department.

Tammy Crumley, Director of Countywide Operations, recognized Margie and thanked her for her service to Hays County.

Recognition of the Public Health Essay Competition Winners.

Matthew Gonzales, Hays County Local Health Department Program Manager, recognized the following essay competition winners: Robert Farrell, Johnson High School; Owen Tippet, Hays High School; Ella Revill, Dripping Springs High School; Dorothy Pierre, Lehman High School; Natalie Leal, San Marcos High School; and Emma Davenport, Wimberley High School.

38850 Adopt a Proclamation recognizing May 1-5, 2023 as Air Quality Awareness Week.

Judge Becerra spoke about the importance of Capital Area Council of Governments (CAPCOG). Commissioner Smith spoke.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing May 1-5, 2023 as Air Quality Awareness Week.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38851 Adopt a Proclamation recognizing April 29, 2023 as Dia del Nino.

Lucy Gonzalez, Outreach and Recruitment Specialist at Community Action, Inc. of Central Texas, spoke about the importance of early childhood development and supporting children.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a Proclamation recognizing April 29, 2023 as Dia del Nino.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously



38852 Adopt a Proclamation recognizing April 30, 2023 as Therapy Animal Day in Hays County.

Commissioner Shell spoke about the investment the Court has made in animal welfare and recognized the animals that serve the community.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing April 30, 2023 as Therapy Animal Day in Hays County.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38853 Adopt a Proclamation acknowledging the Cinco de Mayo Menudo Throwdown on May 6, 2023.

Judge Becerra spoke about cultural unity. Richard Anzaldua, Hill Country BBQ Cook-Off Association, invited the public to the Menudo Throwdown event with proceeds going towards the Community Action breast cancer awareness program.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a Proclamation acknowledging the Cinco de Mayo Menudo Throwdown on May 6, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38854 Adopt a Proclamation recognizing May 2023 as National Preservation Month in Hays County.

Linda Coker, Hays County Historical Commission Chair, spoke about the importance and benefits of historical preservation. Judge Becerra spoke about the Main Street preservation program. The Court thanked Linda and others involved in preservation for their work.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a Proclamation recognizing May 2023 as National Preservation Month in Hays County.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38855 Adopt a Proclamation declaring April 24 - 30, 2023 as Infant Immunization Week.

Commissioner Ingalsbe spoke about the importance of immunization. Juli Barksdale, Hays County Epidemiologist, encouraged parents to keep their children fully vaccinated.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation declaring April 24 - 30, 2023 as Infant Immunization Week.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Presentation by Martha Joyce, Director of the Central Texas Dispute Resolution Center.

Martha Joyce, Director of the Central Texas Dispute Resolution Center, spoke about the organization and updated the Court on its operations and services. The Court thanked Martha for her work.

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for Patriots' Hall of Dripping Springs.

Eric Boehning, Ardurra Project Manager, spoke about the impact of COVID on Patriots' Hall and their plan to build a structure to house local VFWs. Hays County is able to grant them \$50,000.



Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for Hays County Emergency Services District #4.

Eric Boehning, Ardurra Project Manager, spoke about the impact of COVID on Hays County ESD #4 and their plan to build an addition to their central station. Hays County is able to grant them \$250,000.

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for Hays County Emergency Services District #2.

Eric Boehning, Ardurra Project Manager, spoke about the impact of COVID on Hays County ESD #2 and their plan to purchase new EMS ambulances and related equipment. Hays County is able to grant them \$400,000.

Presentation by President & CEO Paul Nguyen of CommuniCare.

Paul Nguyen, President and CEO of CommuniCare, spoke about the history of the organization and the healthcare services they provide to the community. The Court thanked Nguyen and Communicare for their work, especially during the pandemic.

Presentation from Specialized Finance Inc. regarding financing options as well as financing capacity.

Dan Wegmiller, Specialized Finance Inc, explained various financing options and capacity for future projects and development. The Court discussed County growth, taxes and home valuations, and legislative mandates.

38856 Approve payments of County invoices.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve payments of County invoices.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38857 Approve the payment of Juror checks.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of Juror checks.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38858 Approve the payment of United Healthcare claims.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of United Healthcare claims.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38859 Approve Commissioners Court Minutes of April 11, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Commissioners Court Minutes of April 11, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38860 Approve the payment of the April 30, 2023 payroll disbursements in an amount not to exceed \$4,000,000.00 effective April 30, 2023 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 Shell to approve the payment of the April 30, 2023 payroll disbursements in an amount not to exceed \$4,000,000.00 effective April 30, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.



AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38861 Authorize acceptance of payment terms to allow for a 30% down payment and 30% chassis payment to Gerling and Associates, Inc. for the Local Health Department's mobile vaccine van.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize acceptance of payment terms to allow for a 30% down payment and 30% chassis payment to Gerling and Associates, Inc. for the Local Health Department's mobile vaccine van.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38862 Approve the Elections and IT Departments to purchase and install the required items from CT Electric (\$600,200), JM Engineering, LLC.(\$190,804.46), SI Mechanical, LLC. (\$44,125), Firetrol Protection Systems (\$86,650), Amazon (\$15,015.64) and Workplace Resource, LLC. (\$371,725.44) pursuant to IT-Elections Building Renovation Project.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the Elections and IT Departments to purchase and install the required items from CT Electric (\$600,200), JM Engineering, LLC.(\$190,804.46), SI Mechanical, LLC.(\$44,125), Firetrol Protection Systems (\$86,650), Amazon (\$15,015.64) and Workplace Resource, LLC. (\$371,725.44) pursuant to IT-Elections Building Renovation Project.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38863 Authorize the Hays County Constable Precinct 3 office to accept a donation from St. Mary's Catholic Church group, Knights of Columbus, in the amount of \$1,500.00 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Hays County Constable Precinct 3 office to accept a donation from St. Mary's Catholic Church group, Knights of Columbus, in the amount of \$1,500.00 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38864 Authorize Building Maintenance to have Basic IDIQ install a new roof on the Kyle WIC Building in the amount of \$31,843.75.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize Building Maintenance to have Basic IDIQ install a new roof on the Kyle WIC Building in the amount of \$31,843.75.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38865 Authorize the execution of a resolution in support of a grant application in partnership with the Travis County Sheriff's Office for the Motor Vehicle Crime Prevention Authority Grant Program.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of a resolution in support of a grant application in partnership with the Travis County Sheriff's Office for the Motor Vehicle Crime Prevention Authority Grant Program.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously



38866 Authorize the acceptance of a grant award for the FY24 Department of State Health Services, Public Health Emergency Preparedness (PHEP) grant program in the amount of \$139,393.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the acceptance of a grant award for the FY24 Department of State Health Services, Public Health Emergency Preparedness (PHEP) grant program in the amount of \$139,393.00.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38867 Approve the rescheduling of the Hays Commissioners Court from May 9th to May 2nd due to essential training in the County Clerk's Office.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the rescheduling of the Hays Commissioners Court from May 9th to May 2nd due to essential training in the County Clerk's Office.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38868 Authorize the execution of Amendment 5 to the FY23 Department of State Health Services (DSHS), Immunizations/Locals (IMM/LOCALS) grant contract.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of Amendment 5 to the FY23 Department of State Health Services (DSHS), Immunizations/Locals (IMM/LOCALS) grant contract.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38869 Authorize payment to Kalahari Resort in the amount of \$1,200.60 for employee lodging at the TAC Management and Risk Conference where no purchase order was issued as required per the Hays County Purchasing Policy.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment to Kalahari Resort in the amount of \$1,200.60 for employee lodging at the TAC Management and Risk Conference where no purchase order was issued as required per the Hays County Purchasing Policy.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38870 Authorize payment to Bluebonnet Motors in the amount of \$772.28 for the Constable Precinct 5 Office related to vehicle repairs in which no purchase order was issued as required per the Hays County Purchasing Policy.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment to Bluebonnet Motors in the amount of \$772.28 for the Constable Precinct 5 Office related to vehicle repairs in which no purchase order was issued as required per the Hays County Purchasing Policy.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38871 Authorize the transfer of additional funding to the County Judge's continuing education budget for expenses related to the Texas Emergency Management Conference, South Texas Judges and Commissioners Conference, and the National Association of Counties (NACo) Conference and amend the budget accordingly.

Commissioner Smith gave support for the item and asked that it be included in the Judge's baseline budget in the future.



A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the transfer of additional funding to the County Judge's continuing education budget for expenses related to the Texas Emergency Management Conference, South Texas Judges and Commissioners Conference, and the National Association of Counties (NACo) Conference and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38872 Accept donations totaling \$13,410.73 on behalf of the Hays County Child Protective Board and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept donations totaling \$13,410.73 on behalf of the Hays County Child Protective Board and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38873 Accept the delivery of the Community Supervision and Corrections Department's (CSCD) Financial Statements for the Fiscal Year ending on August 31, 2022 for filing with the Hays County Commissioners Court pursuant to Texas Local Government Code, Section 140.004(d) and the Texas Department of Criminal Justice-Community Justice Assistance Divisions Financial Management Manual.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept the delivery of the Community Supervision and Corrections Department's (CSCD) Financial Statements for the Fiscal Year ending on August 31, 2022 for filing with the Hays County Commissioners Court pursuant to Texas Local Government Code, Section 140.004(d) and the Texas Department of Criminal Justice-Community Justice Assistance Divisions Financial Management Manual.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38874 Authorize payment to On Site Services in the amount of \$500.00 for the Transportation Department related to the purchase of random drug and alcohol screenings where no purchase order was issued as required per the Hays County purchasing policy.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment to On Site Services in the amount of \$500.00 for the Transportation Department related to the purchase of random drug and alcohol screenings where no purchase order was issued as required per the Hays County purchasing policy.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38875 Approve the appointment of Travis Brown to the Board of Emergency Services District #4 to replace John White for a term ending December 31, 2024.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the appointment of Travis Brown to the Board of Emergency Services District #4 to replace John White for a term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38876 Receive and Ratify the finalized Real Estate Purchase Contract for Improved Property between Hays County and Wm. M. Gary Estate Limited Partnership and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to receive and Ratify the finalized Real Estate Purchase Contract for Improved Property between Hays County and Wm. M. Gary Estate Limited Partnership and amend the budget accordingly.



AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38877 Amend the acceptance of a grant award to the Hays County Sheriff's Office from the NRA (National Rifle Association) in the total value amount of \$3,824.00 for training ammunition and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to amend the acceptance of a grant award to the Hays County Sheriff's Office from the NRA (National Rifle Association) in the total value amount of \$3,824.00 for training ammunition and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith

NAY: Judge Becerra

4 - 1 Passed

38878 Authorize the Sheriff's Office to accept a proposal from Cornerstone, Inc. related to the Detention Slider Upgrades, pursuant to GSA contract GA-07F-269AA, and authorize a discretionary exemption pursuant to Texas Local Government Code Chapter 262.024 (a)(7)(D) for all open market items.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Sheriff's Office to accept a proposal from Cornerstone, Inc. related to the Detention Slider Upgrades, pursuant to GSA contract GA-07F-269AA, and authorize a discretionary exemption pursuant to Texas Local Government Code Chapter 262.024 (a)(7)(D) for all open market items.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38879 Authorize the Sheriff's Office to utilize Cornerstone Detention for repairs to the gate at the Hays County Jail pursuant to the GSA contract GS-07F-269AA and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Sheriff's Office to utilize Cornerstone Detention for repairs to the gate at the Hays County Jail pursuant to the GSA contract GS-07F-269AA and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38880 Authorize the County Judge to execute Amendment #1 for a time extension to Task Order #4 as part of the Master Interlocal Agreement between Hays County and Texas State University executed on or about April 12, 2022.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute Amendment #1 for a time extension to Task Order #4 as part of the Master Interlocal Agreement between Hays County and Texas State University executed on or about April 12, 2022.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38881 Accept the Fiscal Year 2022 Hays County Emergency Services District #9 Audit Report per Texas Health and Safety Code 775.082.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept the Fiscal Year 2022 Hays County Emergency Services District #9 Audit Report per Texas Health and Safety Code 775.082.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously



38882 Authorize the repairs from Cornerstone Detention Products for the lobby door at the Hays County Jail and authorize a discretionary exemption pursuant to Texas Local Government Code 262.024 (a)(7)(D).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the repairs from Cornerstone Detention Products for the lobby door at the Hays County Jail and authorize a discretionary exemption pursuant to Texas Local Government Code 262.024 (a)(7)(D).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38883 Approve renewal of IFB 2021-B05 Concrete Contractor with Myers Concrete Construction, LP.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve renewal of IFB 2021-B05 Concrete Contractor with Myers Concrete Construction, LP.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38884 Authorize the County Judge to execute an Agreement between Hays County and Rene Bates Auctioneers, Inc. pursuant to Bodyboard Contract 620-20 Auction Services for the Hays County Fiscal Year 2023 Auction.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute an Agreement between Hays County and Rene Bates Auctioneers, Inc. pursuant to Bodyboard Contract 620-20 Auction Services for the Hays County Fiscal Year 2023 Auction.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38885 Approve Utility Permit.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Utility Permit.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38886 Authorize the acceptance of a \$1,500.00 donation to the Sheriff's Office Community Outreach Program and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the acceptance of a \$1,500.00 donation to the Sheriff's Office Community Outreach Program and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38887 Authorize the acceptance of a \$500.00 donation to the Sheriff's Office Crime Victim Services Program and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the acceptance of a \$500.00 donation to the Sheriff's Office Crime Victim Services Program and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38888 Authorize the Constable Precinct 1 Office to purchase additional vehicle lighting from Dana Safety Supply, Inc. for two police vehicles valued at \$5,128.19 and amend the budget accordingly.



Commissioner Ingalsbe explained these vehicles were previously budgeted for but require additional funding.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Constable Precinct 1 Office to purchase additional vehicle lighting from Dana Safety Supply, Inc. for two police vehicles valued at \$5,128.19 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note: Judge Becerra called for a recess that began at 11:01 a.m. and resumed back into open court at 11:11 a.m.

38889 Authorize the Office of Emergency Services, Fire Marshal Division to utilize donated funds to build out office cubicles at the Yarrington Building, purchase personal protective uniforms for personnel to wear at fire scenes, and purchase promotional items for community education and outreach and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Office of Emergency Services, Fire Marshal Division to utilize donated funds to build out office cubicles at the Yarrington Building, purchase personal protective uniforms for personnel to wear at fire scenes, and purchase promotional items for community education and outreach and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38890 Authorize a waiver to the ID Badge policy for Neighborhood Defender Services employees, Hays County's contracted Public Defender's Office.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize a waiver to the ID Badge policy for Neighborhood Defender Services employees, Hays County's contracted Public Defender's Office.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38891 Authorize Security One to install a Cellular Communicator to the fire alarm system at the Elections/IT Building in the amount of \$800.00 and execute the systems monitoring agreement and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize Security One to install a Cellular Communicator to the fire alarm system at the Elections/IT Building in the amount of \$800.00 and execute the systems monitoring agreement and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38892 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 1 to amend the Exhibit D - Rate Schedule in the Professional Services Agreement with Freese and Nichols, Inc. (FNI) for the Jacobs Well Road Corridor Project from FM 2325 to RM 12 in Precinct 3.

Commissioner Shell stated this incorporates the CPI rate adjustment pursuant to the contract.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Contract Amendment No. 1 to amend the Exhibit D - Rate Schedule in the Professional Services Agreement with Freese and Nichols, Inc. (FNI) for the Jacobs Well Road Corridor Project from FM 2325 to RM 12 in Precinct 3.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously



38893 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 4 in the amount of \$10,000.00 to the Professional Services Agreement between Hays County and Cobb, Fendley & Associates, Inc. (CFA) for utility design and coordination services on the FM 110 North project in Precinct 1, as part of the TxDOT/Hays County Partnership Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute Contract Amendment No. 4 in the amount of \$10,000.00 to the Professional Services Agreement between Hays County and Cobb, Fendley & Associates, Inc. (CFA) for utility design and coordination services on the FM 110 North project in Precinct 1, as part of the TxDOT/Hays County Partnership Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38894 Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bond #800132235 in the amount of \$3,506,205.95, acceptance of the 2-year maintenance bond #PB03016800706M1 in the amount of \$376,152.05, and acceptance of the revegetation bond #PB03016800706M2 in the amount of \$288,668.95 for Crosswinds subd., Phase 3A.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to accept road construction & surface drainage improvements, release the subdivision bond #800132235 in the amount of \$3,506,205.95, accept the 2-year maintenance bond #PB03016800706M1 in the amount of \$376,152.05, and accept the revegetation bond #PB03016800706M2 in the amount of \$288,668.95 for Crosswinds subd., Phase 3A.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38895 PLN-2080-NP; Discussion and possible action regarding the Estates at Darden Hill, Prelim.

Marcus Pacheco, Director of Development Services, provided background on the property and stated staff recommends conditional approval.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to conditionally approve the Estates at Darden Hill, Prelim (PLN-2080-NP), pending administrative changes as instructed by Development Services.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

PLN-2166-PC; Hold a Public Hearing, followed by discussion and possible action regarding the Beulah Marie Needham Estates, Lot 3, Replat.

Judge Becerra opened the Public Hearing at 11:55 a.m. Lorinda Sanderson stated she holds an undivided interest in the property and spoke against the subdivision. Judge Becerra closed the Public Hearing at 11:56 a.m. Marcus Pacheco, Director of Development Services, explained this property is in the City of Dripping Springs ETJ, so the city should approve the subdivision application, not Hays County. The Court discussed with Pacheco and Mark Kennedy, General Counsel, the process of determining ownership and the right to develop. Commissioner Smith further spoke about undivided interest and how the County can avoid this issue in the future. No action taken.

PLN-2090-NP; Discussion and possible action regarding the Hays Commons Subdivision, Preliminary Plan.

Carol Pennington made a public comment concerning the proposed subdivision's effect on water and wildlife. Roxanne O'Neal made a public comment concerning the proposed subdivision's effect on water. Candace Blake made a public comment against the subdivision and its on-site sewage facility plan. Bobby Levinski made a public comment concerning the County's jurisdiction over the development and a lack of compliance with the development agreement. Brett Mundy made a public comment concerning the proposed subdivision's effect on her business and emergency service access.



Darlene Starr made a public comment concerning the proposed subdivision's effect on water and biodiversity. Elaine Cardenas, County Clerk, read emailed public comments from the following individuals: Mike Clifford submitted a public comment concerning the proposed subdivision's effect on water and a lack of information regarding impervious cover and risk to karst features; Bill Bunch submitted a public comment concerning the proposed subdivision's effect on water and deficiencies in the preliminary plan; Jim Camp submitted a public comment requesting for the item to be delayed for 2 weeks for further discussion. The Court discussed with Marcus Pacheco, Director of Development Services, and Mark Kennedy, General Counsel, the County's authority over land use, the practice of conditionally approving plans, the need to set minimal requirements for approval, and how to act on this plan, and determined the item should be tabled until the next meeting for further consideration. No action taken.

38896 Hold a public hearing, followed by discussion and possible action to finalize changes to the Hays County Food Establishment Regulations.

Marcus Pacheco, Director of Development Services, explained the state updated the Texas Food Establishment Regulations (TFER). Eric Vangaasbeek, Chief Environmental Health Specialist, and Lynette Hunsworth, Environment Health Specialist II, presented proposed updates to regulations and fees, including a fee for selling eggs at farmers markets, a rush review fee, a late renewal fee, and removing letter grades for food establishments. The Court discussed the proposed fee changes and their possible effects on businesses, as well as making the permitting process as easy as possible for residents. Pacheco reviewed the growing number of food establishments in Hays County. Commissioner Smith expressed concerns over the rush review fee and how it might delay other applications, and suggested putting a time limit on it.

A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to finalize changes to the Hays County Food Establishment Regulations.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38897 Discussion and possible action to amend the Development Services Fee Schedule.

A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to amend the Development Services Fee Schedule to exclude the Food Establishment Late Renewal and the Food Establishment Permit Application Rush Review.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38898 Discussion and possible action to authorize the County Judge to execute a proposal from The Fence Lady Inc. for the repairs and awning replacements to the shade structures at 5 Mile Dam in the amount of \$38,275.00 and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a proposal from The Fence Lady Inc. for the repairs and awning replacements to the shade structures at 5 Mile Dam in the amount of \$38,275.00 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38899 Discussion and possible action to adopt an election precinct boundary change.

Jennifer Doinoff, Elections Administrator, explained the need to change election precincts in order to remain in compliance with population rules.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to adopt an election precinct boundary change.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously



38900 Discussion and possible action to authorize addition of general and law enforcement liability coverage on three newly purchased unmanned aircraft at an additional premium rate of \$2,311.00 annually.

A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to authorize addition of general and law enforcement liability coverage on three newly purchased unmanned aircraft at an additional premium rate of \$2,311.00 annually.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38901 Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Gary P. Hale, Quartermaster of Dripping Springs VFW Post 2933 regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

Commissioner Smith stated this grant is for about \$5,600 for lost revenue replacement during COVID.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Gary P. Hale, Quartermaster of Dripping Springs VFW Post 2933 regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38902 Discussion and possible action to authorize the County Clerk to re-grade two Bookkeeper positions; one to an Accountant I grade 119 and one to an Accounting Specialist grade 115 effective May 1, 2023.

Elaine Cardenas, County Clerk, explained the request to re-grade the bookkeeper positions due to job responsibilities. Commissioner Shell and Commissioner Ingalsbe expressed concern about re-grading after the completion of the salary study.

A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to authorize the County Clerk to re-grade two Bookkeeper positions; one to an Accountant I grade 119 and one to an Accounting Specialist grade 115 effective May 1, 2023.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Smith, Judge Becerra

NAY: Commissioner Shell

4 - 1 Passed

38903 Discussion and possible action to include the Hays County Extension Agents in the 4/1/23 salary increase, implementation of salary progression plans within the new salary chart and establishment of a Compensation Committee.

Commissioner Shell spoke about the recommendation to form a Compensation Committee and the need to include the AgriLife Extension Agents in the new salary plan and to continue working on the salary progression plan. The Court discussed with Shari Miller, Director of Human Resources, who should be included in the Compensation Committee, and how to move forward with the salary progression plan. Commissioner Shell concluded the progression plan should be brought back to the next meeting.

A motion was made by Commissioner Shell, seconded by Judge Becerra to include the Hays County Extension Agents in the 4/1/23 salary increase.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

A motion was made by Commissioner Shell to establish a Compensation Committee with 6 members consisting of Jerry Borcharding, Director of Transportation, Shari Miller, Director of Human Resources, Vickie Dorsett, Budget Officer, Ruben Becerra, County Judge, Jenifer O'Kane, Tax Assessor-Collector, and Helly Higgins, District Attorney. No second was made. Motion failed.



A motion was made by Judge Becerra, seconded by Commissioner Cohen to establish a Compensation Committee with 7 elected officials/departments heads consisting of Jerry Borcharding, Director of Transportation, Shari Miller, Director of Human Resources, Vickie Dorsett, Budget Officer, Ruben Becerra, County Judge, Jenifer O'Kane, Tax Assessor-Collector, Helly Higgins, District Attorney, and Elaine Cardenas, County Clerk.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Judge Becerra

NAY: Commissioner Shell, Commissioner Smith

3 - 2 Passed

38904 Discussion and possible action to approve a Resolution of Support for Essential Community Facilities Project for the Dripping Springs Community Library.

Commissioner Smith explained this Resolution would support the Dripping Springs Community Library's application for a grant and would not obligate the County to provide any funding.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve a Resolution of Support for Essential Community Facilities Project for the Dripping Springs Community Library.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38905 Discussion and possible action to authorize the Mental Health Specialty Court to purchase consumable items for a Specialty Court Symposium to be held on April 28th.

Kaimi Mattila, Mental Health Court Administrator, spoke about the upcoming symposium and the opportunity to share resources and knowledge. Commissioner Ingalsbe stated she and Commissioner Shell have agreed to split the amount between their community program budgets. Commissioner Smith thanked the Mental Health Court and Commissioner Ingalsbe for their work on this.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Mental Health Specialty Court to purchase consumable items for a Specialty Court Symposium to be held on April 28th.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38906 Discussion and possible action to authorize the County Judge to execute mental health service contracts to expand services within the County Court at Law Mental Health Specialty Courts program with Megan Gauwain Counseling Services, PLLC and Hiatus Wellness, LLC.

Commissioner Ingalsbe stated this is to provide additional services required by the Mental Health Court program in order for participants to graduate from the program. Kaimi Mattila, Mental Health Court Administrator, spoke about having a variety of providers so both telehealth and in-person services can be offered and accessibility is increased.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute mental health service contracts to expand services within the County Court at Law Mental Health Specialty Courts program with Megan Gauwain Counseling Services, PLLC and Hiatus Wellness, LLC.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note: Executive Session began at 2:35 p.m. and resumed back into open court at 3:13 p.m.

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 and/or value of real property associated with Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court.

No action taken.



Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code, consultation with counsel and deliberation regarding the Government Center Master Plan, prospective use, and space needs. Possible discussion and/or action may follow in open court.

No action taken.

Clerk's Note Agenda Item #M-1 RE: *Discussion and possible action related to the burn ban. - WAS PULLED.*

Discussion related to the Hays County inmate population, to include current population counts and costs.

Judge Becerra read the Sheriff's update of the inmate population. Current maximum jail capacity is 410 inmates. Jail Standards recommends holding 10% open, lowering current capacity to 368 inmates. The jail's daily average was 579 for the week of April 16, 2023, with a peak of 587 inmates on April 18, 2023. The estimated cost for outsourcing inmates this week was \$143,790. The average number of outsourced males is 225 and females is 3. This week's inmates were housed in the following counties: Atascosa, Comal, Haskell, and Maverick. The number of "paper-ready" inmates who are now wardens of the state is 33.

Clerk's Note Agenda Item #M-3 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.*

38907 Discussion and possible action regarding Hays County's use of federal or other grant funding related to COVID-19 response including but not limited to the American Rescue Plan Act (ARPA) and the Emergency Rental Assistance Program (ERAP).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve a transfer of \$200,000 of American Rescue Plan Act funds from Precinct 1 to Precinct 2.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #M-5 RE: Updates of community health assessment by local health department. - WAS PULLED.

Clerk's Note Agenda Item #M-6 RE: *Discussion and possible action related to proposed bills in the 87th Regular Session of the Texas Legislature and to consider adoption of resolution(s) regarding proposed bills. The Court may opt to withdraw to Executive Session during this item to consult with legal counsel pursuant to Texas Government Code 551.071. - WAS PULLED.*

Updates on measurable advancement of Pretrial Services to include the areas of staffing, equipment, training, operations and policy, by Director Pre-Trial Services Randy Focken.


Randy Focken, Director of Pre-Trial Services, updated the Court on the progress of the department, including the use of technology, the creation of bylaws and a 5-year plan, identifying financial resources, hiring interns from Texas State University, and collaborating with County departments and specialty courts. He explained the preliminary process individuals would potentially go through after being arrested.

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 3:13 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 APRIL 25, 2023.




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



AGENDA ITEM REQUEST FORM: **G. 5.**

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Daphne Tenorio, Hays County Treasurer

Sponsor:

Judge Becerra

Agenda Item

Approve the payment of the May 15, 2023 payroll disbursements in an amount not to exceed \$4,000,000.00 effective May 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. **BECERRA/TENORIO**

Summary



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

T. CRUMLEY

Sponsor:

Commissioner Shell

Agenda Item:

Authorize the County Judge to execute a no-cost, time extension to the Halff Associates, Inc. Work Authorization #3 Agreement, related to the 2020 Parks and Open Space Bond Program master Services Agreement. **SHELL/T.CRUMLEY**

Summary:

Halff Associates, Inc. Work Authorization #3 was approved by Commissioners Court on January 17, 2023, and Halff is requesting a no-cost time only extension to this agreement. Additional time is needed to allow for issuance of the environmental permit needed to complete the archeological assessment and completion of the survey. This extension will allow for a new contract end date of July 14, 2023.

Fiscal Impact:

Amount Requested: None

Line Item Number: N/A

Budget Office:

Source of Funds: Infrastructure Improvement Fee Fund

Budget Amendment Required Y/N?: No

Comments: Time extension only.

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Time extension only; original agreement was approved with a discretionary exemption for professional services.

G/L Account Validated Y/N?: Contract Services Expense

New Revenue Y/N?: N/A

Comments:

Attachments

Contract Extension for WA #3



April 21, 2023

Lisa Griffin
Budget and Operations Manager
Countywide Operations, Hays County
101 Thermon Drive
San Marcos, TX 78666

Re: Amendment to Current Agreement – Request for CONTRACT TIME EXTENSION for the Hays County 2020 Parks & Open Space Bond Program, Work Authorization #3 for Sentinel Peak

Dear Ms. Griffin:

Halff would like to request a contract time extension for Work Authorization #3 for Sentinel Peak from the current contract end date of May 31, 2023, to the new date of July 14, 2023. Additional time is needed to allow for issuance of the environmental permit needed to complete the archeological assessment and completion of the survey and subsequent deliverables.

Thank you for your favorable action on this request.

Sincerely,

A handwritten signature in black ink that reads "Kari Biddix".

Kari Biddix
Program Manager

Hays County, Texas(County)

By: _____

Name: _____

Title: _____

Date: _____, 20__



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Sponsor:

Judge Becerra

Agenda Item

Authorize the County Judge to execute a General and No Litigation Certificate of Hays related to the issuance of bonds by Capital Area Housing Finance Corporation for Preserve at Mustang Creek, Williamson County, Texas. **BECERRA**

Summary

The General Certificate must be submitted by Capital Area Housing Finance Corporation (CAHF Corp.) to the Texas Attorney General. It represents a simple statement from the County Judge regarding the "good standing" and status of CAHF Corp. It does not "authorize" the issuance of the bonds, nor does it implicate Hays County as a participant in the issuance of these bonds.

Attachments

General and No Litigation Certificate



April 21, 2023

Mark Kennedy
Hays County General Counsel
Hays County Courthouse
111 E. San Antonio Street, Room 202
San Marcos, Texas 78666

Re: Capital Area Housing Finance Corporation
Multifamily Housing Revenue Bonds
(The Preserve at Mustang Creek)

Dear Mr. Kennedy:

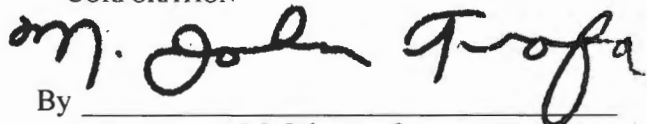
The Capital Area Housing Finance Corporation (the "*Corporation*") will issue the above captioned Bonds in an aggregate principal amount not to exceed \$50,000,000 in order to provide funds to finance the cost of a residential development that will provide decent, safe and sanitary housing at affordable prices for residents within the Corporation's jurisdiction. The development will be located in the City of Round Rock, a political subdivision of the Corporation (the "*Development*"). The Bonds will be a special limited obligation of the Corporation payable solely from the collateral pledged to secure the Bonds. The sponsoring local political subdivisions of the Corporation are not in any way liable for the payment of the Bonds.

In connection with the issuance by the Corporation of the above-referenced Bonds, enclosed herewith are two (2) copies of the General and No Litigation Certificate (the "*General Certificate*") for execution by Judge Ruben Becerra as the County Judge of the County of Williamson. I have included below for your convenience a description of the legal requirements behind the General Certificate.

Although the Development will be constructed in Williamson County, Texas, I TX A.D.C. §53.229 (or 15 Tex. Reg. 6289) requires a General Certificate from each sponsoring political subdivision of the Corporation to be submitted to the Attorney General of the State of Texas, who will approve all documentation relating to the Bonds prior to the issuance of the Bonds. Paragraph 8 of the General Certificate specifically gives the Attorney General the right to date the General Certificate on the date of closing. **Please do not date this Certificate.**

Please review the General Certificate and call me at (512) 349-9104 with any questions or comments you may have. Otherwise, if all is in order, please both signature pages for the General Certificate executed and return them to Chapman and Cutler LLP, Bond Counsel to the Corporation, using the enclosed prepaid Federal Express envelope for delivery no later than Friday, May 26, 2023.

CAPITAL AREA HOUSING FINANCE
CORPORATION


By _____

M. John Trofa
General Counsel

Enclosures

cc: Jim Shaw, Executive Director of Capital Area HFC

GENERAL AND NO LITIGATION CERTIFICATE OF HAYS COUNTY

We hereby certify that we are duly elected or appointed and acting officers of Hays County, Texas (the "*County*"). We do hereby further certify that:

1. This Certificate is for the benefit of the Attorney General of the State of Texas (the "*Attorney General*") and all persons interested in the validity of the proceedings of the Capital Area Housing Finance Corporation (the "*Corporation*") related to the issuance by the Corporation of its multifamily housing revenue bonds entitled "Capital Area Housing Finance Corporation Multifamily Housing Revenue Bonds (The Preserve at Mustang Creek)" issued in one or more series (the "*Bonds*").

2. The Commissioners Court (the "*Governing Body*") of the County authorized the membership of the County in the Corporation, a joint housing finance corporation created pursuant to the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code, as amended (the "*Act*"), and approved the Articles of Incorporation and Bylaws of the Corporation (and all amendments thereto).

3. The County has appointed Mark Jones to act as a member of the board of directors of the Corporation. The individual is a resident of a city or county which is a member of the Corporation.

4. The Governing Body has taken no action pursuant to the Act, including Section 394.016(c) thereof, or otherwise, to limit the effectiveness of the resolution authorizing the issuance of the Bonds or in any way affecting the proceedings relating to the issuance of the Bonds.

5. The Governing Body has not created any other Corporation that currently has the power to make home mortgages or loans to lending institutions, the proceeds of which are to be used to make home mortgage or loans on residential developments.

6. No litigation is pending, or to our knowledge threatened, in any court in any way affecting the existence of the Corporation or seeking to restrain or to enjoin the issuance, sale or delivery of the Bonds, or in any way contesting or affecting the validity or enforceability of the Bonds or the financing documents to which the Corporation is a party, or contesting in any way the completeness or accuracy of any disclosure document prepared in connection with the issuance of the Bonds, or contesting the powers of the Corporation or its authority with respect to the financing documents to which it is party.

7. Each of the undersigned officers of the County hereby certifies that he or she is the duly elected or appointed incumbent of the office appearing below his or her signature and that the signature of the other officer appearing below is the true and correct signature of such person.

8. The Attorney General of the State of Texas is hereby authorized and directed to date this certificate concurrently with the date of his approval of the Bonds and this Certificate shall be

deemed for all purposes to be accurate and correct on and as of that date and on and as of the date of the initial issuance and delivery of the Bonds to the initial purchasers thereof.

9. By his or her signature hereto, the undersigned representative of the Governing Body assumes no liability whatsoever with respect to the Bonds. The Bonds are not an indebtedness of the Governing Body or the County and the Governing Body and the County shall have no liability therefor.

[Remainder of Page Intentionally Left Blank]

EXECUTED AND DELIVERED AS OF THE DATE SET FORTH BELOW.

HAYS COUNTY, TEXAS

By _____
Judge Ruben Becerra

ATTEST

By _____
General Counsel, Hays County

DATED: _____
[TO BE DATED BY ATTORNEY
GENERAL OF THE STATE OF TEXAS]



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

T. CRUMLEY / PACHECO

Sponsor:

Commissioner Ingalsbe

Agenda Item:

Authorize Building Maintenance to purchase and install two new Herman Miller cubicle spaces valued at \$13,354.01 for the Development Services Office and amend the budget accordingly. **INGALSBE/T.CRUMLEY/PACHECO**

Summary:

Building Maintenance/Development Services were approved \$9,000 in the FY23 budget to purchase two additional cubicle spaces for staff work areas in the Development Services office. Building Maintenance secured a quote from Herman Miller - the vendor who supplied the current cubicles and office furniture being used at the Development Services Office - and received a quote under the Herman Miller OMNIA Partners Cooperative contract #2020000622. The quote is over the amount approved in the FY23 budget, but Building Maintenance would like to request that the difference come from the savings of other Miscellaneous Capital Improvement projects that Building Maintenance has come in under budget on so far this fiscal year, such as the Kyle WIC roof replacement project that was approximately \$53,000 under budget.

Fiscal Impact:

Amount Requested: \$13,354.01

Line Item Number: 170-657-00.5711_700

Budget Office:

Source of Funds: Infrastructure Improvement Fee Fund

Budget Amendment Required Y/N?: Yes

Comments: N/A

\$13,355 - Increase Office Equipment_Capital 170-657-00.5711_700

(\$13,355) - Decrease Misc. Capital Improvements 170-657-00.5741

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Yes, OMNIA Partners Cooperative Contract #2020000622

G/L Account Validated Y/N?: Yes

New Revenue Y/N?: N/A

Comments:

Attachments

Herman Miller Quote

FY23 Approved Budget



Quote# SM230008
HAYS COUNTY / ROAD DEPT
OMNIA PARTNERS COOPERATIVE: 2020000622
Pricing Valid for 30 Days

Item	Qty.	Product	Unit	Extended
Alias 1: Herman Miller				
1	6	232092-	<i>List:</i>	\$0.00
		+Lock Plug and Key,Black UM Series	<i>Sell:</i>	\$0.00
			<i>Sell Discount %:</i>	64.00
		Key Number 226 +key number 226		
2	6	232092-	<i>List:</i>	\$0.00
		+Lock Plug and Key,Black UM Series	<i>Sell:</i>	\$0.00
			<i>Sell Discount %:</i>	64.00
		Key Number 227 +key number 227		
3	1	A1311.A	<i>List:</i>	\$304.00
		+15 Amp Receptacle 4 Circuit, Duplex, Circuit A 6/Pkg	<i>Sell:</i>	\$89.68
			<i>Sell Discount %:</i>	70.50
		Receptacle Finish MT +medium tone		
4	1	A1311.C	<i>List:</i>	\$304.00
		+15 Amp Receptacle 4 Circuit, Duplex, Circuit C 6/Pkg	<i>Sell:</i>	\$89.68
			<i>Sell Discount %:</i>	70.50
		Receptacle Finish MT +medium tone		
5	4	A3410.1648	<i>List:</i>	\$326.00
		+Tackboard,B-Style 16H 48W	<i>Sell:</i>	\$96.17
			<i>Sell Discount %:</i>	70.50
		Surface Finish 4N +horizon-Pr Cat 2		
		4N_Colors 08 +horizon haystack		
6	4	A3810.148PL	<i>List:</i>	\$741.00
		+F-Style Sliding Door Storage Unit,Ptd Door,Lock 15H 48W	<i>Sell:</i>	\$218.60
			<i>Sell Discount %:</i>	70.50
		Lock Option KA +keyed alike		
		Case Finish MT +medium tone		
		Door Finish MT +medium tone		
		Pull Finish CL +cool grey neutral		
7	2	A8120.6748G	<i>List:</i>	\$1,456.00
		+Panel,Fabric,Thin Base 4-Circ W/Com Pt Lc 67H 48W	<i>Sell:</i>	\$429.52
			<i>Sell Discount %:</i>	70.50
		Trim/Top Cap Finish MT +medium tone		
		Table Management Finish MT +medium tone		
		Surface Finish Side 1 4N +horizon-Pr Cat 2		
		4N_Colors 08 +horizon haystack		
		Surface Finish Side 2 4N +horizon-Pr Cat 2		
		4N_Colors 08 +horizon haystack		
8	6	A8164.6748N	<i>List:</i>	\$2,542.00
		+Panel,Partial-Glazed,Thin Base Npwr 67H 48W	<i>Sell:</i>	\$749.89
			<i>Sell Discount %:</i>	70.50
		Glazing Finish TR +clear		
		Trim/Top Cap Finish MT +medium tone		
		Table Management Finish MT +medium tone		
		Surface Finish Side 1 4N +horizon-Pr Cat 2		
		4N_Colors 08 +horizon haystack		
		Surface Finish Side 2 4N +horizon-Pr Cat 2		
		4N_Colors 08 +horizon haystack		
9	2	A8230.67H	<i>List:</i>	\$399.00
				\$798.00



Quote# SM230008
HAYS COUNTY / ROAD DEPT
OMNIA PARTNERS COOPERATIVE: 2020000622
Pricing Valid for 30 Days

Item	Qty.	Product	Unit	Extended
		+Conn,3-Way 90 Deg,Thin Base Hard 67H	<i>Sell:</i> \$117.71	\$235.42
			<i>Sell Discount %:</i> 70.50	
		Surface Finish MT +medium tone		
		Table Management Finish MT +medium tone		
10	1	A8240.67H	<i>List:</i> \$512.00	\$512.00
		+Conn,4-Way 90 Deg,Thin Base 67H	<i>Sell:</i> \$151.04	\$151.04
			<i>Sell Discount %:</i> 70.50	
		Surface Finish MT +medium tone		
		Table Management Finish MT +medium tone		
11	4	A8271.67H	<i>List:</i> \$90.00	\$360.00
		+Fin End,Thin Base 67H	<i>Sell:</i> \$26.55	\$106.20
			<i>Sell Discount %:</i> 70.50	
		Surface Finish MT +medium tone		
		Table Management Finish MT +medium tone		
12	1	A8342.	<i>List:</i> \$48.00	\$48.00
		+Pwr Harness Extender,Thin Base	<i>Sell:</i> \$14.16	\$14.16
			<i>Sell Discount %:</i> 70.50	
13	3	AO215.62	<i>List:</i> \$43.00	\$129.00
		+Draw Rod 62H	<i>Sell:</i> \$12.69	\$38.07
			<i>Sell Discount %:</i> 70.50	
14	4	G6170.48S	<i>List:</i> \$515.00	\$2,060.00
		+Under Shf LED Task Light,48" w,for Action Office or Ethospace Systems or Canvas	<i>Sell:</i> \$151.93	\$607.72
			<i>Sell Discount %:</i> 70.50	
		Surface Finish MT +medium tone		
15	2	LW100.20BBF	<i>List:</i> \$781.00	\$1,562.00
		+Ped W-Pull,Freestd 20D B/B/F	<i>Sell:</i> \$259.29	\$518.58
			<i>Sell Discount %:</i> 66.80	
		Slides SR +3/4-extension roller slides on box drawer, full-extension ball bearing on file c		
		Paint/Steel Type SS +smooth paint on smooth steel		
		Surface Finish MT +medium tone		
		Lock KA +keyed alike		
		Base Height 1F +standard height		
		Drawer Interior 2M +drawer divider in box drawers, 2 file converters in file drawer		
16	1	LW300.46LS	<i>List:</i> \$3,064.00	\$3,064.00
		+Stg Twr,W-Pull,Stor Case Wdrb Lft,B/B/F, 46H	<i>Sell:</i> \$1,017.25	\$1,017.25
			<i>Sell Discount %:</i> 66.80	
		Slides SB +full-extension ball-bearing		
		Paint/Steel Type SS +smooth paint on smooth steel		
		Surface Finish MT +medium tone		
		Lock KA +keyed alike		
		Wardrobe Interior CH +coat hook		
		Drawer Interior 2M +drawer divider in box drawers, 2 file converters in file drawer		
17	1	LW300.46RS	<i>List:</i> \$3,064.00	\$3,064.00
		+Stg Twr,W-Pull,Stor Case Wdrb Rt,B/B/F, 46H	<i>Sell:</i> \$1,017.25	\$1,017.25
			<i>Sell Discount %:</i> 66.80	
		Slides SB +full-extension ball-bearing		
		Paint/Steel Type SS +smooth paint on smooth steel		
		Surface Finish MT +medium tone		
		Lock KA +keyed alike		



Quote# SM230008
HAYS COUNTY / ROAD DEPT
OMNIA PARTNERS COOPERATIVE: 2020000622
Pricing Valid for 30 Days

Item	Qty.	Product	Unit	Extended		
18	2	Z2RLA				
		Wardrobe Interior	CH	+coat hook		
		Drawer Interior	2M	+drawer divider in box drawers, 2 file converters in file drawer		
		Squared Vinyl Edge Rect WS Lam Top				
		List:	\$550.00	\$1,100.00		
		Sell:	\$162.25	\$324.50		
		Sell Discount %:	70.50			
19	2	Z2RLA				
		Squared Vinyl Edge Rect WS Lam Top				
				List:	\$1,300.00	\$2,600.00
				Sell:	\$383.50	\$767.00
				Sell Discount %:	70.50	
Subtotal:			List:	\$38,337.00		
			Sell:	\$11,594.01		
Alias 1: Services						
20	1	DESIGN				
		Design Services				
		List:	\$800.00	\$800.00		
		Sell:	\$800.00	\$800.00		
		Sell Discount %:	0.00			
21	1	INSTALL	10 hrs x \$80/hr			
				List:	\$960.00	\$960.00
		Receive deliver and install during normal business hours				
			Sell:	\$960.00	\$960.00	
			Sell Discount %:	0.00		
16 hrs x \$60/hr						
Subtotal:			List:	\$1,760.00		
			Sell:	\$1,760.00		
Total:			List:	\$40,097.00		
			Sell:	\$13,354.01		

FY 2023 Capital Equipment & Projects - Commissioners' Court Adopted

Budget Year 2023

Fund/Dept REQUESTED				Qty	Cost Per Unit	2023 Requested	Qty	2023 Budget Office Recommended	No. of	2023 Court Adopted
Fund 144 - Historical Jail Restoration Fund										
5741	Misc Capital Improvements Historical Jail Restoration			1	667,683	667,683	1	667,683	1	667,683
Fund 144 - Historical Jail Restoration Fund Totals						667,683		667,683		667,683
Fund 150 - Park Bond 2011 Fund										
5741	Misc Capital Improvements 5-Mile Dam Park Improvements			0	-	-	0	-	1	792,000
Fund 150 - Park Bond 2011 Fund Totals						0		0		792,000
Fund 170 - Infrastructure Imp Fee Fund										
5741	Misc Capital Improvements									
	Misc Improvement Projects						1	400,000	1	497,166
	SO Jail - 12.5 Ton HVAC Unit (replacement)						1	13,200	1	13,200
	SO Jail - 5 Ton HVAC Unit (replacement)						1	6,600	1	6,600
	SO Jail - 7.5 Ton HVAC Unit (replacement)						1	9,500	1	9,500
	BRATWURST Groundwater Modeling Project			1	176,222	176,222	1	176,222	1	176,222
	Complete Remodel of County Clerk's Department Area			1	58,330	58,330	1	58,330	0	-
	Construct new employee office at Jacob's Well			1	60,000	60,000	1	60,000	1	60,000
	Dye Tracing Project			1	70,000	70,000	1	70,000	1	70,000
	Enclose loading dock area at PCT 3			1	15,000	15,000	1	15,000	1	15,000
	Expand/remodel County Clerk area at PCT 2			1	8,000	8,000	1	8,000	1	8,000
	General services not RHCP specific			1	60,000	60,000	1	60,000	1	60,000
	Install additional data drops for Development Services			2	2,000	4,000	2	4,000	2	4,000
	Install two additional cubicle spaces for Development Services			2	4,500	9,000	2	9,000	2	9,000
	New Roll Off Concrete Slab at Wimberley Recycling Center			1	10,000	10,000	1	10,000	1	10,000
	New Roof and Interior Wall Repair on PCT 3 Building			1	38,065	38,065	1	38,065	1	38,065
	New Roof on Kyle WIC Building			1	85,000	85,000	1	85,000	1	85,000
	Remodel/add employee space to Kyle Tax Office			1	50,000	50,000	1	50,000	1	50,000
	Replace HVAC unit at Precinct 4			1	7,937	7,937	1	7,937	0	-
	Replace HVAC unit at Yarrington Complex			1	8,779	8,779	1	8,779	0	-
	Replace Thermostats and wiring at Historic Courthouse			1	3,000	3,000	1	3,000	0	-
	Strip/Wax Floor of Development Services			1	2,560	2,560	1	2,560	0	-
	Strip/Wax Floor of Government Center			1	8,000	8,000	1	8,000	0	-
	Strip/Wax Floor of Health Department			1	1,440	1,440	1	1,440	0	-
	Strip/Wax Floor of PCT 2			1	1,600	1,600	1	1,600	0	-
	Strip/Wax Floor of PCT 5			1	320	320	1	320	0	-
	Tax Office at GC- Build 2 new office spaces & fully furnish			1	5,200	5,200	1	5,200	0	-
						682,453		1,111,753		1,111,753
Fund 170 - Infrastructure Imp Fee Fund Totals						682,453		1,111,753		1,111,753
Net Grand Totals						8,014,515		18,111,789		22,593,837



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Tammy Crumley

Sponsor:

Commissioner Ingalsbe

Agenda Item:

Authorize the acceptance of an amended grant award from the Office of the Governor, Bullet Resistant Shield Grant Program to reflect the total number of shields to be purchased as 41 instead of 38 and amend the budget accordingly.
INGALSBE/T.CRUMLEY

Summary:

On January 17, 2023, the court approved the acceptance of a grant award from the Office of the Governor, Bullet Resistant Shield Grant Program in the amount of \$192,006.85 to purchase bullet resistant shields for the Sheriff's Office and Constable Pct. 4 Office. Due to the back order on the shields that were originally requested for the Sheriff's Office in the application, an amendment was submitted to purchase an alternate brand of shield. There was a difference in cost between the two brands of shields, the Sheriff's Office is now able to purchase 38 bullet resistant shields with the same funding rather than the original 23 that were originally budgeted for. The shields to be purchased by the Constable Pct. 4 Office remain unchanged at 3, bringing the total number of shields to be purchased to 41. There is no change to the amount of funding from this grant or the grant period.

Fiscal Impact:

Amount Requested: None

Line Item Number: 001-618-99-180]

Budget Office:

Source of Funds: Office of the Governor Grant Funds

Budget Amendment Required Y/N?: Yes

Comments: Budget amendment is needed to properly code the shields as a controlled asset instead of a capital asset as originally budgeted.

(\$164,107) - Increase Intergovernmental Revenue 001-618-99-180.4301

\$164,107 - Decrease Intergovernmental Revenue Capital 001-618-99-180.4304

(\$164,107) - Decrease Law Enforcement Equipment Capital 001-618-99-180.5717_700

\$164,107 - Increase Law Enforcement Equipment Operating 001-618-99-180.5717_400

Auditor's Office:

Purchasing Guidelines Followed Y/N?: N/A

G/L Account Validated Y/N?: Yes

New Revenue Y/N?: N/A

Comments:

Attachments

Amendment Application

Agency Name: Hays County

Grant/App: 4616601

Start Date: 12/1/2022

Project Title: Bullet Resistant Shield

Status: Active Grant

End Date: 11/30/2023

Fund Source: SH-Bullet-Resistant Shield Grant Program

Current Grant Manager: Shayla Smothers

Current Program Manager: Alyssa Smith

Liquidation Date: 2/28/2024

Original Award: \$192,006.85

Current Budget: \$192,006.85

Current Award: \$192,006.85

CFDA: NONE

OOG Solicitation: FY23 Bullet-Resistant Shield [Announcement](#)

Eligibility

Profile

Narrative

Activities

Measures

Budget

Documents

Conditions.of.Funding

General.Assessment

Summary

Monitoring

Upload.Files

My.Mail

My.Home

[Printer Friendly](#)

General Information and Instructions

[View Introduction](#)

[View Icons](#)

Fund Source Information and Requirements

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

OOG-Defined Project Activity Area

Select Your Project Activities ?

Select one or more project activities that best describe your project. Once you have selected one or more project activities from the list, then click on the **Update Activity Selection** button to add those selections to your project. You will then be able to describe the project activities you selected and added to your project in the **Detailed Project Activity Area**. For a description of the eligible project activities, please click on the **View a Description of the Activities** button.

[Collapse Activity List](#)

☒ Equipment and Technology

Update Activity Selection

View a Description of the Activities

Detailed Project Activity Area

Describe Each Activity ?

This section lists all of the items you selected for OOG and grantee-defined project activities.

Click on the 'pencil' icon next to each activity to enter the percentage of time spent on the activity as well as a brief description of how the activity is performed. Click on the 'diskette' icon to save the information entered for each activity.

Activity	Dedicated Percentage	Description of Activity
Equipment and Technology	100	This proposal is to purchase bullet resistant shields for Hays County Law Enforcement Officers.

☐ Check this box to Confirm Deletion of a Project Activity

Note: Once you **Save** each item above, the subtotal for the **Dedicated Percentage** column will refresh below under **Total**.
Total: 100 Percent

Note from Grantee to OOG

Save Note from Grantee to OOG



[Printer Friendly](#)

Previous

Save and Continue

You are logged in as **User Name:** APecina

Agency Name: Hays County

Project Title: Bullet Resistant Shield

Current Grant Manager: Shayla Smothers

Current Budget: \$192,006.85

Grant/App: 4616601

Status: Active Grant

Current Program Manager: Alyssa Smith

Original Award: \$192,006.85

Current Award: \$192,006.85

Start Date: 12/1/2022

End Date: 11/30/2023

Liquidation Date: 2/28/2024

CFDA: NONE

Fund Source: SH-Bullet-Resistant Shield Grant Program

OOG Solicitation: FY23 Bullet-Resistant Shield [Announcement](#)

Eligibility

Profile

Narrative

Activities

Measures

Budget

Documents

Conditions.of.Funding

General.Assessment

Summary

Monitoring

Upload.Files

My.Mail

My.Home

Details

Financial.Status.Report

Request.Advance

Request.Adjustment

Source.of.Match

Budget.Summary

[Printer Friendly](#)

General Information and Instructions

[View Introduction](#)

[View Instructions](#)

Select and Enter Budget Line Item Details

	Budget Category	OOG Funds	Cash Match	In Kind Match	GPI	Total Project	
	Equipment	\$192,006.85	\$0.00	\$0.00	\$0.00	\$192,006.85	
	OOG-Defined Line Item	OOG Funds	Cash Match	In Kind Match	GPI	Total Project	
	Bullet-Resistant Shield	\$192,006.85	\$0.00	\$0.00	\$0.00	\$192,006.85	
	Grantee-Defined Line Item	OOG Funds	Cash Match	In Kind Match	GPI	Total Project	Qty / % of Salary
	Hays County Sheriff's Office-PROTECH ASSAULT LEVEL III 20X36 HORIZONTAL HANDLE. 38 bullet resistant shields III, at \$4,387.76 = \$162,347.12. Only a portion of the purchase of the 38th shield for the Sheriff's Office will be bought with grant funds, the remainder will be bought with county funds. Hays County Constable's Office-PARACLETE PHALANX LEVEL III SHIELD 20X 36 W/LIGHT & VIEWPORT. 3 bullet resistant shields III, at \$9,300.00 = \$27,900.00. . . This results in a total of 41 bullet resistant shields.	\$192,006.85	\$0.00	\$0.00	\$0.00	\$192,006.85	41

Budget Summary Totals

OOG Funds:	Cash Match:	In Kind Match:	GPI:	Total Project:
\$192,006.85	\$0.00	\$0.00	\$0.00	\$192,006.85

Export Your Budget Detail Item(s)

[Export To Excel](#)

Note from Grantee to OOG

[Save Note from Grantee to OOG](#)

Enter on: 10/28/2022 3:20:31 PM By: Shayla Smothers

Please revise; threat level can only be either a III, or III+, or IV.

Enter on: 10/28/2022 10:36:20 AM By: Shayla Smothers

"TYR TACTICAL 24"X36" RAPID REPSONSE MT3" needs threat level III, III+, and IV.

Also, please include break down cost of each shield to the line item description box.

Example: (Name of Vendor) 10 bullet resistant shields III, III+ or IV shields @\$1000 =\$10,000

Enter on: 10/28/2022 10:31:22 AM By: Shayla Smothers

Consolidate all shields to one budget line.

Enter on: 10/28/2022 10:30:04 AM By: Shayla Smothers

Please remove bags and Dolly system from the budget line.

[Printer Friendly](#)[Previous](#)

Agency Name: Hays County	Grant/App: 4616601	Start Date: 12/1/2022	
Project Title: Bullet Resistant Shield	Status: Active Grant	End Date: 11/30/2023	Fund Source: SH-Bullet-Resistant Shield Grant Program
Current Grant Manager: Shayla Smothers	Current Program Manager: Alyssa Smith	Liquidation Date: 2/28/2024	
	Original Award: \$192,006.85		
Current Budget: \$192,006.85	Current Award: \$192,006.85	CFDA: NONE	OOG Solicitation: FY23 Bullet-Resistant Shield Announcement

[Eligibility](#) [Profile](#) [Narrative](#) [Activities](#) [Measures](#) [Budget](#) [Documents](#) [Conditions.of.Funding](#) [General.Assessment](#) [Summary](#) [Monitoring](#) [Upload.Files](#) [My.Mail](#) [My.Home](#)

[Printer Friendly](#)

General Information and Instructions

[View Introduction](#)

Fund Source Information and Requirements

Requirements

Introduction

The performance measures listed in this section are tied to an activity as selected by the applicant on the Activities tab.

These measures are essentially estimated targets of the volume of activity in a project. OOG uses them during the application phase to evaluate the project, and during the active grant phase to measure progress towards those targets. Measures should reflect an applicant's best estimate of the level of activities they expect to perform *during the grant period*, unless specifically instructed otherwise.

Note: *If the measures are not visible on this tab, simply navigate back to the Activities tab, add one or more activities to your project, save your selection(s), then return to the Measures tab.*

OOG-Defined Performance Measures


Grantees are required to report for each measure listed and should enter a "0" for any measure not applicable to their project.

In addition, grantees may also be required to report fund specific progress report data. Grantees must follow the progress reporting instructions provided by the Public Safety Office.

Custom-Defined Performance Measures

OOG encourages grantees to add any additional custom measures that would help us better understand the project's activities and performance, but these are not required. To add a custom measure, click on the "Create Custom Performance Measures" button.

Entering the OOG-Defined Output Performance Measure Information

Please enter the required target levels for each output measure listed below. 

Output Measures	Target Level
Equipment or technology: Individuals/ operators equipped	41
Equipment or technology: Organizations directly using	1
Number of bullet-resistant shields purchased with grant funds.	41

Create Custom Performance Measures

Note from Grantee to OOG

Save Note from Grantee to OOG 

Enter on: 10/28/2022 10:18:20 AM By: Shayla Smothers

Please revise there are more shields than number of individuals are noted.

[Printer Friendly](#)

Previous

Agency Name: Hays County	Grant/App: 4616601	Start Date: 12/1/2022	
Project Title: Bullet Resistant Shield	Status: Active Grant	End Date: 11/30/2023	Fund Source: SH-Bullet-Resistant Shield Grant Program
Current Grant Manager: Shayla Smothers	Current Program Manager: Alyssa Smith	Liquidation Date: 2/28/2024	
	Original Award: \$192,006.85		
Current Budget: \$192,006.85	Current Award: \$192,006.85	CFDA: NONE	OOG Solicitation: FY23 Bullet-Resistant Shield Announcement

Eligibility Profile Narrative Activities Measures Budget Documents Conditions.of.Funding General.Assessment Summary Monitoring Upload.Files My.Mail My.Home

[Printer Friendly](#)

General Information and Instructions

[View Introduction](#)

Fund Source Information and Requirements

Introduction

The Bullet-Resistant Shield Grant Program equips law enforcement officers at risk of shootings with bullet-resistant shields.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO’s [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the PSO’s Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Constitutional Compliance

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

Active Shooter Policy

All eligible organizations that apply for grant funds will ensure its law enforcement agency adopts a Critical Incidents In-Progress (Active Shooter) policy implementing, at a minimum, protocols for assessing an active threat or violent encounter and immediately responding in order to stop the killing, stop the dying, and provide rapid casualty evacuation. The policy should include procedures that address:

- Concepts and Principles
- Community/First Responder Agency Notifications
- Mutual Aid Implementation
- Solo Officer Deployment
- Officer Team Deployment
- Follow-On Responders (Rescue Task Force)
- Incident Command - Unified Command Considerations
- Incident Debriefing
- Training

ALERRT Training

All officers provided with a grant funded ballistic shield must have either attended 16 hours of ALERRT (Advanced Law Enforcement Rapid Response Training) within the last 24 months or commit to attend within the next 24 months. ALERRT's upcoming course catalog can be found here: <https://alerrt.org/Upcoming>.

NIJ Ballistic Shield Standards

Applicant assures that shields purchased with grant funds will comply with the National Institute of Justice (NIJ) Level III, III+, or IV.

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the Cybersecurity Training Certification for State and Local Governments. A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources Statewide Cybersecurity Awareness Training page.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

Entities That Collect Sexual Assault/Sex Offense Evidence or Investigate/Prosecute Sexual Assault or Other Sex Offenses

In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's [Sexual Assault Evidence Tracking Program](#) website for more information or to set up an account to begin participating.

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2023 or the end of the grant period, whichever is later.

Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with PSO and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Shari Miller

Enter the Address for the Civil Rights Liaison:

712 S. Stagecoach Trail Ste. 1045
San Marcos, TX-78666

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

512-393-2245

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

☒ **I certify to all of the application content & requirements.**

Project Narrative**Project Abstract**

Briefly summarize the proposed project. The abstract should summarize information in the other project narrative boxes below, and should be understandable by a lay person.

This proposed project is to equip Student Resource Officers (SRO), SRO Supervisors, and Constables working in schools with bullet resistant shields that can be used in critical incidents including active shooter situations. This project will provide a total of 41 bullet resistant shields for our Hays County Law Enforcement officer's, including Sheriff's office and Constables office Precinct 4.

Problem Statement

Describe the nature and scope of the underlying problem the proposed project will address. Include aspects of the problem relevant to the project's

approach and activities.

Texas ranks among the states with the highest number of school gun violence incidents. Nationwide, there has been an uptick in school violence events happening at schools from elementary to high school. In 2021, there was a total of 113 incidents of gunfire on school grounds according to Everytown. Hays County has a strong School Resource Officer program, but officers need to be well equipped in order to perform their duties to the best of their abilities.

Supporting Data

Provide supporting data for the Problem Statement. Data should be relevant to the project and its target group. For example, do not use statewide data for a local problem or national data for a statewide problem.

The Hays County Sheriffs Officers and Constables need to be ready to protect faculty, staff, and students in the event of a critical incident. These incidents can occur at any time, highlighting the importance of providing officers with the correct equipment.

Project Approach & Activities

Describe the methodologies, approaches, and activities to be employed by the project. This should logically tie back to the Problem Statement.

This application proposes to purchase a total of 41 bullet resistant shields for Hays County Law Enforcement including the Sheriffs Office and the Constable Precinct 4 Office. The purchase of the bullet resistant shields will allow SRO's and Constables office to protect themselves and give them an opportunity to neutralize a threat by using the shields as cover.

38 Bullet resistant shields for Hays County Sheriff's Office
3 Bullet resistant shields for Hays County Constable's Office
Totaling in 41 Bullet Resistant Shields.

Capacity & Capabilities

Describe the applicant organization's background as well as any organizational and staff capabilities and qualifications necessary to carry out this project using the approaches and activities provided above, including any essential collaborative partnerships.

The Hays County Sheriffs Office currently has an SRO present at all Independent School District middle and high school campuses in the county. The Constable Precinct 4 places a strong presence within the school district HCSO & the Constables regularly responds to calls throughout the county by themselves and in collaboration with other departments. The two proposed non-viewport shields that are also used by Austin Police Department - located approximately 40 miles away. In the event that APD also responded to a critical event, their shields would have the ability to link up with some of the proposed HCSO shields, allowing for larger coverage and more protection.

Performance Management

Describe how the applicant organization will measure success for this project. Describe the overall goals, objectives, and strategies for this project and how the organization will collect, track, and maintain the relevant data needed to determine if the project is achieving these standards throughout the grant period.

The overall goal for this proposal is to allow the Hays Law Enforcement Officer's including the Sheriff's and Constable's Office to purchase the specified Bullet Resistant Shields. The County will follow all purchasing policies and ensure that the officers who receive a grant funded shield have completed the required training. After shields are received, the Sheriffs Office and Constable Precinct 4 office will store and track the equipment.

Target Group

Describe or list the agencies, individuals, or other groups to whom you expect to provide services, including any relevant data.

The purchase of the bullet resistant shields will allow officers to better serve students, faculty and staff from critical incidents. Protecting the students and school faculty/staff is the main priority of the officers when it comes to school threats. Additionally, this system may also be useful to patrol officers when forming a quick reaction team in response to armed barricaded subject incidents, and or developing/active hostage situations. The purchase of the proposed shields will provide the officers with necessary equipment.

Evidence-Based Practices

Describe the research or evidence that led the applicant to select the methods, approach, and activities described above. Where possible, cite specific research, evidence, or published best/promising practices model used as the basis for the project's design. If the project approach and activities described above are not based on existing evidence, the applicant must describe why they believe the method to be promising.

Having these shields for the Hays County Sheriff Officers and Constable's will help them to be prepared for any threat that may happen in Hays County. By providing officers with bullet resistant shields, it will give officers a greater chance of eliminating a threat during a critical incident.

Note from Grantee to OOG

Save Note from Grantee to OOG



Enter on: 10/28/2022 3:34:18 PM By: Shayla Smothers

Please revise the narrative tab under Capacity & Capabilities- Please remove " Dolly System". Funds may only be use for obtaining bullet resistant shields (See announcements).

Also in narrative tab please revise the Target Group- Please remove " level IIIA shields". Funds may only be use for obtaining bullet resistant shields (See announcement)

Enter on: 10/28/2022 10:45:39 AM By: Shayla Smothers

Please upload a copy of your CEO form. A fund hold will be placed on this grant until the CEO form documentation is submitted.

Enter on: 10/28/2022 10:25:26 AM By: Shayla Smothers

revise: Project Approach & Activities and Capacity & Capabilities- Please also remove " Dolly System". Funds may only be use for obtaining bullet resistant shields (See announcements).

Enter on: 10/28/2022 10:08:20 AM By: Shayla Smothers

Revise: Project Approach & Activities- Please remove "3 Shield Transport Bags". Funds may only be use for obtaining bullet resistant shields (See announcements).

[Printer Friendly](#)

[Previous](#)

[Save and Continue](#)

Agency Name: Hays County	Grant/App: 4616601	Start Date: 12/1/2022	
Project Title: Bullet Resistant Shield	Status: Active Grant	End Date: 11/30/2023	Fund Source: SH-Bullet-Resistant Shield Grant Program
Current Grant Manager: Shayla Smothers	Current Program Manager: Alyssa Smith	Liquidation Date: 2/28/2024	
	Original Award: \$192,006.85		
Current Budget: \$192,006.85	Current Award: \$192,006.85	CFDA: NONE	OOG Solicitation: FY23 Bullet-Resistant Shield Announcement

Eligibility Profile Narrative Activities Measures Budget Documents Conditions.of.Funding General.Assessment Summary Monitoring Upload.Files My.Mail My.Home

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General Information and Instructions

[View Introduction](#)

[View Single Audits](#)

Fund Source Information and Requirements

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

- 1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
- 2. A commitment to provide all applicable matching funds;
- 3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
- 4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

- ☐ Yes
☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Select the appropriate response:

- ☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

- ☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2022

Enter the End Date [mm/dd/yyyy]:

9/30/2023

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

- ☒ Yes
☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- ☒ I Certify
☐ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

Note from Grantee to OOG

Save Note from Grantee to OOG



[Printer Friendly](#)

Previous

Save and Continue



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Constable Ron Hood

Sponsor:

Commissioner Smith

Agenda Item:

Authorize the County Judge to execute an Order Form with Flock Group, Inc. for the Constable Pct. 4 Office to purchase a software subscription for one Falcon Flex LPR Camera System under the Sheriff's Office Master Agreement; authorize a purchasing wavier to the purchasing policy. **SMITH/HOOD**

Summary:

The Falcon Flex LPR camera system is a license plate reader that will capture license plates and vehicle characteristics and will be installed on a mobile message board that will be placed throughout the Hays County Pct. 4 area. The device is leased on an annual subscription basis in order to have access to the software and ability to tie into additional networks through the platform. Hays County will own and control the data that is captured, Flock owns the hardware and will maintain and/or replace the device in the event of potential malfunction. Funds are available within the operating budget for this request.

Fiscal Impact:

Amount Requested: \$3,500 (annually)
\$1,458.35 (FY23 eff 5/1/23)
Line Item Number: 001-638-00.5429

Budget Office:

Source of Funds: General Fund
Budget Amendment Required Y/N?: No
Comments: Funds are available within the software license operating budget for the FY23 portion of this contract.

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Requires a waiver to the Purchasing Policy for obtaining 3 quotes
G/L Account Validated Y/N?: Yes, Software Maintenance and Licensing
New Revenue Y/N?: N/A
Comments:

Attachments

Flock Order Form

Flock Safety + TX - Hays County SO

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Conor Hearn
conor.hearn@flocksafety.com
3107434902

flock safety



ORDER FORM

This order form (“**Order Form**”) hereby incorporates and includes the terms of the previously executed agreement (the “**Terms**”) which describe and set forth the general legal terms governing the relationship (collectively, the "**Agreement**"). The Terms contain, among other things, warranty disclaimers, liability limitations and use limitations.

This additional services Agreement will be effective when this Order Form is executed by both Parties (the “**Effective Date**”)

Customer:	TX - Hays County SO	Initial Term:	24 Months
Legal Entity Name:	TX - Hays County SO	Renewal Term:	24 Months
Address:	1307 Uhland Road San Marcos, Texas 78666	Payment Terms:	Net 30
		Billing Frequency:	Annual Plan - First Year Invoiced at Signing.
		Retention Period:	30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$3,500.00
Flock Safety LPR Products			
Flock Safety Falcon ® Flex	Included	1	Included

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			

Subtotal Year 1:	\$3,500.00
Annual Recurring Subtotal:	\$3,500.00
Estimated Tax:	\$0.00
Contract Total:	\$7,000.00

*Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a “**Renewal Term**”) unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.*

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$3,500.00
Annual Recurring after Year 1	\$3,500.00
Contract Total	\$7,000.00

*Tax not included

Product and Services Description

Flock Safety Platform Items	Product Description	Terms
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One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.

By executing this Order Form, Customer represents and warrants that it has read and agrees to all of the terms and conditions contained in the previously executed agreement. The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.

Customer: TX - Hays County SO

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO Number: _____



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Tammy Crumley

Sponsor:

Judge Becerra

Agenda Item:

Approve the Consent to Assignment of IFB 2020-B02 Hauling Solid Waste with JJ's Waster and Recycling (formerly Central Waste & Recycling) to Central Texas Refuse, LLC. **BECERRA/T.CRUMLEY**

Summary:

JJ's Waste and Recycling (formerly Central Waste & Recycling) "Seller" and Central Texas Refuse, LLC. "Purchaser" intend to enter into a definitive agreement on May 1, 2023, pursuant to which the Seller will sell, assign, transfer, and covey to Purchaser all of Seller's right, title and interest in certain assets, contracts and liabilities, including IFB 2020-B02 Hauling Solid Waste.

Fiscal Impact:

Amount Requested: N/A

Line Item Number: 001-716-00.5452

Budget Office:

Source of Funds: General Fund

Budget Amendment Required Y/N?: No

Comments: N/A

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Yes, Invitation For Bid 2020-B02 Hauling Solid Waste

G/L Account Validated Y/N?: Yes, Trash Hauling

New Revenue Y/N?: N/A

Comments:

Attachments

Assignment Letter

April 24, 2023

Stephanie Hunt
Office of the County Auditor
Hays County Purchasing
712 S. Stagecoach Trail, Ste 1071
San Marcos, TX 7866

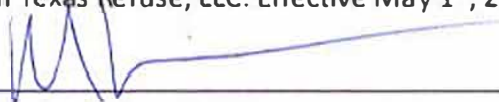
RE: IFB 2020-B02

Dear Stephanie:

Effective May 1, 2023 JJ's Waste and Recycling (formerly Central Waste & Recycling) will be divesting the Roll Off Division to Central Texas Refuse, LLC. Central Texas Refuse seeks assignment of contract IFB 2020-B02.

Central Texas Refuse, LLC has been servicing Central Texas since 1981. We currently hold exclusive contracts with the City of Round Rock, City of Cedar Park, City of Lockhart, and Texas Facilities Commission. CTR is acquiring all assets and personnel of the JJ's Roll Off Division.

I, Michael Mnoian of JJ's Waste and Recycling hereby attest of the sale of our Roll Off Division to Central Texas Refuse, LLC. Effective May 1st, 2023



Michael Mnoian, President

I, Benjamin D. Bracher, attest to the acquisition of JJ's Waste and Recycling effective May 1st, 2023



Benjamin D. Bracher, Director of Sales

Acceptance of this assignment, by the Office of Hays County Auditor is confirmed with signature of County Hays County Judge below:



P.O. Box 18885
Austin, TX 78760
www.centraltexarefuse.com

office 512-243-2833
fax 512-243-2283



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Jennifer Doinoff & Jeff McGill

Sponsor:

Commissioner Shell

Agenda Item:

Authorize the County Judge to execute an updated Proposal with Firetrol Protection Systems for \$95,285 to purchase and install the required items for the IT-Election Building Renovation. **SHELL/DOINOFF/MCGILL**

Summary:

On April 25, 2023, the Hays County Commissioner Court approved a quote for Firetrol Protection System in the amount \$86,650.00. Firetrol Protection Systems presented an updated quote totaling \$95,285.00 for additional work requested by Hays County. The IT and Election Department is requesting an increase of \$8,635.00 for the service and materials for Firetrol Protection Systems pursuant to their Buyboard Contract 654-21.

Fiscal Impact:

Amount Requested: \$8,635

Line Item Number: 001-645-00.5741

Budget Office:

Source of Funds: General Fund

Budget Amendment Required Y/N?: No

Comments: N/A

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Yes, BuyBoard Contract 654-21

G/L Account Validated Y/N?: Yes

New Revenue Y/N?: N/A

Comments:

Attachments

Firetrol - updated quote



FIRETROL

Protection Systems

BuyBoard Contract 654-21

Hays County

April 5, 2023

Attn: Chris Deichmann

Re: Hays County Elections Office Remodel – San Marcos

We are pleased to provide our **proposal** in the amount of **\$95,285.00** to add and relocate fire sprinkler heads on the existing **Wet Pipe Fire Sprinkler System** at the above referenced **“Remodel”** project.

Breakout

Labor per Buyboard Contract : in the amount of \$58,600.00

Material per Buyboard Contract: in the amount of \$36,685.00

Qualifications:

Meet the requirements of NFPA and the City of San Marcos.

Provide chrome semi-recess pendent fire sprinklers center of ceiling tile.

Provide brass upright fire sprinklers in areas open to structure.

Demolish sprinkler pipe below existing mezzanine.

Provide and install pipe labels on existing mains and branchlines.

Pricing per BuyBoard Contract 654-21.

Working regular daytime hours (7:00 A.M. to 3:30 P.M.)

Exclusions:

Fire Alarm or electrical work.

Custom color escutcheons.

Costs associated with background check

Painting of pipe or devices or preparation for painting.

Moving existing piping for other trades.

Make Safe

Integrity of existing system.

Freeze protection or insulation of wet piping.

Fire extinguishers or cabinets.

Fire stopping.

Off hours or overtime work.

After hours visual / hydro test with Fire Marshal.

Expedited Plan Review fees.

Additional Partial Visual Inspection fees.

This proposal is good for 15 days from this date.

If you have any questions, you can contact me at 737-900-8076 or at orodriguez@firetrol.net.

Sincerely,

Oscar Rodriguez

Accepted by – Name and title

Date



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Tammy Crumley

Sponsor:

Judge Becerra

Agenda Item:

Authorize the County Judge to execute Contract Amendment No. 5 with Pritchard Industries, SW, formerly known as PBS of Texas, related to RFP 2020-P02 Countywide Janitorial Services, adding janitorial services at 101 Thermon Drive, total monthly amount \$1,725.00 and amend the budget accordingly. **BECERRA/T.CRUMLEY**

Summary:

On January 28, 2020, the Commissioners Court approved a contract with PBS of Texas, LLC. for Countywide Janitorial Services as a result of formal solicitation RFP 2020-P02. Pritchard Industries, SW acquired PBS of Texas, LLC. and all of their contracts.

Due to the Hays County purchase of 101 Thermon Drive, Janitorial services need to be added to the current contract. Pritchard Industries, SW will provide cleaning five (5) days a week for four (4) hours per day at a monthly rate of \$1,725.00.

Fiscal Impact:

Amount Requested: \$1,725 monthly

Line Item Number: 001-695-00.5456

Budget Office:

Source of Funds: General Fund

Budget Amendment Required Y/N?: Yes

Comments: An additional \$5,355 is needed in order to fund the current contract and the added services through 9/30/23.

\$5,355 - Increase Janitorial Services 001-695-00.5456

(\$5,355) - Decrease Building Maintenance & Repair 001-695-00.5451

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Yes, RFP 2020-P02 Countywide Janitorial Services

G/L Account Validated Y/N?: Yes

New Revenue Y/N?: N/A

Comments:

Attachments

Amendment 5 - 101 Thermon Drive

Fifth Amendment to the Janitorial Service Agreement (RFP 2020-P02 Countywide Janitorial Services)

1. This Fifth Amendment to the Janitorial Service Agreement (the "Fifth Amendment"), attached as *Exhibit "A"* and executed January 28, 2020 (the "Agreement"), is made this 2nd day of May 2023, and will be effective as of May 3, 2023, by and between **Hays County, Texas ("Client")** and **PBS of Texas, LLC Pritchard Industries, SW ("Contractor")**. The above-cited parties are collectively referred to as "the parties to this Agreement" or "the parties."

2. Addition of Countywide Operations Building (101 Thermon Drive, San Marcos) Cleaning:

a. Add cleaning service for the Countywide Operations Building

- 5 days a week, 4 hours per day
- \$1,725.00 Monthly

3. Except for the above modifications set forth in this Fourth Amendment, all other terms and conditions of the Agreement shall remain unaffected and shall continue in full force and effect in accordance with its terms.

HAYS COUNTY, TEXAS

By: _____

Printed Name: _____

Title: _____

Dated: _____

**PBS OF TEXAS, LLC
PRITCHARD INDUSTRIES, SW**

By: Ronnie Pace

Printed Name: Ronnie Pace

Title: vice President

Dated: 04/25/2023

ATTEST: _____

Elaine Cardenas
Hays County Clerk



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

TAMMY CRUMLEY

Sponsor:

Commissioner Ingalsbe

Agenda Item:

Authorize the Hays County Judge to execute an amendment and renewal of the Interlocal Agreement with the Guadalupe-Blanco River Authority regarding the funding and implementation of the Plum Creek Watershed Protection Plan (PCWPP) executed on or about July 11, 2011. **INGALSBE/T.CRUMLEY**

Summary:

This is a renewal of an interlocal agreement regarding the implementation of the Plum Creek Watershed Protection Plan which outlines new funding partners. The total contract amount does not increase.

Fiscal Impact:

Amount Requested: None

Line Item Number: 001-712-00.5448

Budget Office:

Source of Funds: General Fund

Budget Amendment Required Y/N?: No

Comments: N/A

Auditor's Office:

Purchasing Guidelines Followed Y/N?: Interlocal Agreement

G/L Account Validated Y/N?: Yes, Contract Services Expense

New Revenue Y/N?: N/A

Comments:

Attachments

2023 ILA Renewal with GBRA for Plum Creek Watershed Partnership

**INTERLOCAL AGREEMENT AMENDMENT AND RENEWAL AMONG
HAYS COUNTY, CALDWELL COUNTY, CITY OF LULING, CITY OF KYLE,
CITY OF BUDA, CITY OF LOCKHART, CITY OF UHLAND,
GUADALUPE-BLANCO RIVER AUTHORITY, PLUM CREEK CONSERVATION DISTRICT,
AQUA WATER SUPPLY CORPORATION, CALDWELL-TRAVIS SOIL AND WATER
CONSERVATION DISTRICT #304, AND HAYS COUNTY SOIL AND WATER
CONSERVATION DISTRICT #351, REGARDING IMPLEMENTATION OF THE PLUM CREEK
WATERSHED PROTECTION PLAN**

This Interlocal Agreement Amendment and Renewal (“Amendment”) is made and entered into, effective the ____ day of _____, 2023 (“Effective Date”) by and among Hays County, Texas (“Hays County”); Caldwell County, Texas (“Caldwell County”); City of Luling (“Luling”); City of Kyle (“Kyle”); City of Buda (“Buda”); City of Lockhart (“Lockhart”); City of Uhland (“Uhland”); Guadalupe-Blanco River Authority (“GBRA”); Plum Creek Conservation District (“PCCD”); Aqua Water Supply Corporation (“Aqua Water”); Caldwell-Travis Soil and Water Conservation District #304 (“Caldwell-Travis SWCD”); and Hays County Soil and Water Conservation District #351 (“Hays County SWCD”); jointly known as the “Financing Parties.” This Amendment is entered into by the Financing Parties pursuant to the authority granted and in compliance with the provisions of the “Interlocal Cooperation Act,” as amended, Chapter 791, Texas Government Code. This Amendment is intended to further the purpose of the Interlocal Cooperation Act, which is to increase the efficiency and effectiveness of local governments.

WHEREAS in 2006, the Plum Creek Watershed Partnership (“PCWP”) was established to restore and protect the water quality in Plum Creek, a tributary of the San Marcos River in the Guadalupe River Basin of Texas, and each Financing Party named above has representatives on the PCWP Steering Committee that is described in and operates under the PCWP Ground Rules dated May 5, 2006 (“Ground Rules”), throughout that time; and

WHEREAS since that time several million dollars have been dedicated to the development and implementation of the highly recognized Plum Creek Watershed Protection Plan (“WPP”); and

WHEREAS the Plum Creek WPP is a roadmap to restore water quality in Plum Creek and includes recommendations on data collection and water quality monitoring, implementation of best management practices to address pollution from agriculture and urban sources, and outreach and education; and

WHEREAS the Plum Creek WPP satisfies the U.S. Environmental Protection Agency’s (“EPA”) guidelines and expectations for a WPP; and

WHEREAS the Plum Creek Watershed Coordinator (“PCWP Watershed Coordinator”), through an existing grant from the Texas State Soil and Water Conservation Board (“TSSWCB”), EPA, and the Financing Parties, payable and available to the PCWP Watershed Coordinator, facilitates the PCWP; secures additional funding through writing grants; tracks the progress of implementing the Plum Creek WPP; and reports water quality trends resulting from implementation of the Plum Creek WPP; and

WHEREAS on July 11, 2011, the Financing Parties entered into the Interlocal Agreement Among Hays County, Caldwell County, City of Luling, City of Kyle, City of Buda, City of Lockhart, City of Uhland,

Guadalupe-Blanco River Authority, Plum Creek Conservation District, Aqua Water Supply Corporation, Caldwell-Travis Soil and Water Conservation District #304, and Hays County Soil and Water Conservation District #351 for the protection of the Plum Creek Watershed (“Interlocal Agreement”); and

WHEREAS on November 20, 2018, the Financing Parties entered into the Renewal and Extension of the Interlocal Agreement Among Hays County, Caldwell County, City of Luling, City of Kyle, City of Buda, City of Lockhart, City of Umland, Guadalupe-Blanco River Authority, Plum Creek Conservation District, Aqua Water Supply Corporation, Caldwell-Travis Soil and Water Conservation District #304, and Hays County Soil and Water Conservation District #351, Regarding Implementation of the Plum Creek Watershed Protection Plan (“Renewal and Extension”); and

WHEREAS the Financing Parties desire to ensure continued implementation of the Plum Creek WPP;

NOW THEREFORE, the Financing Parties have mutually agreed to amend and renew the Interlocal Agreement and to proceed as follows:

ARTICLE I PCWP WATERSHED COORDINATOR

The Financing Parties agree to continue their support for the funding of a PCWP Watershed Coordinator for implementation of the Plum Creek WPP. Such program will continue to be the responsibility of the PCWP.

ARTICLE II MANAGING PARTNER

GBRA was designated as Managing Partner by the PCWP Steering Committee, following the execution of the Interlocal Agreement, and will continue to serve in this role. The Managing Partner will be responsible for updating the job description and responsibilities of the PCWP Watershed Coordinator, as needed, with input from the PCWP Steering Committee. The PCWP Steering Committee will continue to follow the Ground Rules.

The Managing Partner will supervise the PCWP Watershed Coordinator. As needed, the Managing Partner, after consulting with PCWP Steering Committee members, will serve as the hiring manager to fill the PCWP Watershed Coordinator position in the event that the position becomes vacant. The Managing Partner may, at its discretion, form a hiring committee comprised of members selected from the PCWP Steering Committee. The PCWP Watershed Coordinator will continue to be housed at a location in the watershed that the Managing Partner approves of, after consulting with the PCWP Steering Committee.

ARTICLE III PLUM CREEK WATERSHED COORDINATOR

The primary responsibilities of the PCWP Watershed Coordinator are stated and listed in Attachment A to this Amendment. Additionally, various other tasks of the PCWP Watershed Coordinator are stated and listed on Attachment B.

ARTICLE IV

FUNDING

Any payments made by or financial obligations of any Financing Party relating to this Amendment shall be made from current revenues available to the Financing Party and shall be made to the Managing Partner. The Managing Partner is authorized to deposit all funds received from Financing Partners pursuant to this Amendment in applicable bank accounts and is authorized to spend such funds to implement this Amendment in accordance with the approved budget, provided, however, that any proposed expenditure of funds herein in excess of \$1,000.00, except the salary of the PCWP Watershed Coordinator, shall be first approved by the PCWP Steering Committee. The Financing Parties agree that the estimated annual budget balance, not including a grant reward, is approximately \$48,000.00 with said amount being allocated among several Financing Parties in accordance with Attachment C to this Amendment.

The Financing Parties further agree that other opportunities for funding shall be actively pursued by the PCWP Steering Committee, the Managing Partner, and PCWP Watershed Coordinator throughout the term of this Amendment. Other sources of funding which shall be pursued include, but are not limited to, federal, state, non-profit, non-government affiliated private or public grants, and other state and federal funding opportunities.

ARTICLE V STATISTICS AND DOCUMENTS

The Managing Partner shall properly, accurately, and completely maintain all documents, papers, records, and other evidence regarding implementation of this Amendment. To further the purpose of cooperative administration of the activities described within this Amendment, the Managing Partner agrees, if requested, to make documents and record materials associated with expenditures under this Amendment available to each Financing Party, upon reasonable notice, and as often as each Financing Party may require for purpose of inspection, examination, and/or copying of same.

The Managing Partner shall maintain and retain a complete set of any and all documents, papers, records, and other evidence produced as a result of this Amendment and ensure that this Amendment is publicly available in the form of a PDF version of this Amendment on the PCWP website. If necessary, a reproduction of a document may be submitted and it shall be so marked.

ARTICLE VI DISPUTES

The Financing Parties agree to use due diligence to cooperate and communicate with each other to resolve any and all disputes which may arise under this Amendment. The Financing Parties agree that before they exercise the termination rights described in Article VIII, they will attempt to resolve the dispute and will allow the non-disputing Financing Parties the opportunity to cure the alleged dispute. In the event they are unable to do so, the Financing Parties agree to mediate the dispute prior to exercising their termination rights.

ARTICLE VII TERM

This Amendment shall be effective on the date the last of the Financing Parties signs this Agreement (the "Effective Date") with the financing obligation described commencing for a period of one year beginning

on the Effective Date. The term of this Amendment shall be automatically renewed each year for the duration of the federal grant funding provided through the TSSWCB, unless terminated earlier, as provided in Article VIII or amended as provided in Article IX.

ARTICLE VIII TERMINATION

Termination of this Amendment shall coincide with the termination of federal grant funding provided through the TSSWCB and EPA. In the event a Financing Party to this Amendment determines it is in the best interest of that Financing Party to withdraw from this Amendment, the Financing Party may withdraw by giving written notice of such intent to the remaining Financing Parties at the addresses provided in Section X of this Amendment no later than May 31 of the calendar year.

The withdrawing Financing Party shall cooperate with the remaining Financing Parties to achieve a proper transition time period to allow the remaining Financing Parties to restructure the contributions provided by the remaining Financing Parties. The withdrawing Financing Party shall remain liable for such Financing Party's allocated share of the budget for and including the entire PCWP fiscal year prior to such Financing Party's withdrawal.

ARTICLE IX AMENDMENT

No amendment, modification, or alteration of the terms of this Amendment shall be binding unless it is in writing, dated subsequent to the date hereof, and be agreed to and duly executed by each of the Financing Parties after official action by each of the respective governing bodies of the Financing Parties.

ARTICLE X NOTICES

Notices to any Financing Party required or appropriate under this Amendment shall be deemed sufficient if in writing and mailed to the following addresses, USPS postage prepaid.

To Hays County. Notices to Hays County shall be addressed to:

Hays County Judge
Hays County
111 East San Antonio Street, Suite 300
San Marcos, TX 78666

and to such other addresses as may hereafter be designated in writing by the Hays County Judge.

To Caldwell County. Notices to Caldwell County shall be addressed to:

Caldwell County Judge
Caldwell County
110 South Main Street
Lockhart, TX 78644

and to other such addresses as may herein be designated in writing by the Caldwell County Judge.

To Luling. Notices to Luling shall be addressed to:

City Manager
City of Luling
509 East Crockett
Luling, TX 78648

and to other such addresses as may herein be designated in writing by the City Manager of Luling.

To Kyle. Notices to Kyle shall be addressed to:

City Manager
City of Kyle
100 West Center Street
Kyle, TX 78640

and to other such addresses as may herein be designated in writing by the City Manager of Kyle.

To Buda. Notices to Buda shall be addressed to:

City Manager
City of Buda
405 E. Loop Street, Building 100
Buda, TX 78610

and to other such addresses as may herein be designated in writing by the City Manager of Buda.

To Lockhart. Notices to Lockhart shall be addressed to:

City Manager
City of Lockhart
P.O. Box 239
Lockhart, TX 78644

and to other such addresses as may herein be designated in writing by the City Manager of Lockhart.

To Uhland. Notices to Uhland shall be addressed to:

City Secretary
City of Uhland
15 N. Old Spanish Trail
Uhland, TX 78640

and to other such addresses as may herein be designated in writing by the City Secretary of Uhland.

To GBRA. Notices to GBRA shall be addressed to:

General Manager
Guadalupe-Blanco River Authority
933 East Court Street
Seguin, TX 78155

and to such other addresses as may herein be designated in writing by the General Manager of GBRA.

To Plum Creek Conservation District. Notices to Plum Creek Conservation District shall be addressed to:

Executive Manager
Plum Creek Conservation District
1101 W. San Antonio Street
Lockhart, TX 78644

To Aqua Water Supply Corporation. Notices to Aqua Water Supply Corporation shall be addressed to:

General Manager
Aqua WSC
415 Old Austin Hwy
Drawer P
Bastrop, TX 78602

To Caldwell-Travis SWCD. Notices to Caldwell-Travis SWCD shall be addressed to:

Chairman
Caldwell-Travis SWCD #304
111 E Martin Luther King Jr Industrial Blvd, Suite B
Lockhart, TX 78644

and to other such addresses as may herein be designated in writing by the Chairman of Caldwell-Travis SWCD.

To Hays County SWCD. Notices to Hays County SWCD shall be addressed to:

Chairman
Hays County SWCD #351
326 Cheatham Street
San Marcos, TX 78666-6912

and to other such addresses as may herein be designated in writing by the Chairman of Hays County SWCD.

ARTICLE XI

RELATIONSHIP OF FINANCING PARTIES

Nothing contained herein shall be deemed or construed by the Financing Parties, or by any third party, as creating the relationship of principal and agent, joint venture, or any other similar relationship among the Financing Parties. It is understood and agreed that no provisions contained herein nor any acts of the Financing Parties hereto create a relationship among the Financing Parties other than that of independent contractor. In keeping with the provision of its services as an independent contractor, each Financing Party shall be responsible for its respective acts or omissions. No Financing Party has the authority to bind the other Financing Parties or to hold out to third parties that it has the authority to bind the other Financing Parties separately or collectively.

ARTICLE XII APPLICABLE LAW

This Amendment shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the Financing Parties created hereunder are performable in the counties of Guadalupe, Hays, Travis, or Caldwell, Texas.

ARTICLE XIII LEGAL CONSTRUCTION

In case any one or more of the provisions contained in this Amendment shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such shall not affect any other provisions hereof and this Amendment shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

ARTICLE XIV COMPLIANCE WITH LAWS AND ORDINANCES

The Financing Parties hereby agree to comply with all federal, state, and local laws and ordinances applicable to the work or services to be performed under this Amendment. The Financing Parties acknowledge that they are each subject to the Texas Public Information Act and the exceptions stated in such Act.

ARTICLE XV PARTIES BOUND

This Amendment shall be binding upon and inure only to the benefit of the Financing Parties hereto and their respective successors and assigns where permitted by this Amendment.

ARTICLE XVI DEFINITIONS

The “Financing Parties” means the entities that have executed this Amendment in their separate capacities.

The “Plum Creek Watershed Partnership” or “PCWP” means an unincorporated entity operating under the “PCWP Ground Rules.”

The “PCWP Steering Committee” is the group of individuals listed in the Ground Rules document, that directs the actions of the “Plum Creek Watershed Partnership” in accordance with the “PCWP Ground Rules” and with the terms of this Amendment.

The “Managing Partner” is the person or entity selected by the PCWP Steering Committee to be, and operates as, the managing partner of the PCWP and has the duties and responsibilities described in both the “PCWP Ground Rules” and in this Amendment.

In Witness Whereof, the Financing Parties have executed in multiple originals, each of which shall have the full force and effect of an original, this Amendment.

Hays County

By: _____

Date: _____

City of Luling

By: _____

Date: _____

City of Buda

By: _____

Date: _____

City of Umland

By: _____

Date: _____

Plum Creek Conservation District

By: _____

Date: _____

Caldwell-Travis SWCD #304

By: _____

Date: _____

Caldwell County

By: _____

Date: _____

City of Kyle

By: _____

Date: _____

City of Lockhart

By: _____

Date: _____

Guadalupe-Blanco River Authority

By: _____

Date: _____

Aqua Water Supply Corporation

By: _____

Date: _____

Hays County SWCD #351

By: _____

Date: _____

ATTACHMENT A
PRIMARY RESPONSIBILITIES OF PLUM CREEK WATERSHED COORDINATOR

- Work with counties, cities, local boards and businesses to implement management measures identified in the Plum Creek WPP to improve water quality and develop funding mechanisms for putting them in place.
- Work with state and federal agencies and organizations, as appropriate, to bring technical and financial resources to the watershed.
- Pursue external funding to reduce or cover costs for the project (salary and operating).
- Track and document implementation efforts to assess progress toward established goals in the WPP.
- Evaluate water quality data to monitor progress and determine the need for new approaches.
- Coordinate and conduct water resources and related environmental outreach education efforts across the watershed, including organizing training programs and participating in local community clean-up events.
- Develop publications (e.g., newspaper, newsletter, factsheets), and website content to promote and communicate watershed efforts.
- Conduct regular stakeholder meetings, including PCWP Steering Committee and Work Group, throughout the watershed to gather and incorporate local input and encourage citizen participation.
- Provide Counties, Cities and other partners with regular updates on progress, and seek their input and recommendations on needed activities.

ATTACHMENT B PLUM CREEK WATERSHED COORDINATOR TASKS

Agriculture

- Coordinate with Soil and Water Conservation District Technician
- Secure funding to support financial incentive programs
- Organize, promote and participate in Texas AgriLife Extension Service education workshops and training events
- Develop and deliver educational programs on agriculture nonpoint source best management practices
- Develop and disseminate factsheets and other education materials (e.g., videos, slide sets) to promote adoption and proper management of best management practices
- Facilitate soil and water testing campaigns; conduct interpretive educational events
- Coordinate development of grant proposals
- Monitor and report progress of conservation practice program implementation
- Identify and implement innovative strategies to facilitate practice adoption and sustained management

Feral Hogs

- Coordinate with Wildlife Extension Feral Hog Education Specialist
- Monitor and facilitate citizen use of the online reporting system to track feral hogs sightings and damage
- Facilitate delivery of updates on progress to County officials and other stakeholders
- Deliver education programs at workshops and other events
- Facilitate and assist with development and distribution of educational resources (e.g., factsheets, videos, etc.)
- Coordinate with Texas Wildlife Services to facilitate hog control efforts
- Monitor and report progress of feral hog programs and identify proactive strategies

Urban Stormwater

- Work with city officials to identify programs and projects to mitigate stormwater nonpoint source
- Assist cities with development of grant proposals
- Assist city personnel with existing TCEQ CWA §319(h) nonpoint source projects in Kyle and Lockhart
- Facilitate stormwater management practice demonstrations
- Secure, develop and/or assist with the preparation and distribution of educational resources including factsheets, videos, slide sets, etc.
- Coordinate Sports Athletic Field Education (SAFE) workshops
- Coordinate community cleanup events and participate in environmental fairs in Kyle, Lockhart, and Luling

- Facilitate pet waste management outreach
- Monitor and report progress of urban nonpoint source programs and identify proactive strategies

Wastewater

- Coordinate septic system management workshops for homeowners and installer/ maintenance providers
- Assist cities and counties with Texas Water Development Board applications for wastewater infrastructure projects; including State Revolving Fund
- Facilitate fats, oils, and grease (FOG) workshops
- Interact with wastewater treatment facilities (WWTFs) to pursue voluntary permit upgrades
- Promote and assist with research efforts to determine and mitigate contributions from WWTF
- Pursue implementation of an unannounced inspection program for WWTFs
- Assist counties with expansion of inspection/enforcement programs for septic systems
- Develop and deliver educational resources and programs regarding the need for and methods of septic system management

General Partnership Duties

- Coordinate and conduct quarterly PCWP Steering Committee meetings and Work Group meetings as needed
- Actively promote widespread awareness and involvement in project implementation by stakeholders across the watershed
- Conduct regular communication with the PCWP and respond to stakeholder questions and concerns
- Facilitate communication and coordination among team members from all agencies and organizations
- Identify funding opportunities and develop and submit grant proposals to support implementation
- Perform quarterly analysis of targeted and routine water quality monitoring data
- Track management practice implementation across the watershed, both as a result of the project and external efforts
- Manage implementation grants; generate quarterly progress reports for grants and other funding sources
- Prepare the biennial update of the Plum Creek WPP including progress in implementation and needed modifications to goals and milestones
- Produce and distribute publications highlighting watershed implementation activities and specific best management practices
- Produce and distribute a quarterly newsletter
- Manage and update PCWP website content
- Manage and update Facebook site and Instagram page

- Produce and distribute press releases regarding key issues, programs and project efforts in the watershed
- Provide radio interviews regarding watershed developments; pursue a weekly radio program to discuss project efforts and public action
- Provide regular updates to city councils, county commissioner's courts, PCCD, soil and water conservation districts, TSSWCB, TCEQ, and other partner agencies, groups and organizations
- Develop material for inclusion in the TCEQ-TSSWCB Annual Report on Managing NPS Pollution in Texas and the GBRA CRP Basin Highlights Report and Basin Summary Report
- Facilitate adoption of appropriate city and county ordinances
- Perform advisory role in Central Texas Green Printing, regional water and wastewater studies, and other regional planning efforts on behalf of the PCWP
- Interact with ongoing local school water quality monitoring projects
- Participate in annual community events and festivals (Luling Foundation Field Day, Lockhart Rites of Spring, Luling Watermelon Thump, etc.) to promote citizen interaction to implement the WPP
- Facilitate special household hazardous waste and agricultural waste pesticide collection events
- Facilitate ongoing illegal dumping management programs
- Coordinate periodic tours/field days in the watershed for stakeholders and agency partners to demonstrate project efforts
- Pursue opportunities for increased public awareness including roadway signs, billboards, special events, etc.

**ATTACHMENT C
FINANCING PARTIES COST BREAKDOWN**

Entities	2009 Population*	Area (sq. Miles)	Cost Portion		Total
			Population (50%)	Land (50%)	
Caldwell County	17,488	311.00	\$3,022.00	\$5,932.00	\$8,954.00
Hays County	8,622	72.00	\$1,490.00	\$1,208.00	\$2,698.00
Kyle	28,700	9.38	\$4,960.00	\$188.00	\$5,148.00
Lockhart	14,238	11.26	\$2,461.00	\$225.00	\$2,686.00
Luling	5,502	3.31	\$951.00	\$66.00	\$1,017.00
Buda	7,784	2.27	\$1,345.00	\$45.00	\$1,391.00
GBRA	26,110	388.00	\$4,513.00	\$7,775.00	\$12,287.00
PCCD	26,110	388.00	\$4,513.00	\$7,775.00	\$12,287.00
Uhland	457	1.83	\$79.00	\$37.00	\$116.00
Aqua WSC	3,855		\$666.00	\$749.00	\$1,416.00
Total	138,866	1,187.05	\$24,000.00	\$24,000.00	\$48,000.00

*Population that falls within the Plum Creek Watershed



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

T. CRUMLEY

Sponsor:

Commissioner Ingalsbe

Agenda Item

Authorize the submission of a grant application to the City of San Marcos's Community Block Development Grant program (CDBG) in the amount of \$30,000.00. **INGALSBE/T.CRUMLEY/KENNEDY**

Summary

The City of San Marcos receives an earmarked annual allocation of Community Development Block Grant (CDBG) funds each year from the U. S. Department of Housing and Urban Development (HUD). If awarded, this funding would be used for improvements at Cape's Pond including an approximately .68 mile trail and the installation of benches, outdoor fitness stations, and educational signage. This project is located on the east side of I-35, adjacent to the Blanco Gardens neighborhood.

Attachments

Resolution

CDBG Application



Resolution

STATE OF TEXAS §
§
COUNTY OF HAYS §

WHEREAS, The Hays County Commissioners' Court finds it in the best interest of the citizens of Hays County, that the Capes Pond Park Improvement project be operated in the 2024 year; and

WHEREAS, The Hays County Commissioners' Court supports the submission of a grant application to the San Marcos Community Block Development Grant (CDBG) program; and

WHEREAS, The Hays County Commissioners' Court designates Ruben Becerra, Hays County Judge as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Hays County Commissioners Court approves the submission of the grant application for the CDBG grant program.

ADOPTED THIS THE 2ND DAY of MAY, 2023

Ruben Becerra
Hays County Judge

ATTEST:

Elaine Cardenas
Hays County Clerk

City of San Marcos
Community Development Block Grant
2023 Project Application



City of San Marcos
Planning and Development Services Department
630 East Hopkins
San Marcos TX 78666

<https://sanmarcostx.gov/3065/CDBG-Action-Plans>

For more information: Carol Griffith 512.393.8147 cgriffith@sanmarcostx.gov

APPLICANT INSTRUCTIONS

Thank you for your interest in the City of San Marcos' Community Development Block Grant (CDBG) Program. The City of San Marcos will receive approximately \$713,000 in CDBG funding from the Department of Housing and Urban Development (HUD) for the program year beginning October 1, 2023 and ending September 30, 2024.

The City of San Marcos does not discriminate based on disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for meetings should contact the City of San Marcos ADA Coordinator at 512-393-8000(voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

APPLICATION INFORMATION

2023 Application Period: March 26, 2023, through May 8, 2023

APPLICATION SUBMISSION DEADLINE: MAY 8, 2023 AT 5:00 PM

Submit one signed application electronically to: cdbg@sanmarcostx.gov

PROJECT ELIGIBILITY

Organizations may propose more than one program or project in separate applications.

Funding must only be spent within the City limits of San Marcos.

High Priority Needs

Proposed projects must address one of the High Priority Needs. The following are currently established as High Priority Needs for the City of San Marcos, as stated in the draft 2020-2024 Consolidated Plan:

- Affordable Housing
- Public Services
- Public Facilities

Not everything in these categories can be funded through CDBG. Please refer to the Guide to National Objectives and Eligible Activities for CDBG Entitlement Communities for descriptions of projects that can be funded through CDBG. It can be found at the following link: <https://www.hudexchange.info/resource/89/community-development-block-grant-program-cdbg-guide-to-national-objectives-and-eligible-activities-for-entitlement-communities/>

National Objectives

All funded projects must also meet one of the three CDBG program National Objectives:

- Benefit low to moderate income individuals or families
- Eliminate slum or blight
- Urgent Need (such as disaster recovery)

City Council Priorities

- Funding must not pay for more than 20% of a full time position. (Fully funding part-time positions is acceptable.)
- Brand new, "start up" organizations will not be funded. Agency must have been in existence two years.
- Programs may be funded with both CDBG and Human Services Grant funding, but payment request documentation must clearly show that the funding is not creating a duplication of benefits (paying for the exact same time or materials).

APPLICATIONS ARE PUBLIC RECORDS

Once an application is submitted to the City, it becomes a public record and as such is open for public review. All or part of the application may be posted on the City's webpage and included in City Council packet materials. Please keep this in mind when submitting personal information for your staff, board, or clients.

APPLICATION CALENDAR AND CITIZEN PARTICIPATION

The City of San Marcos values the input of its residents and offers the following opportunities to participate in the preparation of the annual Action Plan. Scheduled dates and venues are subject to change.

Please check the website <https://sanmarcostx.gov/3065/CDBG-Action-Plans> for the latest information and for instructions on joining a virtual meeting.

- Applicant Workshop – **April 6 at 4:00 pm. (virtual)**
- First Review of Applications – Public Hearing – **June 20 at the City Council meeting**
- Public Comment Period for Draft Action Plan – **June 30 – July 31**
- City Council Funding Allocations – Public Hearing – **August 1 at the City Council meeting**

FUNDING AWARDS

Submitting a complete application does not guarantee that your request will be funded. The CDBG grant can fund only the actual, allowable, and reasonable costs of a proposed project, and requests for funding generally exceed the amount of funding available. Funding allocations are decided by the City Council, subject to HUD approval.

AVAILABILITY OF FUNDS

Funds awarded for the 2023 program year become available after October 1, 2023. The organization's Subrecipient Agreement with the City must be fully executed prior to the expenditure or commitment of program funds. The appropriate level of environmental review must be completed by CDBG staff before any funds are expended or obligated. Environmental reviews typically take 45 to 60 days to complete for small construction projects and about 15 days for projects that are not likely to have a physical impact on the environment. **No reimbursement will be possible for goods purchased or contracts executed prior to meeting these requirements.**

ORGANIZATION ELIGIBILITY REQUIREMENTS

- Organizations applying for Project funding must be a public or private non-profit agency, a public housing authority, a City of San Marcos department, or other government entity.
- Non-profit agencies must be established, operating agencies as evidenced through documentation required in the application. Exhibits to show tax exempt status are required.
- Faith based agencies are eligible to apply on the same basis as other non-profit organizations. However, CDBG funds cannot be used to support worship, proselytizing, or religious instruction. Religious activities must be offered separately, in time or location, from the CDBG supported activity. Participation in the religious activity must be voluntary for the beneficiaries of the CDBG-funded project. Projects operated by faith-based agencies must be available to all community members and not restricted to the organization's membership or congregation.

NON-DISCRIMINATION AND ACCESSIBILITY

Each agency receiving CDBG funds must:

- Provide assurance that it will conduct its business in compliance with the non-discrimination requirements of the County, State, and Federal governments as applicable.
- Have Equal Opportunity in Employment policies.
- Agree to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as

amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063 as amended by Executive Order 12259, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

- If funding is for construction and is over \$200,000, agency must agree to make qualitative efforts to conform with Section 3 hiring goals.

FINANCIAL CAPACITY AND AUDITING REQUIREMENTS

The *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* issued by the federal Office of Management & Budget (OMB) requires that any organization that expends \$750,000 or more in federal financial assistance in a fiscal year must secure an annual audited financial statement.

The City has established the following financial statement requirements for organizations assisted with CDBG program funds, based on the total assets of the applicant. The term “total assets” is defined to mean the total amount of liquid assets that is documented to be available to the Subrecipient at the time the funding is approved.

- A. CPA preparation of financial records is not required if the Subrecipient has total assets of \$15,000 or less in value.
- B. A compiled financial statement is required if Subrecipient has total assets greater than \$15,000 and less than or equal to \$100,000 in value.
- C. A reviewed financial statement is required if Subrecipient has total assets greater than \$100,000 and less than or equal to \$200,000 in value.
- D. An audited financial statement is required if Subrecipient has total assets of more than \$200,000 in value. (In an “Audited” statement a CPA provides an in-depth study of the records, organizes them into a statement, and issues an opinion to their validity.)

Organizations receiving CDBG funds must submit the required financial statement which has been prepared by a Certified Public Accountant to the City within nine months from the organization’s fiscal year end and not more than 30 days after the organization’s receipt of the statement.

INSURANCE AND BONDING

Agencies receiving CDBG funding must provide Workers’ Compensation Insurance coverage for all its employees involved in the performance of the funded project. At the time of contract signing, funded agencies must provide evidence of insurance including, but not limited to, multi-peril property and liability, worker’s compensation, automobile liability, and other coverage as deemed necessary by the City. In addition, upon funding the City of San Marcos, officers, employees and agents must be added as additional insured to the policy.

PROJECT IMPLEMENTATION SCHEDULE AND PERFORMANCE MEASUREMENT GOALS

Performance measurement is an effective management technique that enables those who receive grant funds (Subrecipients) and the City to analyze the benefits of their investments. It is a mechanism that tracks the progression of projects and evaluates their overall effectiveness and success in meeting project goals. **One of the most important overall goals in planning a CDBG project is the completion of the project in a timely manner.**

The City is monitored by HUD to ensure that the CDBG grant program has benefited low-to-moderate-income families; one success measurement that the City must meet is the expenditure of its program funds in a timely manner. The City must take into account the project schedules for each project that is proposed to ensure that the overall CDBG program will comply with its federally mandated timeliness ratio. Thus, it is critical that each applicant accurately forecasts the time that will be involved in completing each step of a proposed project.

Please use the format included in this application to outline the expected Implementation Schedule for your project. This document will be incorporated into the Subrecipient Agreement for funded projects. The City will monitor the performance of Subrecipients against the goals and performance standards established by this document. Substandard performance as determined by the City will constitute noncompliance with the Subrecipient Agreement. If action to correct such substandard performance is not taken by the Subrecipient with a reasonable period after notification by the City, contract suspension or termination processes may be initiated.

NOTES FOR ORGANIZATIONS RECEIVING FEDERAL FUNDS

Subrecipient Registration Requirements:

- Organizations receiving CDBG funding (Subrecipients) must obtain a Unique Entity Identifier (in place of a Dun and Bradstreet Data Universal Numbering System (DUNS) number). For more information, please visit the General Services Administration website www.gsa.gov or this [link](#).
- Funded applicants must also have an active registration with System of Award Management (SAM). To register with SAM, go to www.sam.gov to register. Subrecipients must provide proof of SAM registration prior to the execution of a Subrecipient Agreement. This is required when federal funds are being utilized.

INCOME LIMITS

Income limits are established by HUD on an annual basis for the purpose of establishing CDBG grant eligibility. The limits are based on household size. Income is calculated for every adult 18 and older residing in the household. HUD considers 80% and below to be moderate income. San Marcos CDBG Area Median Income (AMI) Limits are based on the Median Family Income for the Austin/Round Rock Metropolitan Statistical Area (MSA). The Median Family Income for the Austin-Round Rock MSA is \$110,300, which became effective for CDBG programs April 18, 2022.

Family Size	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
80% AMI	\$61,800	\$70,600	\$79,450	\$88,250	\$95,350	\$102,400	\$109,450	\$116,500

APPLICATION REVIEW FOR PROJECT FUNDING

CDBG staff members will review your application for completeness and eligibility. After an application passes this review, it will be forwarded to a City staff Committee for their consideration. The Committee may schedule a time for each CDBG applicant to make a brief (5-minute) presentation in support of their funding request and may request a site visit prior to the presentation date. The Committee will make a funding recommendation that will be considered by the City Council. City Council makes the final decision on CDBG funding allocations.

SUPPLEMENTAL ITEM CHECKLIST
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
DUE DATE: MAY 8, 2023

Submit one copy of the following items:

Required:

- ☐ Board of Directors list including position/title on board.
- ☐ Contact numbers for Board Chair or President and Treasurer.
- ☐ Resolution or Board Minutes showing approval to apply and designation of person who will sign documents on behalf of the organization.
- ☐ Organization Chart
- ☐ Articles of Incorporation
- ☐ Bylaws
- ☐ Tax Exempt Determination Letter (for non-profit organizations)
- ☐ Organization's Current Budget and Proposed Budget for next fiscal year
- ☐ Most recent audit or CPA prepared review.
- ☐ Description of employees, board members, volunteers who will work with the project
- ☐ Non-discrimination Policy Statement

If applicable:

- ☐ Service area boundary for area benefit projects
- ☐ Fee schedule or structure for the project proposed for funding
- ☐ Copy of program application if one is used to select beneficiaries
- ☐ Description of how applicant income will be determined if there are direct beneficiaries
- ☐ Detailed explanation of any lawsuits, judgments, or bankruptcy proceedings
- ☐ Job descriptions for new positions expected to be filled using CDBG funding

CITY OF SAN MARCOS
2023 CDBG PROJECT APPLICATION



NOTE: This form is not to be used for applicants seeking funds to support social services programs. A separate application form for “Public Services” is available and should be used for projects of that nature.

Due Date: May 8, 2023

I. APPLICANT CONTACT INFORMATION

Applicant Organization: Hays County

Contact Name: Simone Corprew Telephone: 512 749 1161

Mailing Address: 712 S. Stagecoach Trail, San Marcos, TX 78666

Physical Address, if different from mailing address: 101 Thermon Dr., San Marcos, TX 78666

Contact E-Mail Address: simone.corprew@co.hays.tx.us Web Address: hayscountytexas.com

Who is authorized to execute program documents? Ruben Becerra, County Judge

II. APPLICATION SUMMARY INFORMATION

Project Name: Cape's Pond Park Improvements

Amount of CDBG Funds Requested: \$30,000

Project Location: 600 Cape St., San Marcos, TX 78666

High Priority Need

☐ Affordable Housing

☐ Public Services [Use the Public Services Application]

☒ Public Facilities

☐ Other Priority [Describe] _____

National Objective

☒ Benefit to Low/Mod Income Persons

☐ Slum or Blight Elimination/Prevention

☐ Urgent Need (such as disaster)

III. PROJECT DESCRIPTION

A. PROJECT SUMMARY

Summarize how CDBG funds are proposed to be used:

Hays County proposes to use CDBG funds for improvements to a future park area around Cape's Pond. This land is being split between the City of San Marcos and Hays County. The County plans to include a trail around the parkland that would serve as a connector for local and regional trails. With CDBG funds, the County plans to build out a soft trail and install several outdoor fitness stations around the trail as well as educational signage about the Native American tribal history in the area. This will serve the public by providing a free, outdoor space for physical activity as well providing education about important local history. There are additional improvements the county will do to the land at a later date that will be completed with either other grant funding, or county funds.

B. PROJECT SCOPE:

Please check all statements that apply to this project:

- ☐ All project design work is complete for this project (plans, specifications, etc.)
- ☐ This project will include selection of professional service providers (architect, engineer, etc.)
- ☐ This project includes acquisition of real property
- ☐ This project includes the rehabilitation of existing buildings
- ☐ This project includes new construction
- ☐ This project includes demolition of existing structures
- ☒ This project includes a public facility (such as a senior center)

C. LEVERAGED RESOURCES

Provide a brief description of other funding sources, volunteers, or in-kind donations that are expected to be used with this program.

Grants will be sought out to assist with the completion of this project, but a majority of additional funds will come from Hays County.

D. ACCOMPLISHMENTS

Once the project is completed, how can its success be measured?

Success of the project will be measured by public use of and engagement with the property.

E. NEED AND JUSTIFICATION

Describe the need for this project. Has the need been increasing in recent years?

The need for more free, open to the public park areas in the region increases as the population of both Hays County and the City of San Marcos continues to grow. This project aligns with both the SMTX Vision Comprehensive Plan Draft and several of the City Council Strategic Initiatives. The property is adjacent to the Blanco Gardens Neighborhood which will receive its own Area Plan as part of the Vision Comprehensive Plan.

F. CITY COUNCIL STRATEGIC INITIATIVE

Does this project or program positively impact one of the initiatives described in the attached City Council Strategic Plan? Which one?

This project meets several City Council Strategic Goals including Quality of Life and Sense of Place, Mobility and Connectivity, and Environmental Protection. By providing a free, outdoor space that is adjacent to an established neighborhood, this project will lead to an increased quality of life and sense of place. The proposed outdoor fitness stations will be accessible for citizens of a wide range of ages and abilities. The proposed trail will also add to regional connectivity because it will serve as a connector trail between several properties, with the potential to be part of the Great Springs Project regional trail system running from Austin to San Antonio. Finally, the project will meet the environmental protection goal by encouraging the addition of green infrastructure in conjunction with the City of San Marcos stormwater basin.

G. IMPACT

Describe in detail the impact this project will have on the identified need and on San Marcos residents.

The proposed project will address the stated needs of San Marcos residents by providing a free, outdoor space for the community to connect and enjoy. The use of shared outdoor spaces can improve mental and physical health for all residents, particularly those in the adjacent Blanco Garden neighborhood. Additionally, the signage highlighting the local tribal history will provide cultural and educational connection for residents and visitors seeking to learn about the history of the area.

H. EXPERIENCE OR REFERENCES

Describe your experience in implementing a similar project, or if this is a first-time venture, provide an explanation of why you believe you will be successful in implementation. You may attach up to three letters of reference.

Hays County owns and operates several parks of various size and purpose throughout the county. The County has a dedicated Parks Department that would be in charge of maintenance and managing of the park.

AGENCY INFORMATION

1. Does your organization have an office located in San Marcos? ☒ Yes ☐ No
2. Has your organization been in operation for 2 or more years? ☒ Yes ☐ No
3. Has your organization served San Marcos residents for 2 or more years? ☒ Yes ☐ No

IV. BENEFICIARIES

The CDBG program allows several different methods of documenting that a project benefits low to moderate income persons. *Direct Benefit* projects provide services directly to an individual or family; for example, a housing rehabilitation project is a Direct Benefit project. *Area Benefit* projects benefit a geographic location; for example, a Sidewalk Project.

DIRECT BENEFIT PROJECTS:

Applicant must be able to document that at least 51% of the beneficiaries have an annual income that is at or below 80% of the Area Median Income and are San Marcos residents.

1. How many unduplicated individuals or households are expected to be served by this project? 30,000

Presumed Benefit: Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit a population in which at least 51% of the population is low-to-moderate income. Individual income verification is not required, although residency and other client statistics must be collected. The Presumed Benefit categories are:

a. Elderly persons (62 or older)	e. Battered spouses
b. Homeless persons	f. Abused children
c. Persons living with AIDS	g. Migrant farm workers
d. Illiterate persons (includes non-English speakers)	h. Severely disabled adults (Census Bureau definition)

2. Will all the program's beneficiaries be in a Presumed Benefit Category? Yes or _x_ No

If "yes", list the categories: _____

3. If the program's beneficiaries cannot be considered "Presumed", how will income eligibility be determined?

 Projection of the individual or family's income based on family size; or,

x Other. Please provide details of how eligibility will be determined:

Project seeks to make improvements at a future public park area. Park is located adjacent to a LMI Neighborhood, but the park will be open to anyone who wants to use it.

AREA BENEFIT PROJECTS:

Some projects, such as a senior center or a park, serve an area rather than individual persons. HUD defines an area benefit project as an activity which is available to benefit all the residents of an area which is primarily residential. To meet the eligibility requirement of benefitting low to moderate persons, the area served must be an area where at least 51% of the residents are low/mod income persons. Most, but not all, San Marcos residential neighborhoods are low/mod.

1. Will this project be available to benefit all persons in the service area? _x_ Yes No

2. Are the neighborhoods that will benefit from this project primarily residential? _x_ Yes No

If "No", please explain: _____

3. What neighborhoods will benefit from this project? Please list either individual neighborhoods or describe the boundaries that will define the service area:

Blanco Gardens Neighborhood will be a primary beneficiary, but project area will be open to all residents

PUBLIC FACILITY PROJECTS

In the CDBG program, Public Facilities are broadly interpreted to include all improvements and facilities that are either publicly owned or that are traditionally provided by the government, or owned by non-profit organizations, and operated so as to be open to the general public. Facilities providing shelter for persons having special needs are also considered to be public facilities.

- *Public facility projects cannot include the costs of operating and maintaining public facilities, costs of purchasing construction equipment, the costs of furnishings and other personal items such as uniforms, or new construction of public housing.*
- *Public facilities are intended to benefit all the residents of an area; thus, in most cases it must serve an area having at least 51% low/mod population.*
- *Public facilities owned by a nonprofit must be made available to the general public and must be open for use by the general public during all normal hours of operation.*
- *Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges, such as excessive membership fees, which will have the effect of precluding low/mod income persons from using the facilities, are not permitted.*

1. Who is/will be the owner of the facility? Hays County

2. Will fees be charged for the use of the facility? Yes or __X__ No

If yes, please attach a fee schedule.

3. How will the facility be made available to the general public? Facility will be a public park that is open to all during normal operational hours.

V. PROJECT BUDGET

The CDBG program requires that a project be completed and serving beneficiaries within a reasonable time – generally within one year of award date. Thus, it is important for any additional funds needed to complete the project to be secured prior to award of CDBG funds or shortly thereafter.

1. Estimated total project cost: \$ 30,000 CDBG Funds requested: \$ 30,000
2. Funds from all other sources that will be available on or before October 1, 2022: \$ _____
3. How will budget shortfalls be addressed? Budget shortfalls will be made up with county funds

4. Are any additional funds for this project being requested from the City of San Marcos?
_____ Yes ☒ No. If “yes”, please describe type and amount requested: \$ _____
Type of funds requested: _____

FUNDING HISTORY

1. Has your organization received CDBG funding in the past 5 years? ☒ Yes _____ No
2. If yes, how were the funds used? CDBG funding has been received from the GLO, but not from the City of San Marcos. Projects are in various stages of completion.
3. Is the project complete? ☒ Yes _____ No If no, explain status and expected completion date:
Projects funded by the GLO are in various stages of completion.

LINE ITEM BUDGET

Please use the following format to present your proposed line-item budget. Secured funds are funds on-hand, pledged, or awarded. City Council has waived fees for Construction Permitting and Development Code Processes for CDBG projects. Impact fee charges, when applicable, are not waived. Round budget numbers to the nearest dollar.

CDBG funds cannot be spent or obligated until final environmental clearance for the project has been obtained. HUD has interpreted "obligated" to mean that we cannot execute contracts or take bids as that will "obligate" funds. The environmental review is generally prepared by the City's CDBG staff. **Please include \$1,000 for environmental fees for rehabilitation, new construction, demolition or clearance, and land acquisition projects.** No environmental expenses are required for professional service projects that will not include construction.

Budget Item	Total Budget	CDBG Funding Proposed	Other Funding Source(s)	Secured Funds available at project start	Additional Funds Needed to Complete Project
Project Soft Costs					
Environmental Review Costs	\$1,000	\$1,000			
Professional Services					
Publication Costs	\$1,000	\$1,000			
Project Hard Costs					
Education signage	\$10,000	\$10,000			
Benches (2)	\$5,000	\$5,000			
Outdoor Fitness Stations (3)	\$10,000	\$10,000			
Trail (approximately 3,200 ft)	\$3,000	\$3,000			
BUDGET TOTAL	\$30,000	\$30,000			

VI. PROJECT IMPLEMENTATION SCHEDULE WITH PERFORMANCE GOALS

The first activity should be environmental review. Projects that do not impact the physical environment generally take about 15 days for environmental review – this would include public services, professional services, homebuyer assistance.

Projects that will potentially have a physical impact on the environment (construction or demolition, for example) generally take 45 to 60 days for environmental review. If the project is in a FEMA floodplain, add 30 additional days.

Please include reasonable time for procurement activities, including procurement of professional service providers.

Projected Start Date: __September 2024_____ Projected Completion Date: __March 2025_____

Projected Implementation Schedule with Performance Goals			
Activity Description	Start Month/Year	End Month/Year	Performance Measurement Goal
<i>Example: Procurement of Architect</i>	<i>October 2023</i>	<i>December 2023</i>	<i>Contract executed</i>
City Environmental Review	July 2024	September 2024	Approval to use funds
Begin Construction of Trail	September 2024	January 2025	Trail will be built out
Purchase of outdoor fitness stations	October 2024	October 2024	Receive approval from Court
Purchase of Benches	October 2024	October 2024	Receive approval from Court
Purchase of educational signage	October 2024	October 2024	Receive approval from Court
Installation of fitness stations, benches, and signage	February 2025	March 2025	Equipment installed

VII. ORGANIZATION INFORMATION

REQUIRED ATTACHMENTS

Please attach the following documents with your application, as applicable:

- ☐ Organizational Chart
- ☐ Articles of Incorporation
- ☐ Proof of Tax-Exempt status
- ☐ Current year budget
- ☐ Most recent balance sheet and financial statement
- ☐ A listing of key staff and employees who will work directly with the proposed project, their primary job duties, and other pertinent information relating to your proposed project.
- ☐ If CDBG funds will be used to hire new personnel, please provide a brief job description of the proposed position(s).
- ☐ A listing of your board of directors, including position or title on the board. Provide a contact number for the Chair or President and Treasurer. Note: Information provided will be available for public review.
- ☐ Board minutes and resolution authorizing application submittal and specifying who will sign documents. *(The organization's governing board must approve the submittal of this funding application and designate a person who is authorized to execute program documents.)*

BACKGROUND INFORMATION

1. Organization Type:
☐ 501© Non-Profit Corporation ☐ Public Corporation ☒ Government Entity
Other: _____
2. Name and title of Board of Directors Chair or President: Ruben Becerra, County Judge
3. How many years has your organization been in business? 175
4. Organization's Taxpayer Identification Number (EIN): 74-6002241
5. Organization's Unique Entity Identifier Number: RH4DFY1GC2R3
6. Is organization currently registered in the federal System for Award Management (SAM)? ☒ Yes ☐ No

FINANCIAL INFORMATION

1. What is the date of your fiscal year end? September 30
2. Does your organization have a purchasing policy? ☒ Yes ☐ No
3. Has your organization currently or within the past five years had any litigation that is pending or has been resolved?
☒ Yes ☐ No
If "Yes", please attach a summary of the litigation and its status, including any outstanding judgments.
4. Has your organization filed a petition for bankruptcy or has a petition for bankruptcy been filed against your organization?
☐ Yes ☒ No
If "Yes", please attach an explanation that includes the status.
5. During the last fiscal year, did your organization spend \$750,000 or more in Federal financial assistance?
☒ Yes ☐ No

6. What level of financial review does your organization obtain from an independent source? Select from the following options:

_x__ Single Audit

____ Audited Financial Statement

____ Reviewed Financial Statement

____ Compiled Financial Statement

☐ No independent review

____ Other (describe):

7. What period was covered by your most recent financial review? _____

PERSONNEL AND POLICIES

1. Name and title of your chief administrator Ruben Becerra, County Judge

Number of years in this position? 5

2. Total number of current employees at all locations 990

3. Total number of current employees who will be involved in this project 10

4. Total number of new employees expected to be hired for the project 0

5. Does your organization have a personnel policy manual? x Yes No

Does it include a procedure for filing grievances? x Yes No

Does it include a non-discrimination clause? x Yes No

6. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds?

☒ Yes ☐ No

7. Separation of duties for financial transactions regarding this project (respond with job title):

- a. Who will approve payment of incurred expenses? Marisol Villarreal-Alonzo, County Auditor

- b. Who will prepare the payment check? _____

- c. Who will sign checks paying project expenses? _____

- d. Who posts the transaction to your financial records? _____

- e. Who reconciles monthly bank statements? _____

INSURANCE, BONDING, AND WORKER'S COMPENSATION

1. Does your organization have liability insurance coverage? ☒ Yes ☐ No

2. If yes, in what amount?

3. Does your organization pay worker's compensation in accordance with Federal and state laws?

☒ Yes ☐ No ☐ N/A

4. Does your organization have fidelity bond coverage for principal staff members who handle the organization's accounts? ☒ Yes ☐ No

5. Will vehicles owned by the organization be used in conjunction with the proposed project?

Yes x No

6. If yes, what level of liability insurance is maintained on the vehicles?

VIII. CONFLICTS OF INTEREST (24 CFR 570.611; 24 CFR 85.36; AND 24 CFR 84.42)

Two sets of conflict-of-interest provisions apply to activities carried out with CDBG funding. The first set, applicable to the procurement of goods and services by subrecipients (*funded applicants*), is the procurement regulation found in the *Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations*. The second set of provisions is located at 24 CFR 570.611(a)(2).

With respect to procurement activities, the subrecipient must maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. At a minimum, these standards must:

1. Require that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal funds if a real or apparent conflict would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for an award:
 - An employee, officer, or agent of the subrecipient;
 - Any member of an employee's, officer's, or agent's immediate family;
 - An employee's, agent's, or officer's partner; or
 - An organization which employs or is about to employ any of the persons listed in the preceding sections.
2. Require that employees, agents, and officers of the subrecipient neither solicit nor accept gratuities, favors, or anything of value from contractors or parties to sub-agreements. However, subrecipients may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.
3. Provide for disciplinary actions to be applied for any violation of such standards by employees, agents, or officers of the subrecipient.

With respect to all other CDBG-assisted activities, the general standard is that no employee, agent, or officer of the subrecipient who exercises decision-making responsibility with respect to CDBG funds and activities is allowed to obtain a financial interest in or benefit from CDBG activities, or have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds for the activities. Specific provisions include that:

- The requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the City, a designated public agency, or a subrecipient, and to their immediate family members and business partners.
- The requirement applies to such persons during their tenure and for a period of one year after leaving the grantee or subrecipient organization.
- Upon written request, exceptions may be granted by HUD on a case-by-case basis.

CONFLICT OF INTEREST QUESTIONNAIRE

NOTE: For the purpose of this form, a "covered person" includes any person who is an employee, agent, consultant, officer or elected or appointed official of the City of San Marcos, your organization, or any designated public agency.

Name of Organization: Hays County

1. Does your organization maintain a written code or standards of conduct that governs the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds?

Yes x No _____ If "No" is checked, please explain how you will comply with this requirement:

2. Are any of your Board Members or employees that are responsible for carrying out this project or members of their immediate families or their business associates also:

a. Employed by the City of San Marcos? Yes _____ No x

b. Members of or closely related to members of the San Marcos City Council? Yes _____ No x

c. Members of or closely related to an employee of the City of San Marcos? Yes _____ No x

d. Current beneficiaries or related to beneficiaries of the project for which funds are requested?

Yes _____ No x

e. Paid providers of goods or services to the program or having other financial interest in the program or related to such individuals? Yes _____ No x

3. For **each** relationship described above, please answer the following questions: (attach additional page if necessary)

a. Name of employee or official: _____

b. Is this person receiving or likely to receive taxable income from your organization?

Yes _____ No _____

c. Is your organization receiving or likely to receive taxable income from or at the direction of the employee or official AND the taxable income is not from the City of San Marcos?

Yes _____ No _____

d. Is your organization affiliated with a corporation or other business entity in which the employee or official serves as an officer or director, or holds an ownership interest of 10% or more?

Yes _____ No _____

4. Describe any other affiliation or business relationship that might cause a conflict of interest with respect to CDBG funds and activities. None
-

5. Will any of your organization's employees, officers, board members, or members of their immediate family or business partners have a financial interest in any contract, subcontract, or agreement regarding CDBG funded activities?

Yes _____ No x. If yes, please attach an explanation.

IX. APPLICANT ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to this project or program, by the submission of this application, that the following are true statements:

1. It possesses legal authority to apply for the grant and to finance the proposed request; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards as codified in Title 2, Part 200 of the Code of Federal Regulations (UAR) and agrees to adhere to the accounting principles and procedures required therein, utilizing adequate internal controls and maintaining necessary source documentation for all costs incurred.
3. If it expends \$750,000 or more of federal funds in a fiscal year, it will comply with the Single Audit Act of 1984.
4. It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards, and Executive Order 11990, relating to protection of wetlands. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, and approved December 31, 1976. Section 102(a).
5. It will have sufficient funds available or the ability to obtain the non-federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
6. It will give the City and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the City that funds have been approved and that the project will be performed to completion with reasonable diligence.
8. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
9. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced because of federal and federally-assisted programs.
10. It will comply with the provisions of the Hatch Act, which limit the political activity of employees.
11. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act as they apply.
12. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the city/federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.
13. It will assist the city/federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.).

14. It will comply with Texas Civil Statutes, Article 5996a, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
15. It will ensure that all information collected, assembled or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Texas Civil Statutes, Article 6252-17a, unless otherwise expressly provided by law.
16. It will conduct and administer the program in conformity with the Fair Housing Act (42 USC Section 3901 et. Seq.) and that it will affirmatively further fair housing.
17. It will minimize displacement of persons because of activities assisted with CDBG funds. If displacement of residential dwellings will occur in connection with a grant-assisted project, it will follow a residential anti-displacement and relocation assistance plan as specified by the City of San Marcos.
18. It certifies that it is not now, nor has it ever been, on the Federal List of Debarred Contractors.
19. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless (a) such funds are used to pay the proportion of such fee or assessment that related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, applicant certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (a).
20. It agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart J and subpart K of these regulations, except that (1) the Agency does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) Agency does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. Agency also agrees to comply with all other applicable Federal, State, and local laws, regulations, and policies governing the funds provided. Agency further agrees to utilize funds available to supplement rather than supplant funds otherwise available. Agency shall comply with all applicable Federal laws, regulations, and requirements, which include compliance with the provisions of the HCD Act and all rules, regulations, guidelines, and circulars promulgated by the various Federal departments, agencies, administrations, and commissions relating to the CDBG Program. The applicable laws and regulations include, but are not limited to:
 - 24 CFR Part 570;
 - 24 CFR Parts 84 and 85;
 - The Davis-Bacon Fair Labor Standards Act;
 - The Contract Work Hours and Safety Standards Act of 1962;
 - Copeland "Anti-Kickback" Act of 1934;
 - Sections 104(b) and 109 of the Housing and Community Development Act of 1974;
 - Section 3 of the Housing and Urban Development Act of 1968;
 - Equal employment opportunity and minority business enterprise regulations established in 24 CFR part 570.904;
 - Non-discrimination in employment, established by Executive Order 11246 (as amended by Executive Orders 11375 and 12086);
 - Section 504 of the Rehabilitation Act of 1973 Uniform Federal Accessibility Standards;
 - The Architectural Barriers Act of 1968;
 - The Americans with Disabilities Act (ADA) of 1990;
 - The Age Discrimination Act of 1975, as amended;

- National Environmental Policy of 1969 (42 USC 4321 et seq.) as amended;
- Lead Based paint regulations established in 24 CFR Parts 35, 570.608, and 24 CFR 982.401;
- Asbestos guidelines established in CPD Notice 90-44;
- HUD Environmental Criteria and Standards (24 CFR Part 51);
- The Energy Policy and Conservation Act (Public Law 94-163) and 24 CFR Part 39
- Flood Disaster Protection Act of 1973;
- Colorado House Bill 06-1023 and 06-1043;
- Procurement Standards (2 CFR 200.322);
- Rights to Inventions Made Under a Contract or Agreement (37 CFR 401.2 (a));
- Energy Efficiency (2 CFR Part 200 Appendix II); and
- Recycling (2 CFR Part 200 Appendix II).

CERTIFICATIONS REGARDING LOBBYING:

21. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
22. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form – “Disclosure Form to Report Lobbying”, in accordance with its instructions.
23. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
24. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GENERAL CERTIFICATIONS:

25. The information, exhibits, and schedules contained in this application are true and accurate statements and represent fairly the financial condition of our organization;
26. Our organization is eligible to receive federal funding and has not been placed in a debarred or otherwise ineligible status under the provisions of CFR Part 24;
27. Our organization prohibits discrimination in accordance with Title VI of the Civil Rights Act of 1964; and,
28. Our governing body has duly authorized submission of this document. If funded, we agree to comply with the procedures outlined in the “Playing by the Rules” handbook that will be supplied by the City of San Marcos.

I, the duly authorized representative of the applicant organization, certify that the foregoing statements are true to the best of my knowledge and belief:

CERTIFIED BY:

Signature: _____ Date Signed: _____

Printed Name: _____ Title: _____

Organization Name: _____



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Colby Machacek, County Planner

Sponsor:

Commissioner Ingalsbe

Agenda Item

PLN-1956-PC; Call for a Public Hearing on May 23, 2023, followed by discussion and possible action regarding the 3-G Ranch Addition, Section 3, Lot 5, Replat. **INGALSBIE/MACHACEK**

Summary

3-G Ranch Addition is a recorded subdivision located off of Niederwald Strasse in Kyle, lies within the City of Niederwald extraterritorial jurisdiction, and falls within Precinct 1.

The proposed Replat of Lot 5 will create six (6) lots over 14.01 acres.

Water utility will be accomplished by Goforth WSC. Wastewater treatment will be accomplished by Individual On-Site Sewage Facilities.

Attachments

Plat

Location Map

Cover Letter

JULY 2022



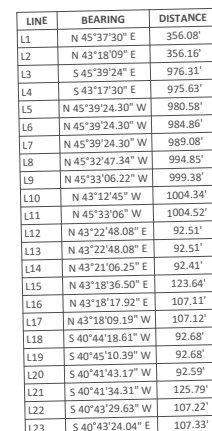
SHEET INDEX:
SHEET 1: COVER
SHEET 2: SIGNATURE BLOCKS & PLAT NOTES

TOTAL AREA: 14.01 ACRES
TOTAL NUMBER OF LOTS: 6
AVERAGE LOT SIZE: 2.335 ACRES

OWNERS: SIMONE & MARK J GANGI
6301 NIEDERWALD STRASSE
KYLE, TEXAS 78640

SURVEYOR: ROY JOHN RONNFELDT, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 3520
AMERISURVEYORS
P.O. BOX 160369
SAN ANTONIO, TEXAS 78280

ENGINEER: SERGIO LOZANO-SANCHEZ, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO.89158- STATE OF TEXAS
LOC CONSULTANTS CIVIL DIVISION, INC
2211 S. IH 35
AUSTIN, TEXAS 78741



REPLAT

3-G RANCH ADDITION, SECTION THREE, LOT 5 SUBDIVISION

JULY 2022

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

THAT I, SIMONE GANGI, OWNER OF 14.01 ACRES OF LAND OUT OF THE OTIS G. EELS SURVEY, HAYS COUNTY, TEXAS AS CONVEYED TO ME BY DEED DATED AUGUST 1, 1994, AND RECORDED IN VOLUME 247, PAGES 259-260, HAYS COUNTY DEED RECORDS, DO HEREBY SUBDIVIDE 14.01 ACRES OF LAND OF THE OTIS G. EELS SURVEY, TO BE KNOWN AS 3-G RANCH ADDITION, SECTION THREE, LOT 5 SUBDIVISION, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENT OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE OWNERS OF THE PROPERTY SHOWN HEREON THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND, THIS THE ____ DAY OF _____, A.D., 20____.

SIMONE GANGI
6301 NIEDERWALD STRASSE
AUSTIN, TEXAS 78640
DATE

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SIMONE GANGI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D., 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARK J. GANGI, OWNER OF 14.01 ACRES OF LAND OUT OF THE OTIS G. EELS SURVEY, HAYS COUNTY, TEXAS AS CONVEYED TO ME BY DEED DATED AUGUST 1, 1994, AND RECORDED IN VOLUME 247, PAGES 259-260, HAYS COUNTY DEED RECORDS, DO HEREBY SUBDIVIDE 14.01 ACRES OF LAND OF THE OTIS G. EELS SURVEY, TO BE KNOWN AS 3-G RANCH ADDITION, SECTION THREE, LOT 5 SUBDIVISION, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENT OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE OWNERS OF THE PROPERTY SHOWN HEREON THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND, THIS THE ____ DAY OF _____, A.D., 20____.

MARK J. GANGI
6301 NIEDERWALD STRASSE
AUSTIN, TEXAS 78640
DATE

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARK J. GANGI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D., 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR STATE APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED, AND IN SOME AREAS, MAY OFFER THE BEST RENEWABLE WATER RESOURCE. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PERMITTED SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY. NO CONSTRUCTION OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SATISFIED.

MARCOUS PACHECO
HAYS DEVELOPMENT SERVICES DIRECTOR
DATE

ERIC VANGAASBEEK
HAYS COUNTY FLOODPLAIN ADMINISTRATOR
DATE

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

I, SERGIO LOZANO, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE AND IS NOT ENCRONCHED BY A ZONE A FLOOD AREA, AS DENOTED HEREIN, AND AS DEFINED BY FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY PANEL NUMBER 48208C0295F, EFFECTIVE DATE 9/1/2005 AND THAT EACH LOT CONFORMS TO THE CITY OF NIEDERWALD REGULATIONS.

THE FULLY DEVELOPED, CONCENTRATED STORMWATER RUNOFF RESULTING FROM THE ONE HUNDRED (100) YEAR FREQUENCY STORM IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN AND/OR PUBLIC RIGHTS-OF-WAY DEDICATED BY THIS PLAT.

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT CITY OF NIEDERWALD, WILLIAMSON COUNTY, TEXAS, THIS THE ____ DAY OF _____, 20____.

SERGIO LOZANO-SANCHEZ
REGISTERED PROFESSIONAL ENGINEER
NO. 89158 STATE OF TEXAS
DATE

STATE OF TEXAS }}
COUNTY OF HAYS }} KNOW ALL MEN BY THESE PRESENTS:

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE ____ DAY OF _____, A.D., 20____, THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER HAS BEEN DULY ENTERED IN THE MINUTES OF THE SAID COURT IN BOOK _____ PAGE _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D., 20____.

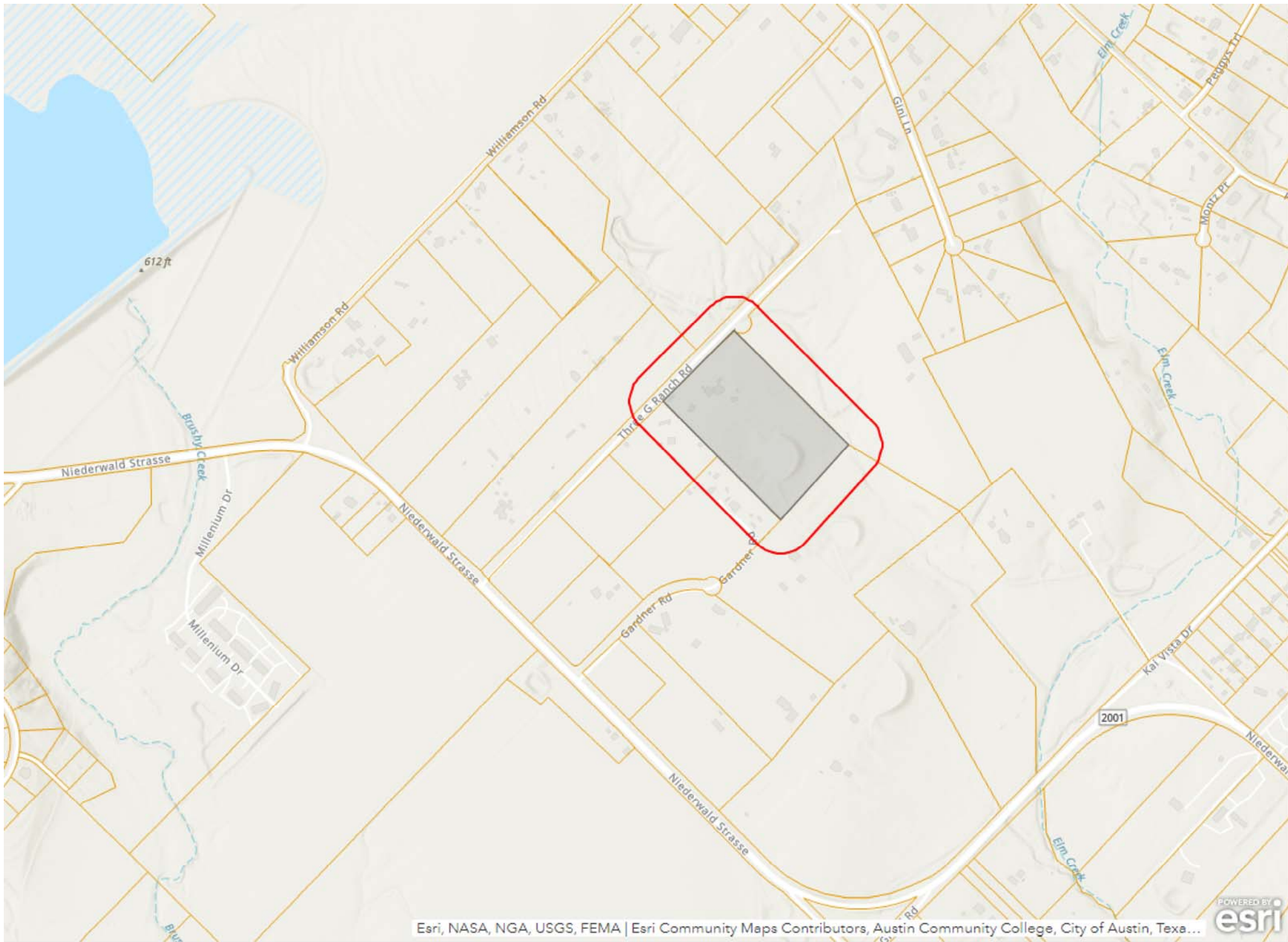
RUBEN BECERRA
COUNTY JUDGE
HAYS COUNTY, TEXAS
CERTIFICATE OF RECORDING, TO-WIT: ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS

GOFORTH WATER SUPPLY, CCN #11356, AN APPROVED WATER SUPPLY SYSTEM, HAS ADEQUATE QUANTITY TO SUPPLY THIS SUBDIVISION AND PROVISIONS HAVE BEEN MADE TO PROVIDE SERVICE TO EACH LOT IN THIS SUBDIVISION IN ACCORDANCE WITH THE POLICIES OF THE WATER SUPPLY SYSTEM.

MARIO TOBAS
GOFORTH GENERAL MANAGER
DATE

GENERAL NOTES:

1. THERE ARE 6 TOTAL LOTS WITHIN THE SUBDIVISION. THE AVERAGE SIZE OF THE LOTS IS 2.335 ACRES. ALL LOTS ARE BETWEEN 2.00 AND 5.00 ACRES.
2. THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE HAYS COUNTY SCHOOL DISTRICT.
3. THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE AUSTIN COMMUNITY COLLEGE DISTRICT, CALDWELL HAYS COUNTY FIRE ESD #1, HAYS COUNTY ESD #9, PLUM CREEK CONSERVATION DISTRICT, AND PLUM CREEK GROUND WATER CONSERVATION DISTRICT.
4. THE APPLICANT SHALL SEEK THE DESIGNATION OF ROADWAYS AS PRIVATE ROADWAYS.
5. IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS (A) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE ROAD DEPARTMENT OF HAYS COUNTY AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN SECTIONS 7.4 AND 7.5 OF THE HAYS COUNTY SUBDIVISION REGULATIONS.
6. NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLIC OR PRIVATE ROADWAY UNLESS: (1) A PERMIT FOR USE OF THE COUNTY ROADWAY RIGHT-OF-WAY HAS BEEN ISSUED UNDER CHAPTER 751; AND (2) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENTS FOR DRIVEWAYS SET FORTH IN CHAPTER 751.
7. WHEN REQUIRED, LOTS SHALL HAVE A MINIMUM DRIVEWAY CULVERT SIZE OF 18".
8. WATER UTILITY SERVICE WILL BE PROVIDED BY GOFORTH WATER SUPPLY CORPORATION.
9. ELECTRIC UTILITY SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE, INC.
10. TELEPHONE UTILITY SERVICE WILL BE PROVIDED BY VERIZON.
11. GAS UTILITY SERVICE WILL BE PROVIDED BY _____.
12. EACH LOT SHOWN ON THE PLAT HAS ADEQUATE FRONTAGE TO ALLOW FOR COMPLIANCE WITH DRIVEWAY SPACING REQUIREMENTS.
13. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
14. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OR THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER.
15. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF ANY MUNICIPALITY'S CORPORATE CITY LIMITS.
16. A PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CITY OF NIEDERWALD'S EXTRA TERRITORIAL JURISDICTION.
17. A PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE 100-YEAR FLOOD PLAN AS DELINEATED ON HAYS COUNTY COMMUNITY PANEL #48209C0295F, DATED 9/1/2005.
18. THE PLAT ACCURATELY REFLECTS THE GENERAL LOCATION OF ALL WATER FEATURES IN ACCORDANCE WITH THE TERMS OF TCEQ TITLE 30 CHAPTER 213.3.
19. THE DEVELOPMENT OF THE PROPOSED SUBDIVISION IS NOT SUBJECT TO THE TCEQ EDWARDS AQUIFER REGULATIONS IN TCEQ TITLE 30 CHAPTER 213.
20. THE FILER OF THIS PLAT HAS SUBMITTED TO THE DEPARTMENT A WATER AND WASTEWATER SERVICE PLAN DESCRIBING HOW WATER AND WASTEWATER SERVICE WILL BE PROVIDED TO THIS SUBDIVISION.
21. EACH LOT SHOWN ON THE PLAT HAVE BEEN DESIGNED IN COMPLIANCE WITH THE HAYS COUNTY ON-SITE SEWAGE FACILITIES RULES.
22. ALL LOTS SERVED BY A SHARED ACCESS DRIVEWAY ARE RESTRICTED TO ONE SINGLE-FAMILY RESIDENCE PER LOT AND IF ANY OTHER DEVELOPMENT OF A DWELLING UNIT OCCURS ON ANY OF THE LOTS OBTAINING ACCESS THROUGH THE SHARED ACCESS DRIVEWAY, THEN SUCH NEW DWELLING UNIT MUST BE CONSTRUCTED ON A SEPARATELY PLATTED LOT WITH DIRECT FRONTAGE, ONTO AND PHYSICAL ACCESS TO A PERMITTED STREET PRIOR TO CONSTRUCTION OF THE DWELLING UNIT. A DUPLEX WILL NOT BE CONSIDERED A SINGLE-FAMILY RESIDENCE FOR PURPOSES OF THIS SUB-PARAGRAPH. THE HOMEOWNERS OF THE SINGLE FAMILY RESIDENCES OBTAINING ACCESS THROUGH THE SHARED ACCESS DRIVEWAY SHALL BE SOLELY RESPONSIBLE FOR ALL MAINTENANCE OF THE DRIVEWAY, INCLUDING MAINTAINING ANY DRAINAGE STRUCTURES ASSOCIATED WITH THE DRIVEWAY. THE DRIVEWAY MUST BE MAINTAINED AT ALL TIMES IN A CONDITION THAT WILL PERMIT UNENCUMBERED VEHICULAR ACCESS BY EMERGENCY VEHICLES.
23. THE AREA IDENTIFIED AS RESERVED FOR FUTURE RIGHT-OF-WAY IS LOCATED WITHIN A PROPOSED FUTURE ROADWAY PER THE TRANSPORTATION PLAN OF HAYS COUNTY. ADDITIONAL INFORMATION REGARDING THIS AREA MAY BE OBTAINED FROM THE HAYS COUNTY TRANSPORTATION DEPARTMENT.
24. THREE G RANCH ROAD IS CLASSIFIED AS A COUNTRY ROAD.
25. MAILBOXES PLACED WITHIN THE ROW, SHALL BE OF AN APPROVED TXDOT OR FHWA DESIGN.
26. ALL CULVERTS, WHEN REQUIRED SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARD.





Hays County Commissioners Court Agenda Request

Meeting Date: May 2nd, 2023

Requested By: Colby Machacek, County Planner

Prepared By: Colby Machacek, County Planner

Department Director: Marcus Pacheco

Sponsoring Court Member: Commissioner Debbie Ingalsbe, Precinct 1

AGENDA ITEM LANGUAGE:

PLN-1956-PC; Call for a Public Hearing on May 23rd, 2023 followed by discussion and possible action regarding the 3-G Ranch Addition, Section 3, Lot 5, Replat.

BACKGROUND/SUMMARY OF REQUEST:

- A) 3-G Ranch Addition is a recorded subdivision located off of Niederwald Strasse in Kyle, lies within the City of Niederwald extraterritorial jurisdiction, and falls within Precinct 1.
- B) The proposed Replat of Lot 5 will create six (6) lots over 14.01 acres.
- C) Water utility will be accomplished by Goforth WSC. Wastewater treatment will be accomplished by Individual On-Site Sewage Facilities.

STAFF COMMENTS:

Staff has initiated review pursuant to Texas Local Government Code Chapter 232 and the current Development Regulations of Hays County as set forth.

The application has no requested variances.

The actions remaining are to hold a public hearing on May 23rd, 2023 and seek Commissioners Court final determination based on staff recommendation.

ATTACHMENTS/EXHIBITS:

Plat

Location Map



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Marcus Pacheco, Development Services Director

Sponsor:

Commissioner Smith

Agenda Item

PLN-2090-NP; Discussion and possible action regarding the Hays Commons Subdivision, Preliminary Plan; and to provide feedback to staff regarding preliminary plans under Chapter 705 of the Hays County Development Regulations. **SMITH/PACHECO**

Summary

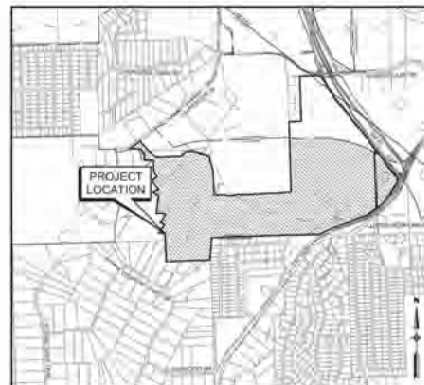
Hays Commons, Preliminary Plan is a proposed subdivision consisting of approximately 20 single family residential lots, 2 multifamily/condominium lots consisting of approximately 258 units, 3 parkland/open space lots, 3 utility lots, and 1 commercial lot. The site is located off of FM 1626 and Carpenter Lane in Manchaca and Precinct 4. Water and wastewater utility will be provided by a Municipal Utility District.

Attachments

Hays Commons Prelim Plan
Cover Letter

HAYS COMMONS PRELIMINARY PLAT

S.H. 45 & F.M. 1626



LOCATION MAP
SHEET 1 OF 6

SUBMITTAL DATE: APRIL 26, 2023

LEGAL DESCRIPTION

TRACT 1
BEING A PORTION OF THAT CERTAIN 250.00 ACRES TRACT OF LAND, MORE OR LESS, OUT OF JOHN G. MCCOY SURVEY NO. 8, SITUATED IN TRAVIS AND HAYS COUNTIES, TEXAS, AND THE PHILLIP J. ALLEN SURVEY NO. 8, SITUATED IN HAYS COUNTY, TEXAS, WHICH INCLUDES THAT CERTAIN 1.667 ACRE TRACT OF LAND, MORE OR LESS, OUT OF JOHN G. MCCOY SURVEY NO. 8, SITUATED IN HAYS COUNTY, TEXAS.

TRACT 2
BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 12.581 ACRES, MORE OR LESS, SITUATED IN THE JIMMIE G. MCCOY SURVEY NO. 8, ABSTRACT NO. 12, HAYS COUNTY, TEXAS.

LAND USE SUMMARY			
LAND USE	ACRES	# OF LOTS	% OF PROJECT
SINGLE-FAMILY	23.52	29	8.3%
PARKLAND/OPEN SPACE	139.67	3	48.7%
MULTI-FAMILY (CONDO)	87.57	2	30.2%
INDUSTY	15.53	3	5.4%
COMMERCIAL	13.86	1	4.8%
PUBLIC ROW	10.01		3.5%
TOTAL	290.14	29	100.0%

HAYS COUNTY LOT SIZE LIST	
NO.	NO.
> 10 ACRES	4
5 TO 10 ACRES	2
2 TO 5 ACRES	1
1 TO 2 ACRES	21
< 1 ACRES	1
TOTAL LOT NO.	29

OWNER:
HAYS COMMONS LAND INVESTMENTS LP
8111 JULYVILLE RD. 3RD FLOOR
AUSTIN, TX 78759
CONTACT PERSON: ANDREW COATES P.E.
PHONE # (512) 477-2468

ENGINEER:
LJA ENGINEERING INC.
P.O. BOX 4-528
7550 RIALTO BOULEVARD
BUILDING 2 SUITE 100
AUSTIN, TEXAS 78759
CONTACT PERSON: BRIAN KALTESEK P.E.
PHONE # (512) 439-4700
FAX # (512) 439-4716

REVISOR:
CHAMPAGNE PROFESSIONAL LAND SURVEYING INC.
1818 S. FM 1626, SUITE 100
3008 MCCALL LINE
AUSTIN, TX 78754
CONTACT PERSON: STEPHANIE L. R. P.L.S.
PHONE # (512) 439-1252

SHEET NO.

DESCRIPTION

1	TITLE PAGE
2	PRELIMINARY PLAN (INDEX)
3	PRELIMINARY PLAN (SHEET 1)
4	PRELIMINARY PLAN (SHEET 2)
5	PRELIMINARY PLAN (SHEET 3)
6	PRELIMINARY PLAN (SHEET 4)

NOTES:

- THIS PLAT IS LOCATED ENTIRELY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HAYS.
- A PORTION OF THIS PLAT LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
- THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE RECHARGE ZONE AND TRANSITION ZONE OF THE EDWARDS AQUIFER.
- NO PORTION OF THIS SUBDIVISION LIES WITHIN THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
- THIS PLAT IS LOCATED WITHIN THE BOUNDARY OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOLS DISTRICT.
- A PORTION OF THE PLAT LIES WITHIN A DESIGNATED 100-YEAR FLOOD PLAIN AS DELINEATED ON THE FLOOD INSURANCE RATE MAP NO. 48290C0149F, #48290C0149F, and #48290C0209F, EFFECTIVE DATE OF SEPTEMBER 2, 2009, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, HAYS COUNTY, TEXAS.
- WATER SERVICE WILL BE PROVIDED BY PROPOSED MUNICIPAL UTILITY DISTRICT.
- WASTEWATER SERVICE WILL BE PROVIDED BY PROPOSED MUNICIPAL UTILITY DISTRICT.
- ELECTRIC SERVICE SHALL BE SUPPLIED BY FIDELITY ELECTRIC COOPERATIVE.
- TELEPHONE SERVICE SHALL BE SUPPLIED BY VERIZON OR AT&T.
- ORGANIZED GAS UTILITY SERVICE WILL BE PROVIDED BY TXGAS.
- BUILDING SETBACKS SHALL COMPLY WITH CITY ORDINANCES OR THE CITY OF HAYS DEVELOPMENT AGREEMENT, WHICHEVER IS APPLICABLE.
- PUBLIC UTILITY EASEMENT OF 10 FEET SHALL BE LOCATED ON BOTH SIDES OF DEDICATED RIGHT-OF-WAYS.
- ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH APPLICABLE CITY OF HAYS AND HAYS COUNTY REQUIREMENTS IN CONFORMANCE WITH THE DEVELOPMENT AGREEMENT AND APPROVED BY THE HAYS COUNTY TRANSPORTATION DEPARTMENT AND UPON ACCEPTANCE SHALL BE DEDICATED TO THE COUNTY FOR MAINTENANCE.

STREET NAME	LINEAR FOOTAGE	R.O.W.	CLASSIFICATION
HUBBARD LANE	1035 L.F.	(80')	MINOR COLLECTOR
WHEELER WAY	1009 L.F.	(80')	MINOR COLLECTOR
DENTON DRIVE	1671 L.F.	(70')	MAJOR COLLECTOR
KINKADEE COURT	2950 L.F.	(80')	LOCAL ROADWAY

TOTAL: 8959 L.F.

- THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE CITY OF HAYS REQUIREMENTS AS APPLICABLE TO THIS DEVELOPMENT.
- DRIVEWAYS SHALL BE CONSTRUCTED IN ACCORDANCE WITH HAYS COUNTY REQUIREMENTS OR AS APPROVED BY THE HAYS COUNTY TRANSPORTATION DEPARTMENT. DRIVEWAYS LOCATED OFF OF SH 45 AND FM 1626 SHALL BE DESIGNED AND APPROVED BY TXDOT.
- THE MUNICIPAL UTILITY DISTRICT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DETENTION POND AND WATER QUALITY STRUCTURES. THE PROPOSED MUNICIPAL UTILITY DISTRICT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE WATER SYSTEM LOCATED WITHIN THIS SUBDIVISION.
- THIS PLAT AND SUBSEQUENT SITE DEVELOPMENT PLANS SHALL COMPLY WITH THE MOST CURRENT INTERNATIONAL FIRE CODE AS ADOPTED AND AMENDED BY THE EMERGENCY SERVICE DISTRICT, OR ITS SUCCESSORS.
- POST DEVELOPED CONDITION RUNOFF RATE SHALL BE LESS THAN OR EQUAL TO THE PRE-DEVELOPED CONDITION RUNOFF RATES PER HAYS COUNTY REGULATIONS. FIRE AND POST DEVELOPMENT RUNOFF CALCULATIONS SHALL BE INCLUDED WITH THE CONSTRUCTION DRAWINGS FOR THIS SUBDIVISION.
- ALL CULVERTS, WHEN REQUIRED, SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARDS.
- IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS (A) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF HAYS COUNTY AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS AS SET FORTH IN TABLE 721.01 OF THE HAYS COUNTY SUBDIVISION REQUIREMENTS.
- IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF HAYS COUNTY, TX, IT IS UNDERSTOOD THAT THE CONSTRUCTION OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES DELINEATED AND SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES, OR IN CONNECTION THEREWITH SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR THE DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT, IN ACCORDANCE WITH THE PLANS AND SPECIFICATION PRESCRIBED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TX. THE COMMISSIONERS COURT OF HAYS COUNTY, TX, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR CONSTRUCTION OF ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.
- THIS PLAT IS SUBJECT TO THE CITY OF HAYS DEVELOPMENT AGREEMENT DOCUMENT BETWEEN THE CITY OF HAYS AND LUKERS, INC. A TEXAS CORPORATION DBA WALTERS SOUTHWEST. HAYS COUNTY IS NOT A PARTY TO THE CITY OF HAYS DEVELOPMENT AGREEMENT.
- MAIL BOXES PLACED WITHIN THE R.O.W. SHALL BE OF AN APPROVED TXDOT OR FHWA DESIGN, PER HAYS COUNTY DEVELOPMENT REGULATION (CHAPTER 721, SUBCHAPTER 2.01).
- THE PROJECT IS LOCATED WITHIN HAYS COUNTY ESD NO. 2 AND 8.
- DRIVEWAYS SHALL COMPLY WITH CHAPTER 721 OF HAYS COUNTY DEVELOPMENT REGULATIONS AND BE PERMITTED THROUGH THE TRANSPORTATION DEPARTMENT OF HAYS COUNTY UNDER CHAPTER 751.
- POST-CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF HAYS COUNTY. THE OWNER/OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPMENT SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED AND MADE AVAILABLE FOR REVIEW UPON REQUEST.

REVISIONS / CORRECTIONS

Revision	Description	Revised By	Revised Date	Total # of Sheets in Plan Set	D.S. Approval Date	Date Issued	Hays County Approval Date

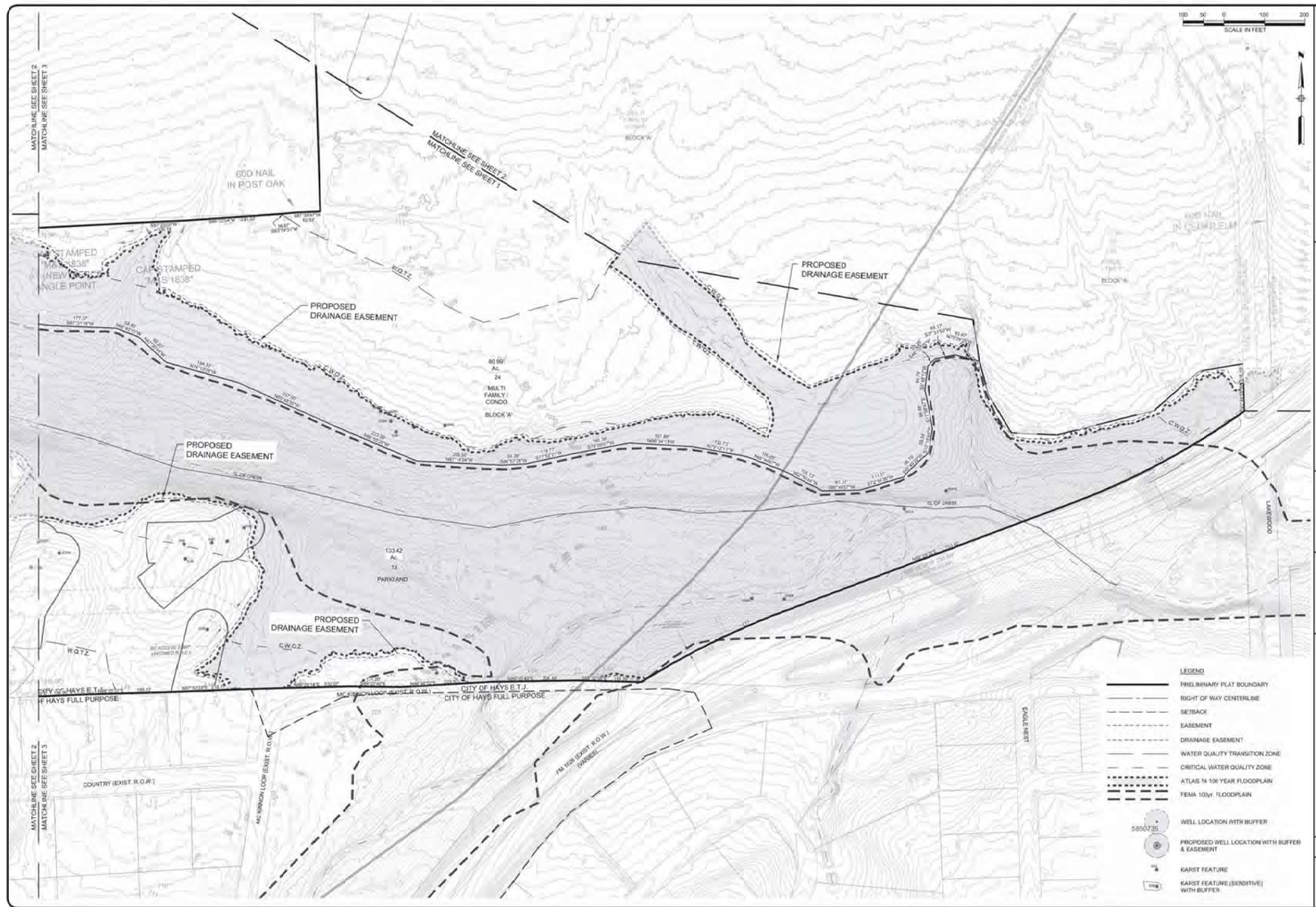
LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735

Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

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PROJECT: HAYS COMMONS PRELIMINARY PLAT
 DATE: 08/15/2023
 DRAWN BY: J. L. JONES
 CHECKED BY: J. L. JONES
 APPROVED BY: J. L. JONES



- LEGEND**
- PRELIMINARY PLAT BOUNDARY
 - RIGHT OF WAY CENTERLINE
 - SETBACK
 - EASEMENT
 - DRAINAGE EASEMENT
 - WATER QUALITY TRANSITION ZONE
 - CRITICAL WATER QUALITY ZONE
 - ATLAS 14 100-YEAR FLOODPLAIN
 - FEMA 100-YEAR FLOODPLAIN
 - WELL LOCATION WITH BUFFER
 - PROPOSED WELL LOCATION WITH BUFFER & EASEMENT
 - KARST FEATURE
 - KARST FEATURE (SENSITIVE) WITH BUFFER

HAYS COMMONS
 PRELIMINARY PLAT
 PRELIMINARY PLAT (SHEET 2)

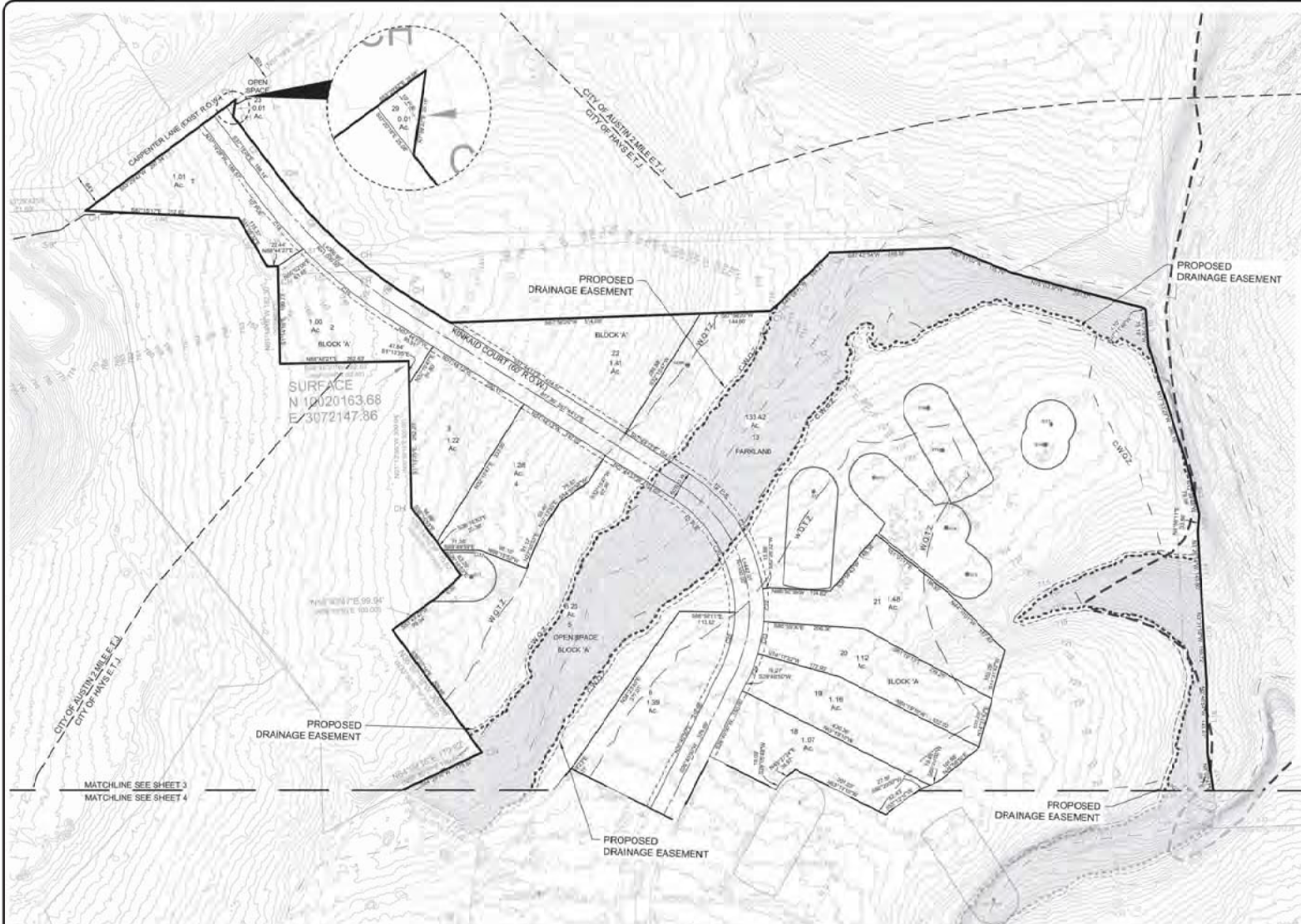
NO.	DATE	DESCRIPTION
1	08/15/2023	PRELIMINARY PLAT



LJA Engineering, Inc.
 11000 Highway 190, Suite 100
 Austin, Texas 78758
 Phone: 512.454.1100
 Fax: 512.454.1101
 Email: info@ljaeng.com

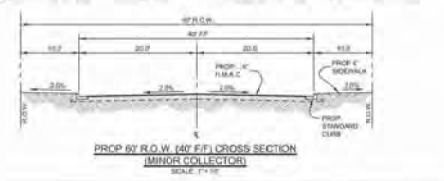
SHEET NO. **4**
 OF 4
 SHEET NO. 348279

SCALE IN FEET
100 50 0 50 100 200



Curve Table

Curve #	From	To	Station	Length	Tangent	Chord Length	Chord Direction
C1	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C2	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C3	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C4	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C5	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C6	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C7	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C8	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C9	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C10	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C11	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C12	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C13	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C14	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C15	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C16	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C17	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C18	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C19	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C20	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C21	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C22	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
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C25	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C26	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C27	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C28	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C29	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C30	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C31	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C32	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C33	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C34	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C35	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C36	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
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C38	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
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C40	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C41	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C42	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C43	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C44	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C45	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C46	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C47	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C48	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C49	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W
C50	2+00.00	2+00.00	2+00.00	22.62	11.47	22.62	N89°45'30"W



MATCHLINE SEE SHEET 3
MATCHLINE SEE SHEET 4

LEGEND

- PRELIMINARY PLAT BOUNDARY
- RIGHT OF WAY CENTERLINE
- SETBACK
- EASEMENT
- DRAINAGE EASEMENT
- WATER QUALITY TRANSITION ZONE
- CRITICAL WATER QUALITY ZONE
- ATLAS 14 100 YEAR FLOODPLAIN
- FEMA 100yr FLOODPLAIN
- WELL LOCATION WITH BUFFER
- PROPOSED WELL LOCATION WITH BUFFER & EASEMENT
- KARST FEATURE
- KARST FEATURE (SENSITIVE) WITH BUFFER



Hays County Commissioners Court Agenda Request

Meeting Date: May 2nd, 2023

Requested By: Marcus Pacheco, Director

Prepared By: Marcus Pacheco, Director

Department Director: Marcus Pacheco, Development Services Director

Sponsoring Court Member: Commissioner Walt Smith, Precinct 4

AGENDA ITEM LANGUAGE:

PLN-2090-NP; Discussion and possible action regarding the Hays Commons Subdivision, Preliminary Plan.

BACKGROUND/SUMMARY OF REQUEST:

- A) Hays Commons, Preliminary Plan is a proposed subdivision consisting of approximately 20 single family residential lots, 2 multifamily/condominium lots consisting of approximately 258 units, 3 parkland/open space lots, 3 utility lots, and 1 commercial lot . The site is located off of FM 1626 and Carpenter Lane in Manchaca and Precinct 4.
- B) Water and wastewater utility will be provided by a Municipal Utility District.

STAFF COMMENTS:

Staff has completed an additional review of the Preliminary Plan and written responses to initial conditions set forth pursuant to Texas Local Government Code Chapter 232 and per the Hays County Development Regulations.

Staff recommends Disapproval for the Hays Commons, Preliminary Plan. The deficiencies remaining have been included in the backup.

ATTACHMENTS/EXHIBITS:

Subdivision Preliminary Plan



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Shell

Sponsor:

Commissioner Shell

Agenda Item

Discussion and possible action to adopt an order authorizing the sale of fireworks beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May 2023. **SHELL**

Summary

Texas Occupations Code, Chapter 2154:

Sec. 2154.202. RETAIL FIREWORKS PERMIT. (a) A person selling fireworks directly to the public must annually obtain a nonrenewable retail fireworks permit for each retail location.

(b) The commissioner shall set and collect a retail fireworks permit fee in an amount not to exceed \$20.

(c) A retail fireworks permit may be purchased from a licensed manufacturer, distributor, or jobber or from the state fire marshal's office.

(d) A licensed manufacturer, distributor, or jobber may obtain retail fireworks permits from the commissioner at any time. The commissioner shall provide permits in books containing 20 permits each. Each permit must be clearly printed with the year, date, and permit number. The manufacturer, distributor, or jobber shall keep a record of all permits issued and shall submit the record to the commissioner through the state fire marshal in the manner required by the commissioner.

(e) A retail fireworks permit expires on January 31 each year and is not renewable.

(f) An outdated permit may be exchanged for a current permit only in the year following the permit's expiration.

(g) Except as provided by Subsection (h), a retail fireworks permit holder may sell fireworks only to the public, and only during periods:

(1) beginning June 24 and ending at midnight on July 4;

(2) beginning December 20 and ending at midnight on January 1 of the following year; and

(3) beginning May 1 and ending at midnight on May 5 if the fireworks are sold at a location that is not more than 100 miles from the Texas-Mexico border and that is in a county in which the commissioners court of the county has approved the sale of fireworks during the period.

(h) In addition to the periods during which the sale of fireworks is authorized under Subsection (g), the commissioners court of a county by order may allow a retail fireworks permit holder to sell fireworks in that county only to the public and only during one or more of the following periods:

(1) beginning February 25 and ending at midnight on March 2;

(2) beginning April 16 and ending at midnight on April 21; and

(3) beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May.



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Sponsor: Commissioner Cohen

Agenda Item:

Discussion and possible action to authorize the County Judge to execute an Amended and Restated Interlocal Agreement Regarding the City of Kyle Tax Increment Reinvestment Zone Number Two between Hays County and the City of Kyle. **COHEN**

Summary:

On or about December 18, 2018, the City of Kyle passed an ordinance creating Tax Incremental Reinvestment Zone (TIRZ) No. 2 and, on or about May 14, 2019, the City of Kyle and Hays County entered into an Interlocal Agreement to contribute toward TIRZ No. 2 projects as it has done with other municipalities in the past. If approved, this amendment extends the terms from 2038 until 2057.

Fiscal Impact:

Amount Requested: N/A

Line Item Number: N/A

Budget Office:

Source of Funds: General M&O, Road & Bridge M&O and I&S Fund

Budget Amendment Required Y/N?: No

Comments: If approved, current terms for disbursement will continue an additional 20 years through 2057.

Auditor's Office:

Purchasing Guidelines Followed Y/N?: N/A

G/L Account Validated Y/N?: N/A

New Revenue Y/N?: If approved, the TIRZ disbursement will continue through the year 2057.

Comments:

Attachments

Order

Amended & Restated Project & Finance Plan

Amended & Restated ILA

Certificate of County Clerk

ORDER NO. _____

**AN ORDER OF HAYS COUNTY, TEXAS APPROVING THE
AMENDED AND RESTATED PROJECT AND FINANCE PLAN AND
AMENDED INTERLOCAL AGREEMENT FOR THE TAX
INCREMENT REINVESTMENT ZONE NUMBER TWO, CITY OF
KYLE AND APPROVING THE EXTENSION OF THE TERM OF THE
ZONE; AND OTHER MATTERS RELATED THERETO**

WHEREAS, the City of Kyle, Texas (the "City"), is authorized under Chapter 311 of the Texas Tax Code, as amended (the "Act"), to create a tax increment reinvestment zone within its corporate limits and within its extraterritorial jurisdiction; and

WHEREAS, on December 18, 2018 the City Council of the City (the "City Council") through Ordinance No. 1022 (the "Creation Ordinance") designated Tax Increment Reinvestment Zone Two, City of Kyle (the "Zone") with the boundaries being described in the metes and bounds and depictions attached to the Creation Ordinance; and

WHEREAS, on May 30, 2019 the City entered into an Interlocal Agreement (the "Original Interlocal Agreement") with Hays County, Texas (the "County"); and

WHEREAS, the Board of Directors of the Zone (the "Board") approved a Project and Financing Plan for the Zone on November 14, 2019; and

WHEREAS, on December 3, 2019, the City Council adopted Ordinance No. 1064 (the "Amending Ordinance" and, together with the Creation Ordinance, the "Zone Ordinance") which amended the Creation Ordinance and adopted the Project and Financing Plan for the Zone (the "Original Project and Financing Plan"); and

WHEREAS, the City Council desires to (1) extend the term of the Zone from December 31, 2037 to December 31, 2057, (2) amend the Original Project and Financing Plan to add additional projects, (3) amend the Original Interlocal Agreement, and (4) issue obligations secured by revenues generated within the Zone to finance such authorized projects; and

WHEREAS, on April 13, 2023, the Board adopted a resolution (1) approving the extension the term of the Zone from December 31, 2037 to December 31, 2057, (2) approving the amendment to the Original Project and Financing Plan to add additional projects, and (3) recommending that the City issue obligations secured by revenues generated within the Zone to finance such authorized projects; and

WHEREAS, on April 18, 2023, the City Council adopted an ordinance (1) approving the extension the term of the Zone from December 31, 2037 to December 31, 2057, (2) approving the amendment to the Original Project and Financing Plan to add additional projects, and (3) approving the amendment to the Original Interlocal Agreement; and

WHEREAS, the Commissioners Court of the County (the "Commissioners Court") desires to (1) extend the term of the Zone from December 31, 2037 to December 31, 2057, (2) amend the Original Project and Financing Plan to add additional projects, and (3) amend the Original Interlocal Agreement; and

WHEREAS, the Commissioners Court finds and determines that the term of the zone should be extended from December 31, 2037 to December 31, 2057; and

WHEREAS, the Commissioners Court finds and determines that the Original Project and Financing Plan should be amended to add additional projects to the plan; and

WHEREAS, the Commissioners Court finds and determines that the Original Interlocal Agreement should be amended; and

WHEREAS, the Commissioners Court finds and determines the Amended and Restated Project and Financing Plan for Reinvestment Zone Number Two, City of Kyle, a copy of which is attached hereto as **Exhibit A** (the Original Project and Financing Plan, as amended, the "Project and Financing Plan") and the Amended Interlocal Agreement (the Original Interlocal Agreement, as amended, the "Interlocal Agreement") a copy of which is attached hereto as **Exhibit B** are feasible and encourage further development within the Zone and includes all information required by the Act; and

WHEREAS, the meeting at which this Order is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; and

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AS FOLLOWS:

SECTION 1. Findings. The findings and determinations set forth in the preamble above are hereby deemed to be true and correct and incorporated herein.

SECTION 2. Approval of Extension of Term. The Commissioners Court hereby approves the extension of the term of the Zone from December 31, 2037 to December 31, 2057.

SECTION 3. Approval of Amended Final Plan. The Commissioners Court hereby approves the "Tax Increment and Reinvestment Zone Number Two, City of Kyle Amended Project and Financing Plan" in the form attached hereto as Exhibit A, which is incorporated herein as a part hereof for all purposes, as the Project and Financing Plan for the Zone, in accordance with the Act. The County hereby finds that the Project and Financing Plan satisfies the requirements of the Act, the Zone will enhance the value of all taxable real property in the Zone and the Project and Financing Plan is feasible.

SECTION 4. Approval of Amended Interlocal Agreement. The Commissioners Court hereby approves the amendment to the Interlocal Agreement, in substantially the form attached hereto as Exhibit B, which is incorporated herein as a part hereof for all purposes. The Commissioners Court hereby authorizes the County Judge, County Attorney, County Clerk and County Auditor to negotiate any final terms with the City to

finalize the amendment to the Interlocal Agreement and execute the final Interlocal Agreement, as amended.

SECTION 5. Additional Actions. The County Judge, County Attorney, County Clerk and County Auditor are hereby authorized and directed to take any and all actions on behalf of the County necessary or desirable to carry out the intent and purposes of this Order.

SECTION 6. Governing Law. This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 8. Severability. If any provision of this Order or the application thereof to any circumstance shall be held to be invalid, the remainder of this Order or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Order would have been enacted without such invalid provision.

SECTION 9. Construction of Terms. If appropriate in the context of this Order, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 10. Effective Date. This Order shall become effective from and after its date of passage in accordance with the law.

[Remainder of Page Intentionally Left Blank; Signatures to Follow]

PASSED AND APPROVED on this May 2, 2023.

HAYS COUNTY, TEXAS

By: _____
County Judge

ATTEST:

County Clerk and Ex-Officio Clerk
of the Commissioners Court of Hays County, Texas

EXHIBIT A

Amended and Restated Project and Financing Plan

.



TAX INCREMENT REINVESTMENT ZONE NUMBER TWO,
CITY OF KYLE, TEXAS
AMENDED AND RESTATED
PROJECT AND FINANCE PLAN
APRIL 18, 2023

TABLE OF CONTENTS

Table of Contents	1
Section 1: Definitions	2
Section 2: Introduction	5
Section 3: Description and Maps	7
Section 4: Proposed Changes to Ordinances, Plans, Codes, Rules, and Regulations	7
Section 5: Relocation of Displaced Persons	8
Section 6: Estimated Non-Project Costs	8
Section 7: Proposed Public Improvements	8
Section 8: Estimated Project Costs	8
Section 9: Economic Feasibility	9
Section 10: Estimated Bonded Indebtedness	9
Section 11: Appraised Value	10
Section 12: Method of Financing	10
Section 13: Duration of the Zone, Termination	11
List of Exhibits	12
Exhibit A – Map of the Zone.....	13
Exhibit B – Non-Project Costs	14
Exhibit C – Project Costs.....	15
Exhibit D – Estimated Timeline of Incurred Costs.....	16
Exhibit E – Feasibility Study.....	17
Exhibit F – Debt Service Schedule	18
Exhibit G – Proposed Uses of the Property.....	19
Exhibit H – Map of the Public Improvements	20
Exhibit I – Legal Description of the Zone	21

SECTION 1: DEFINITIONS

Capitalized terms used in this Amended Plan shall have the meanings given to them in **Section I** below unless otherwise defined in this Amended Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a "Section," or an "Exhibit," shall be a reference to a Section of this Amended Plan or an Exhibit attached to and made a part of this Amended Plan for all purposes.

"Act" means Chapter 311, Texas Tax Code, Tax Increment Financing Act.

"Administrative Costs" means the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone, including planning, engineering, legal services, organizational costs, publicizing costs, or implementations costs paid by or on behalf of the City that are directly related to the administration of the Zone.

"Amended Plan" means this *Tax Increment Reinvestment Zone Number Two, City of Kyle Amended and Restated Project and Finance Plan* approved by the City Council on April 18, 2023.

"Appraisal District" means the Hays Central Appraisal District.

"Board" means the Board of Directors for the Zone.

"Captured Appraised Value" means the new taxable value generated in addition to the Tax Increment Base on a parcel-by-parcel basis for each year during the term of the Zone, as calculated and confirmed annually by the Appraisal District.

"City" means the City of Kyle, Texas.

"City Council" means the governing body of the City.

"City TIRZ Increment" means fifty percent (50%) of the City's ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone, and deposited into the TIRZ Fund.

"County" means Hays County, Texas.

"County Participation Agreement" means that certain Interlocal Agreement to Participate in Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas entered into by the City, and the County, on May 30[?], 2019, as amended from time to time, detailing the City and County's participation in the Zone.

“County TIRZ Increment” means the portion of the County’s ad valorem tax increment equal to fifty percent (50%) of the ad valorem real property taxes collected and received by the County on the Captured Appraised Value in the Zone.

“Creation Ordinance” means Ordinance No. 1022 adopted by the City Council on December 18, 2018, as amended by Ordinance No. 1064 on December 3, 2019.

“Feasibility Study” means the economic feasibility study as evaluated over the term of the Zone and focused only on direct financial benefits, as shown on **Exhibit E**.

“Non-Project Costs” means those certain costs that will be spent to develop in the Zone, but will not be financed by the Zone, and will be financed by private funds, as described in **Section 6**, and shown on **Exhibit B**.

“Original Plan” means the *Tax Increment Reinvestment Zone Number Two, City of Kyle Project and Finance Plan* approved by the City Council on December 3, 2019.

“Preliminary Plan” means the *Tax Increment Reinvestment Zone Number Two, City of Kyle Preliminary Project and Finance Plan* approved by the City Council on December 18, 2018.

“Project Costs” means the total costs, including interest on obligations, for the Public Improvements in the Zone.

“Property” means 161.5 acres of land as depicted on **Exhibit A** and described on **Exhibit I**.

“Public Improvements” means the proposed public improvements to be financed by the Zone, as depicted on **Exhibit H**, and detailed on **Exhibit C**, which include:

- a. Streetscapes, landscaping, roadways, transportation, roundabouts, underground waste receptacles and other applicable associated improvements;
- b. Public art including water features
- c. Parks, plazas and other public realm spaces dedicated exclusively for public gatherings, community events, and community celebrations;
- d. Safe pedestrian crossings including pavement lit crosswalks and underpasses;
- e. Under-the-road pedestrian crossings;
- f. Public parking/parking garages;
- g. Public buildings and other applicable facilities;
- h. Wayfinding and Signage;
- i. Safety and human comfort improvements including shade structures and lighting;
- j. Ambiance and space making lighting such as tree lights, free hanging strung lights;
- k. Trails connecting to Uptown to other areas within Plum Creek and adjacent developments;

- l. Improvements deemed appropriate by the TIRZ Board to promote economic development within Plum Creek; and
- m. Other improvements that is permissible under Chapter 311 of the Texas Tax Code and approved by the City Council and the Board of Directors.

"Tax Increment Base" means total appraised value of taxable real property in the Zone at the time of creation of the Zone, as calculated and certified by the Appraisal District.

"TIRZ Bonds – Series 2023" means those certain "City of Kyle, Texas Tax Increment Revenue Bonds, Series 2023" that are secured by the City TIRZ Increment. The schedule for the TIRZ Bonds – Series 2023 is detailed on **Exhibit F**.

"TIRZ Bonds – Series 2025" means those certain "City of Kyle, Texas Tax Increment Revenue Bonds, Series 2025" that are anticipated to be issued and secured by the City TIRZ Increment in the future. The proposed schedule for the TIRZ Bonds – Series 2025 is detailed on **Exhibit F**.

"TIRZ Fund" means the tax increment fund created by the City and segregated from all other funds of the City.

"Zone" means *Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas*, as depicted on **Exhibit A**, and described on **Exhibit I**.

SECTION 2: INTRODUCTION

2.1 Authority and Purpose

The City has the authority under the Act to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone to promote development or redevelopment of the area because the City Council determined that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the Zone is economically feasible, and that creation of the Zone is in the best interest of the City and the property in the Zone. The purpose of the Zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the Zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

2.2 Eligibility Requirements

An area is eligible under the Act to be designated as a tax increment reinvestment zone if the area:

- 1) substantially arrests or impairs the sound growth of the municipality designating the Zone, retard the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition; or
- 2) is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; or
- 3) is in a federally assisted new community located in the City or in an area immediately adjacent to a federally assisted new community; or
- 4) is in an area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the City by the owners of property constituting at least fifty percent (50%) of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

2.3 Zone

The Property within the Zone is currently located within the corporate limits of the City. At the time of Zone creation, the Property was predominantly open, undeveloped or underdeveloped, and substantially impaired and arrested the sound growth of the City. Due to its size, location, and physical characteristics development would not occur solely through private investment in the foreseeable future. The Property lacks public infrastructure and requires economic incentive to attract development for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone. If the Public Improvements are financed as contemplated by this Amended Plan, the City envisions that the Property will be developed to take full advantage of the opportunity to bring to the City, and the County, a quality development.

2.4 Preliminary Plan and Hearing

Before the City Council adopted the Creation Ordinance, the City Council prepared a Preliminary Plan in accordance with the Act and held a public hearing on the creation of the Zone and its benefits to the City and to the Property, at which public hearing interested persons were given the opportunity to speak for and against the creation of the Zone, the boundaries of the Zone and the concept of tax increment financing, and at which hearing the owners of the Property were given a reasonable opportunity to protest the inclusion of their Property in the Zone. The requirement of the Act for a preliminary reinvestment zone project and finance plan was satisfied by the Preliminary Plan, the purpose of which was to describe, in general terms, the Public Improvements that will be undertaken and financed by the Zone. A description of how such Public Improvements and projects will be undertaken and financed shall be determined by this Amended Plan, which requires approval by the Board and City Council.

2.5 Creation of the Zone

Upon the closing of the above referenced public hearing, the City Council considered the Creation Ordinance and the made following findings:

- 1) that development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future,
- 2) that the Zone was feasible,
- 3) that improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City, and
- 4) that the Zone meets the eligibility requirements of the Act.

Among other provisions required by the Act, the Creation Ordinance appointed the Board.

2.6 Board Recommendations

After the creation of the Zone, the Board reviewed the Preliminary Plan and recommend its approval by the City Council pursuant to which the City shall contribute the City TIRZ Increment into the TIRZ Fund to pay a portion of the Project Costs benefiting the Zone. Pursuant to the County Participation Agreement, the County shall contribute the County TIRZ Increment into the TIRZ Fund to pay a portion of the Project Costs benefitting the Zone. Likewise, the Board has reviewed this Amended Plan and recommended its approval by the City Council in order to extend the term of the Zone, include additional projects to Amended Plan, acknowledge the City's authority to issue tax increment revenue bonds.

SECTION 3: DESCRIPTION AND MAPS

3.1 Existing Uses and Conditions

The Property is currently zoned Plum Creek Residential 2, Plum Creek Mixed Use, Plum Creek Light Industrial, Plum Creek Employment, Plum Creek Open Space, Agriculture, Plum Creek Residential 3, Multifamily R-3-3, Retail Services, and Warehouse and is intended to be developed with residential, commercial, and industrial uses. The Property is undeveloped or underdeveloped, and there is limited public infrastructure to support development. Development requires extensive public infrastructure that: (1) the City could not provide, and (2) would not be provided solely through private investment in the foreseeable future.

3.2 Proposed Uses

The proposed uses of the Property in the City include residential, commercial, and industrial, as shown on **Exhibit G**.

SECTION 4: PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS

The Property is wholly located in the corporate limits of the City and is subject to the City's zoning regulations. The City has exclusive jurisdiction over the subdivision and platting of the property within the Property and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure. No proposed changes to zoning ordinances, comprehensive plan, building codes, subdivision rules, or other municipal ordinances are planned.

SECTION 5: RELOCATION OF DISPLACED PERSONS

No persons will be displaced and in need of relocation due to the creation of the Zone or implementation of this Amended Plan.

SECTION 6: ESTIMATED NON-PROJECT COSTS

Non-Project Costs are costs that will be spent to develop in the Zone but will not be financed by the Zone, and will be financed by private funds. The list of Non-Project Costs is shown on **Exhibit B** and are estimated to be approximately \$227,820,000.

SECTION 7: PROPOSED PUBLIC IMPROVEMENTS

7.1 Categories of Public Improvements

All Public Improvements shall be designed and constructed in accordance with all applicable City standards and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act.

7.2 Locations of Public Improvements

The estimated locations of the proposed Public Improvements are depicted on **Exhibit H**. These locations may be revised, with the approval of the City, from time to time without amending this Amended Plan.

SECTION 8: ESTIMATED PROJECT COSTS

8.1 Project Costs

The total costs are estimated to be \$100,114,565, as shown below and detailed on **Exhibit C**. The costs of Public Improvements are estimated to be \$99,614,620, and the Administrative Costs are estimated to be \$499,945.

8.2 Administrative Costs

The Administrative Costs are estimated to be \$10,000 per year beginning 2023 and escalating at two percent (2%) thereafter. The Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid.

8.5 Estimated Timeline of Incurred Costs

The Administrative Costs will be incurred annually through the remaining duration of the Zone. It is estimated the costs for constructing the Public Improvements will be incurred between 2023 and 2057, as shown on **Exhibit D**.

SECTION 9: ECONOMIC FEASIBILITY

9.1 Feasibility Study

The Feasibility Study focuses on only direct financial benefits (i.e. ad valorem tax revenues from the development of Public Improvements in the Zone). Based on the Feasibility Study, during the term of the Zone, new development (which would not have occurred but for the Zone) will generate approximately \$200,229,130 in total new real property tax revenue for the taxing entities. Approximately \$100,114,565 will be deposited into the TIRZ Fund to pay for the Project Costs, over the life of the Zone. The remaining real property tax revenue over that period, estimated at \$100,114,565 shall be retained by the taxing entities.

The Feasibility Study shows the cumulative City TIRZ Increment is estimated to be \$66,673,458, which will be available to pay a portion of the Project Costs, until the term expires or is otherwise terminated. The remainder of the new City real property tax revenue generated within the Zone and retained by the City is estimated to be \$66,673,458 over the term.

The Feasibility Study shows the cumulative County TIRZ Increment is estimated to be \$33,441,107, which will be available to pay a portion of the Project Costs, until the term expires or is otherwise terminated. The remainder of the new County real property tax revenue generated within the Zone and retained by the County is estimated to be \$33,441,107 over the term.

One hundred percent (100%) of all taxing revenues generated for other taxing entities by the new development within the Zone will be retained by the respective taxing entities. Based on the foregoing, the feasibility of the Zone has been demonstrated.

SECTION 10: ESTIMATED BONDED INDEBTEDNESS

The City shall be authorized to issue Tax Increment Revenue bonds which are secured by and payable from the City TIRZ Increment. The estimated bonded indebtedness of the Zone is anticipated to be \$11,500,000, split between the TIRZ Bonds – Series 2023, and TIRZ Bonds – Series 2025, as shown on **Exhibit F**.

SECTION 11: APPRAISED VALUE

11.1 Tax Increment Base

The Tax Increment Base is \$121,367,726, as confirmed by the Appraisal District. Each year, the Appraisal District shall confirm the Captured Appraised Value of the Zone.

11.2 Estimated Captured Appraised Value

It is estimated that upon expiration of the term of the Zone, the total Captured Appraised Value of taxable real property in the Zone will be approximately \$1,015,580,601 as shown on **Exhibit E**. The actual Captured Appraised Value, as certified by the Appraisal District each year, will be used to calculate both the City TIRZ Increment and County TIRZ Increment, pursuant to this Amended Plan, and the County Participation Agreement.

SECTION 12: METHOD OF FINANCING

12.1 TIRZ Fund Contributions

This Amended Plan shall obligate the City to deposit the City TIRZ Increment into the TIRZ Fund. For example, in FY 2022, the City's ad valorem tax rate was \$0.5082 per \$100 of taxable value, therefore the City would contribute \$0.2541 per \$100 of the Captured Appraised Value of the Zone levied and collected, to the TIRZ Fund.

The County Participation Agreement obligates the County to deposit the County TIRZ Increment into the TIRZ Fund beginning in 2020. For example, in FY 2022, the County's ad valorem tax rate was \$0.2950 per \$100 of taxable value, therefore the County would contribute \$0.1475 per \$100 of the Captured Appraised Value of the Zone levied and collected, to the TIRZ Fund.

The funds deposited into the TIRZ Fund shall be prioritized and allocated on a parcel-by-parcel as follows:

- 1) For the reasonable Administrative Costs of the Zone; then
- 2) For the debt service payments of the TIRZ Bonds – Series 2023, funds available from the City Tax Increment only, as detailed on **Exhibit F**; then
- 3) Any remaining revenue in the TIRZ Fund may be used to fund any other Public Improvements, or in any other manner as authorized by the City and allowed pursuant to the Act and the County Participation Agreement.

All payments of Project Costs shall be made solely from the TIRZ Fund and from no other funds of the City or County, unless otherwise approved by the City or the County. The TIRZ Fund shall only be used to pay the Project Costs. The City may amend this Amended Plan in compliance with

the Act and the County Participation Agreement, including but not limited to what is considered a Project Cost.

SECTION 13: DURATION OF THE ZONE, TERMINATION

13.1 Duration

The stated term of the Zone commenced upon the execution of the Creation Ordinance and shall continue until December 31, 2056, with the last payment being deposited by Fiscal Year Ending September 30, 2057, unless otherwise terminated in accordance with the Creation Ordinance.

13.2 Termination

The Zone shall terminate on the earlier of (i) December 31, 2057, or (ii) at such time that the obligations of the Zone, including all Project Costs, have been paid in full. If upon expiration of the stated term of the Zone, the obligations of the Zone have not been fully funded by the TIRZ Fund, the City and the County shall have no obligation to pay the shortfall and the term shall not be extended. Nothing in this Section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

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LIST OF EXHIBITS

Unless otherwise stated, all references to "Exhibits" contained in this Amended Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Amended Plan for all purposes.

Exhibit A	Map of the Zone
Exhibit B	Non-Project Costs
Exhibit C	Project Costs
Exhibit D	Estimated Timeline of Incurred Costs
Exhibit E	Feasibility Study
Exhibit F	Debt Service Schedule
Exhibit G	Proposed Uses of the Property
Exhibit H	Map of the Public Improvements
Exhibit I	Legal Description of the Zone

EXHIBIT A – MAP OF THE ZONE

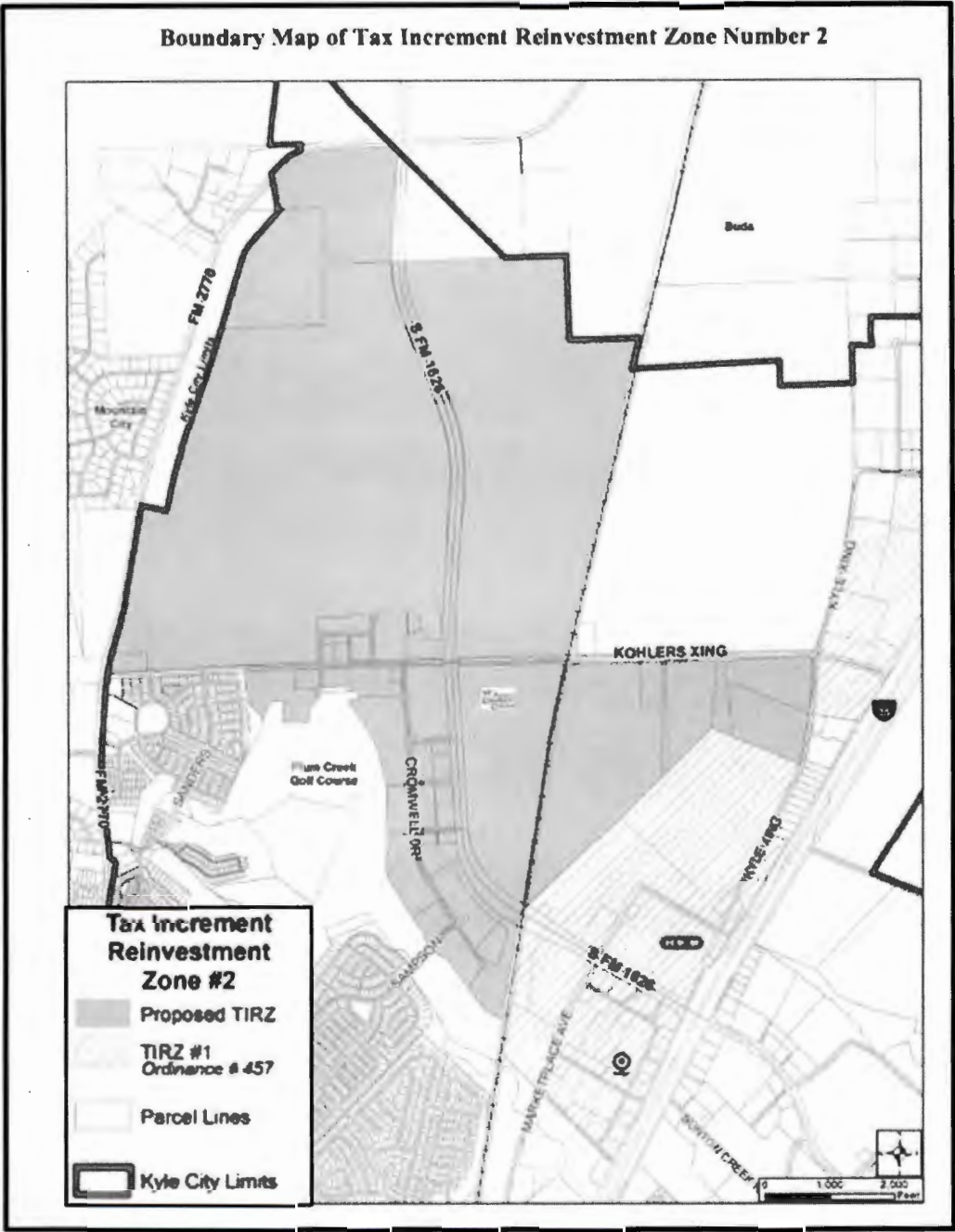


EXHIBIT B – NON-PROJECT COSTS

Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas		
Non-Project Costs		
Base Taxable Value	Estimated New Value Added	Estimated Non-Project Costs ^{1,2}
\$ 121,367,726	406,142,623	\$ 227,820,000

(1) Shown for illustrative purposes only.
(2) Non-Project Costs estimated at approximately 80% of the new value added to the Zone.

EXHIBIT C – PROJECT COSTS

Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas Estimated Timeline of Incurred Costs		
Project Costs		
Public Improvements		
Capital Parks Repayment to City	\$	20,000,000
Park Maintenance (w/ Inflation)	\$	38,937,584
Other Expenses	\$	8,839,557
TIRZ Bonds - Series 2023 (Retail Roads)	\$	16,409,225
TIRZ Bonds - Series 2025	\$	7,648,700
Public Improvements ²	\$	7,779,554
Public Improvement Costs	\$	99,614,620
Administrative Costs	\$	499,945
Total Project Costs	\$	100,114,565

(1) To be determined at the discretion of the City Council and TIRZ Board.

(2) Proposed improvements include convention center (including hotel and related facilities), regional sports complex, and cultural facilities (including libraries and museums). Improvements will be selected based upon TIRZ Board recommendation and City Council approval.

EXHIBIT D – ESTIMATED TIMELINE OF INCURRED COSTS

Tax Increment Reinvestment Zone Number Two, City of Kyle, Texas									
Estimated Timeline of Incurred Costs ²									
Zone	FYE	Administrative	Capital Parks	Park	Other	TIRZ Bonds -	TIRZ Bonds -	Public	
Year	(9/30) ¹	Costs	Repayment to	Maintenance	Expenses	Series 2023 ³	Series 2025 ⁴	Improvements ^{2,5}	
1 - Base	2018		City	(w/ Inflation)					
6	2023	\$ 10,000	\$ 250,000	\$ 644,000	\$ 146,200	\$ -	\$ -	\$ 580,869	
7	2024	\$ 10,200	\$ 400,000	\$ 663,320	\$ 150,586	\$ 440,000	\$ -	\$ 180,289	
8	2025	\$ 10,404	\$ 450,000	\$ 683,220	\$ 155,104	\$ 475,000	\$ -	\$ 207,664	
9	2026	\$ 10,612	\$ 450,000	\$ 703,716	\$ 159,757	\$ 548,075	\$ 215,000	\$ -	
10	2027	\$ 10,824	\$ 450,000	\$ 724,828	\$ 164,549	\$ 577,025	\$ 264,700	\$ -	
11	2028	\$ 11,041	\$ 475,000	\$ 746,573	\$ 169,486	\$ 574,050	\$ 261,400	\$ -	
12	2029	\$ 11,262	\$ 500,000	\$ 768,970	\$ 174,570	\$ 575,800	\$ 253,100	\$ -	
13	2030	\$ 11,487	\$ 500,000	\$ 792,039	\$ 179,808	\$ 577,000	\$ 265,100	\$ -	
14	2031	\$ 11,717	\$ 525,000	\$ 815,800	\$ 185,202	\$ 572,650	\$ 261,200	\$ -	
15	2032	\$ 11,951	\$ 550,000	\$ 840,274	\$ 190,758	\$ 573,025	\$ 257,300	\$ -	
16	2033	\$ 12,190	\$ 550,000	\$ 865,482	\$ 196,481	\$ 572,850	\$ 253,400	\$ 9,682	
17	2034	\$ 12,434	\$ 575,000	\$ 891,447	\$ 202,375	\$ 577,125	\$ 254,500	\$ -	
18	2035	\$ 12,682	\$ 600,000	\$ 918,190	\$ 208,446	\$ 575,575	\$ 255,300	\$ -	
19	2036	\$ 12,936	\$ 600,000	\$ 945,736	\$ 214,700	\$ 573,475	\$ 255,800	\$ 8,015	
20	2037	\$ 13,195	\$ 625,000	\$ 974,108	\$ 221,141	\$ 575,825	\$ 256,000	\$ -	
21	2038	\$ 13,459	\$ 625,000	\$ 1,003,331	\$ 227,775	\$ 577,350	\$ 255,900	\$ 13,318	
22	2039	\$ 13,728	\$ 650,000	\$ 1,033,431	\$ 234,608	\$ 573,050	\$ 255,500	\$ 10,138	
23	2040	\$ 14,002	\$ 650,000	\$ 1,064,434	\$ 241,646	\$ 573,200	\$ 254,800	\$ 27,782	
24	2041	\$ 14,282	\$ 650,000	\$ 1,096,367	\$ 248,896	\$ 577,525	\$ 253,800	\$ 41,511	
25	2042	\$ 14,568	\$ 675,000	\$ 1,129,258	\$ 256,363	\$ 575,750	\$ 257,500	\$ 31,590	
26	2043	\$ 14,859	\$ 700,000	\$ 1,163,136	\$ 264,053	\$ 573,150	\$ 255,600	\$ 28,031	
27	2044	\$ 15,157	\$ 700,000	\$ 1,198,030	\$ 271,975	\$ 574,725	\$ 253,400	\$ 45,520	
28	2045	\$ 15,460	\$ 725,000	\$ 1,233,971	\$ 280,134	\$ 575,200	\$ 255,900	\$ 34,318	
29	2046	\$ 15,769	\$ 750,000	\$ 1,270,990	\$ 288,538	\$ 574,575	\$ 257,800	\$ 24,710	
30	2047	\$ 16,084	\$ 750,000	\$ 1,309,119	\$ 297,194	\$ 572,850	\$ 254,100	\$ 46,682	
31	2048	\$ 16,406	\$ 775,000	\$ 1,348,393	\$ 306,110	\$ 575,025	\$ 255,100	\$ 34,916	
32	2049	\$ 16,734	\$ 800,000	\$ 1,388,845	\$ 315,294	\$ 575,825	\$ 255,500	\$ 24,971	
33	2050	\$ 17,069	\$ 800,000	\$ 1,430,510	\$ 324,752	\$ 575,250	\$ 255,300	\$ 41,832	
34	2051	\$ 17,410	\$ 800,000	\$ 1,473,425	\$ 334,495	\$ 573,300	\$ 254,500	\$ 60,477	
35	2052	\$ 17,758	\$ 800,000	\$ 1,517,628	\$ 344,530	\$ 574,975	\$ 258,100	\$ 70,888	
36	2053	\$ 18,114	\$ 800,000	\$ 1,563,157	\$ 354,866	\$ -	\$ 255,800	\$ 663,620	
37	2054	\$ 18,476	\$ 850,000	\$ 1,610,052	\$ 365,512	\$ -	\$ 252,900	\$ 631,728	
38	2055	\$ 18,845	\$ -	\$ 1,658,353	\$ 376,477	\$ -	\$ 254,400	\$ 1,495,166	
39	2056	\$ 19,222	\$ -	\$ 1,708,104	\$ 387,771	\$ -	\$ -	\$ 1,764,209	
40	2057	\$ 19,607	\$ -	\$ 1,759,347	\$ 399,405	\$ -	\$ -	\$ 1,701,632	
Total		\$ 499,945	\$ 20,000,000	\$ 38,937,584	\$ 8,839,557	\$ 16,409,225	\$ 7,648,700	\$ 7,779,554	

Footnotes

- (1) As provided by City's Financial Advisor in model dated 02/06/2023.
(2) As determined by the City Council and TIRZ Board.
(3) Represents the debt service on the TIRZ Bond - Series 2023, as shown on Exhibit F.
(4) Represents the debt service on the TIRZ Bond - Series 2025, as shown on Exhibit F.
(5) Represents TIRZ Revenue available for additional Public Improvements.

EXHIBIT E – FEASIBILITY STUDY

Tax Increment Reinvestment Zone Number 2, City of Kyle, Texas Feasibility Study																	
Zone Year	FYE (9/30) ¹	Growth/ Year ²	New Taxable Value	Incremental Value ¹	City TIRZ Increment ¹			City Retained Revenue		County TIRZ Increment ^{1,2}			County Retained	Total TIRZ Contribution ¹		Total Retained Revenue	
					Rate	%	Annual	Annual	Annual	Rate	%	Annual		Annual	Annual	Cumulative	Annual
1 - Base 2018			\$ 121,367,726														
6	2023	5%	\$ 527,510,349	\$ 406,142,623	\$ 0.5082	50%	\$ 1,032,008	\$ 1,032,008	\$ 0.2950	50%	\$ 599,060	\$ 599,060	\$ 1,631,069	\$ 1,631,069	\$ 1,631,069	\$ 1,631,069	\$ 1,631,069
7	2024	5%	\$ 547,817,480	\$ 426,449,754	\$ 0.5700	50%	\$ 1,215,382	\$ 1,215,382	\$ 0.2950	50%	\$ 629,013	\$ 629,013	\$ 1,844,395	\$ 3,475,464	\$ 1,844,395	\$ 3,475,464	\$ 3,475,464
8	2025	5%	\$ 569,139,968	\$ 447,772,242	\$ 0.5900	50%	\$ 1,320,928	\$ 1,320,928	\$ 0.2950	50%	\$ 660,464	\$ 660,464	\$ 1,981,392	\$ 5,456,856	\$ 1,981,392	\$ 5,456,856	\$ 5,456,856
9	2026	5%	\$ 591,528,580	\$ 470,160,854	\$ 0.5900	50%	\$ 1,386,975	\$ 1,386,975	\$ 0.2950	50%	\$ 693,487	\$ 693,487	\$ 2,080,462	\$ 7,537,318	\$ 2,080,462	\$ 7,537,318	\$ 7,537,318
10	2027	5%	\$ 615,036,623	\$ 493,668,897	\$ 0.5900	50%	\$ 1,456,323	\$ 1,456,323	\$ 0.2950	50%	\$ 728,162	\$ 728,162	\$ 2,184,485	\$ 9,721,803	\$ 2,184,485	\$ 9,721,803	\$ 9,721,803
11	2028	2%	\$ 624,910,001	\$ 503,542,275	\$ 0.5900	50%	\$ 1,485,450	\$ 1,485,450	\$ 0.2950	50%	\$ 742,725	\$ 742,725	\$ 2,228,175	\$ 11,949,977	\$ 2,228,175	\$ 11,949,977	\$ 11,949,977
12	2029	2%	\$ 634,980,846	\$ 513,613,120	\$ 0.5900	50%	\$ 1,515,159	\$ 1,515,159	\$ 0.2950	50%	\$ 757,579	\$ 757,579	\$ 2,272,738	\$ 14,222,715	\$ 2,272,738	\$ 14,222,715	\$ 14,222,715
13	2030	2%	\$ 645,253,108	\$ 523,885,382	\$ 0.5900	50%	\$ 1,545,462	\$ 1,545,462	\$ 0.2950	50%	\$ 772,731	\$ 772,731	\$ 2,318,193	\$ 16,540,908	\$ 2,318,193	\$ 16,540,908	\$ 16,540,908
14	2031	2%	\$ 655,730,816	\$ 534,363,090	\$ 0.5900	50%	\$ 1,576,371	\$ 1,576,371	\$ 0.2950	50%	\$ 788,186	\$ 788,186	\$ 2,364,557	\$ 18,905,465	\$ 2,364,557	\$ 18,905,465	\$ 18,905,465
15	2032	2%	\$ 666,418,078	\$ 545,050,352	\$ 0.5900	50%	\$ 1,607,899	\$ 1,607,899	\$ 0.2950	50%	\$ 803,949	\$ 803,949	\$ 2,411,848	\$ 21,317,313	\$ 2,411,848	\$ 21,317,313	\$ 21,317,313
16	2033	2%	\$ 677,319,085	\$ 555,951,359	\$ 0.5900	50%	\$ 1,640,057	\$ 1,640,057	\$ 0.2950	50%	\$ 820,028	\$ 820,028	\$ 2,460,085	\$ 23,777,397	\$ 2,460,085	\$ 23,777,397	\$ 23,777,397
17	2034	2%	\$ 688,438,112	\$ 567,070,386	\$ 0.5900	50%	\$ 1,672,858	\$ 1,672,858	\$ 0.2950	50%	\$ 836,429	\$ 836,429	\$ 2,509,286	\$ 26,286,684	\$ 2,509,286	\$ 26,286,684	\$ 26,286,684
18	2035	2%	\$ 699,779,520	\$ 578,411,794	\$ 0.5900	50%	\$ 1,706,315	\$ 1,706,315	\$ 0.2950	50%	\$ 853,157	\$ 853,157	\$ 2,559,472	\$ 28,846,156	\$ 2,559,472	\$ 28,846,156	\$ 28,846,156
19	2036	2%	\$ 711,347,756	\$ 589,980,030	\$ 0.5900	50%	\$ 1,740,441	\$ 1,740,441	\$ 0.2950	50%	\$ 870,221	\$ 870,221	\$ 2,610,662	\$ 31,456,818	\$ 2,610,662	\$ 31,456,818	\$ 31,456,818
20	2037	2%	\$ 723,147,356	\$ 601,779,630	\$ 0.5900	50%	\$ 1,775,250	\$ 1,775,250	\$ 0.2950	50%	\$ 887,625	\$ 887,625	\$ 2,662,875	\$ 34,119,693	\$ 2,662,875	\$ 34,119,693	\$ 34,119,693
21	2038	2%	\$ 735,182,949	\$ 613,815,223	\$ 0.5900	50%	\$ 1,810,755	\$ 1,810,755	\$ 0.2950	50%	\$ 905,377	\$ 905,377	\$ 2,716,132	\$ 36,835,825	\$ 2,716,132	\$ 36,835,825	\$ 36,835,825
22	2039	2%	\$ 747,459,253	\$ 626,091,527	\$ 0.5900	50%	\$ 1,846,970	\$ 1,846,970	\$ 0.2950	50%	\$ 923,485	\$ 923,485	\$ 2,770,455	\$ 39,606,280	\$ 2,770,455	\$ 39,606,280	\$ 39,606,280
23	2040	2%	\$ 759,981,084	\$ 638,613,358	\$ 0.5900	50%	\$ 1,883,909	\$ 1,883,909	\$ 0.2950	50%	\$ 941,955	\$ 941,955	\$ 2,825,864	\$ 42,432,144	\$ 2,825,864	\$ 42,432,144	\$ 42,432,144
24	2041	2%	\$ 772,753,351	\$ 651,385,625	\$ 0.5900	50%	\$ 1,921,588	\$ 1,921,588	\$ 0.2950	50%	\$ 960,794	\$ 960,794	\$ 2,882,381	\$ 45,314,525	\$ 2,882,381	\$ 45,314,525	\$ 45,314,525
25	2042	2%	\$ 785,781,064	\$ 664,413,338	\$ 0.5900	50%	\$ 1,960,019	\$ 1,960,019	\$ 0.2950	50%	\$ 980,010	\$ 980,010	\$ 2,940,029	\$ 48,254,554	\$ 2,940,029	\$ 48,254,554	\$ 48,254,554
26	2043	2%	\$ 799,069,330	\$ 677,701,604	\$ 0.5900	50%	\$ 1,999,220	\$ 1,999,220	\$ 0.2950	50%	\$ 999,610	\$ 999,610	\$ 2,998,830	\$ 51,253,384	\$ 2,998,830	\$ 51,253,384	\$ 51,253,384
27	2044	2%	\$ 812,623,362	\$ 691,255,636	\$ 0.5900	50%	\$ 2,039,204	\$ 2,039,204	\$ 0.2950	50%	\$ 1,019,602	\$ 1,019,602	\$ 3,058,806	\$ 54,312,190	\$ 3,058,806	\$ 54,312,190	\$ 54,312,190
28	2045	2%	\$ 826,448,475	\$ 705,080,749	\$ 0.5900	50%	\$ 2,079,988	\$ 2,079,988	\$ 0.2950	50%	\$ 1,039,994	\$ 1,039,994	\$ 3,119,982	\$ 57,432,173	\$ 3,119,982	\$ 57,432,173	\$ 57,432,173
29	2046	2%	\$ 840,550,090	\$ 719,182,364	\$ 0.5900	50%	\$ 2,121,588	\$ 2,121,588	\$ 0.2950	50%	\$ 1,060,794	\$ 1,060,794	\$ 3,182,382	\$ 60,614,555	\$ 3,182,382	\$ 60,614,555	\$ 60,614,555
30	2047	2%	\$ 854,933,737	\$ 733,566,011	\$ 0.5900	50%	\$ 2,164,020	\$ 2,164,020	\$ 0.2950	50%	\$ 1,082,010	\$ 1,082,010	\$ 3,246,030	\$ 63,860,584	\$ 3,246,030	\$ 63,860,584	\$ 63,860,584
31	2048	2%	\$ 869,605,058	\$ 748,237,332	\$ 0.5900	50%	\$ 2,207,300	\$ 2,207,300	\$ 0.2950	50%	\$ 1,103,650	\$ 1,103,650	\$ 3,310,950	\$ 67,171,534	\$ 3,310,950	\$ 67,171,534	\$ 67,171,534
32	2049	2%	\$ 884,569,804	\$ 763,202,078	\$ 0.5900	50%	\$ 2,251,446	\$ 2,251,446	\$ 0.2950	50%	\$ 1,125,723	\$ 1,125,723	\$ 3,377,169	\$ 70,548,704	\$ 3,377,169	\$ 70,548,704	\$ 70,548,704
33	2050	2%	\$ 899,833,846	\$ 778,466,120	\$ 0.5900	50%	\$ 2,296,475	\$ 2,296,475	\$ 0.2950	50%	\$ 1,148,238	\$ 1,148,238	\$ 3,444,713	\$ 73,993,416	\$ 3,444,713	\$ 73,993,416	\$ 73,993,416
34	2051	2%	\$ 915,403,168	\$ 794,035,442	\$ 0.5900	50%	\$ 2,342,405	\$ 2,342,405	\$ 0.2950	50%	\$ 1,171,202	\$ 1,171,202	\$ 3,513,607	\$ 77,507,023	\$ 3,513,607	\$ 77,507,023	\$ 77,507,023
35	2052	2%	\$ 931,283,877	\$ 809,916,151	\$ 0.5900	50%	\$ 2,389,253	\$ 2,389,253	\$ 0.2950	50%	\$ 1,194,626	\$ 1,194,626	\$ 3,583,879	\$ 81,090,902	\$ 3,583,879	\$ 81,090,902	\$ 81,090,902
36	2053	2%	\$ 947,482,200	\$ 826,114,474	\$ 0.5900	50%	\$ 2,437,038	\$ 2,437,038	\$ 0.2950	50%	\$ 1,218,519	\$ 1,218,519	\$ 3,655,557	\$ 84,746,458	\$ 3,655,557	\$ 84,746,458	\$ 84,746,458
37	2054	2%	\$ 964,004,490	\$ 842,636,764	\$ 0.5900	50%	\$ 2,485,778	\$ 2,485,778	\$ 0.2950	50%	\$ 1,242,889	\$ 1,242,889	\$ 3,728,668	\$ 88,475,126	\$ 3,728,668	\$ 88,475,126	\$ 88,475,126
38	2055	2%	\$ 980,857,225	\$ 859,489,499	\$ 0.5900	50%	\$ 2,535,494	\$ 2,535,494	\$ 0.2950	50%	\$ 1,267,747	\$ 1,267,747	\$ 3,803,241	\$ 92,278,367	\$ 3,803,241	\$ 92,278,367	\$ 92,278,367
39	2056	2%	\$ 998,047,015	\$ 876,679,289	\$ 0.5900	50%	\$ 2,586,204	\$ 2,586,204	\$ 0.2950	50%	\$ 1,293,102	\$ 1,293,102	\$ 3,879,306	\$ 96,157,673	\$ 3,879,306	\$ 96,157,673	\$ 96,157,673
40	2057	2%	\$ 1,015,580,601	\$ 894,212,875	\$ 0.5900	50%	\$ 2,637,928	\$ 2,637,928	\$ 0.2950	50%	\$ 1,318,964	\$ 1,318,964	\$ 3,956,892	\$ 100,114,565	\$ 3,956,892	\$ 100,114,565	\$ 100,114,565
Total							\$ 66,673,458	\$ 66,673,458			\$ 33,441,107	\$ 33,441,107	\$ 100,114,565		\$ 100,114,565		
Assumptions																	
			Base Taxable Value	\$ 121,367,726													
			City Tax Rate	\$ 0.5082000													
			County Tax Rate	\$ 0.2950000													
Footnotes																	
(1) As provided by City's Financial Advisor in model dated 03/31/2023.																	
(2) County has not yet agreed to participate from years 2039-2057, and are shown for illustrative purposes only.																	

EXHIBIT F – DEBT SERVICE SCHEDULE

City of Kyle, Texas TRIZ #2 Proforma Debt Capacity Analysis Based Upon \$527,510,349 TRIZ #2 Value April 10, 2023																	
TRIZ #2 Capital Expenditures																	
FY 2022/FY 2023 Certified Values: \$527,510,349 (all ARB is settled, per NCAD on 1/26/23) Less: FY 2018/ FY 2019 Base Values: <u>\$121,367,726</u> FY 2022/ FY 2023 Increment: <u>\$406,142,623</u> Growth Rate through 2027: 5% Growth Rate after 2027: 2%																	
City/County Participation Rates: 50% Original TRIZ #2 Termination Date: 12/31/2037 Amended TRIZ #2 Termination Date: 12/31/2056 City Capital Expenditures for Parks: \$ 20,000,000 Amortization (years): 30 Annual Repayment to City: Varies Annual Park Maintenance Expense: \$444,000 Other Expense: \$146,200 Inflation Growth Rate: 3%																	
FY (1/1/20)	TRIZ #2 Incremental Value	City of Kyle Tax Rate	City TRIZ #2 Revenues (\$000) (a x c / 100 y, z)	Hays County Tax Rate	County TRIZ #2 Revenues (\$000) (b x e / 100 y, z)	Projected TRIZ #2 Revenues (D + F)	Less: Annual Capital Parks Repayment to City	Less: Annual Park Maintenance (w/ Inflation)	Less: Other Expenses (w/ Inflation)	Available for Debt Service (G - H - I - J)	\$8,000,000 Series 2023 ⁽¹⁾	\$3,500,000 Series 2025 ⁽¹⁾	\$11,500,000 Total Debt Service	Maximum Annual Debt Service (Max L or N)	Additional Bonds Test Coverage (D / O) x 1.25X	Debt Service Coverage Ratio ⁽²⁾ (D / M)	Excess Capacity (After City) Reimbursements (N - N)
2023	\$ 406,142,623	0.5282	\$ 1,012,199	0.2950	\$ 509,060	\$ 1,411,069	\$ 250,000	\$ 644,000	\$ 146,200	\$ 590,869	\$ -	\$ -	\$ -	\$ 577,525	N/A	N/A	\$ 90,200
2024	\$ 426,446,754	0.5700	\$ 1,315,382	0.2950	\$ 679,013	\$ 1,844,395	\$ 400,000	\$ 653,300	\$ 150,586	\$ 630,489	\$ 440,000	\$ -	\$ 440,000	\$ 777,525	1.76X	2.76X	\$ 190,489
2025	\$ 447,772,242	0.5900	\$ 1,330,828	0.2950	\$ 660,464	\$ 1,981,392	\$ 450,000	\$ 683,220	\$ 155,104	\$ 691,069	\$ 475,000	\$ -	\$ 475,000	\$ 842,100	1.64X	2.76X	\$ 218,069
2026	\$ 470,160,854	0.5900	\$ 1,386,975	0.2950	\$ 693,487	\$ 2,080,462	\$ 450,000	\$ 703,716	\$ 158,757	\$ 766,989	\$ 480,075	\$ 215,000	\$ 475,000	\$ 842,100	1.57X	1.82X	\$ 3,914
2027	\$ 493,668,897	0.5900	\$ 1,454,323	0.2950	\$ 728,162	\$ 2,184,485	\$ 450,000	\$ 724,828	\$ 164,549	\$ 845,108	\$ 577,025	\$ 264,700	\$ 841,775	\$ 842,100	1.65X	1.78X	\$ 3,383
2028	\$ 508,542,175	0.5900	\$ 1,480,450	0.2950	\$ 742,725	\$ 2,238,175	\$ 475,000	\$ 746,573	\$ 169,486	\$ 837,116	\$ 574,090	\$ 261,400	\$ 835,430	\$ 842,100	1.73X	1.78X	\$ 1,666
2029	\$ 513,613,120	0.5900	\$ 1,515,158	0.2950	\$ 757,379	\$ 2,272,738	\$ 500,000	\$ 768,970	\$ 174,570	\$ 829,188	\$ 575,800	\$ 253,100	\$ 828,900	\$ 842,100	1.76X	1.83X	\$ 298
2030	\$ 524,885,382	0.5900	\$ 1,545,462	0.2950	\$ 772,731	\$ 2,318,193	\$ 500,000	\$ 792,039	\$ 179,808	\$ 846,346	\$ 577,000	\$ 265,100	\$ 842,100	\$ 833,850	1.82X	1.84X	\$ 4,246
2031	\$ 534,363,090	0.5900	\$ 1,576,371	0.2950	\$ 788,186	\$ 2,364,557	\$ 525,000	\$ 815,800	\$ 185,202	\$ 838,555	\$ 572,650	\$ 263,200	\$ 833,850	\$ 833,250	1.85X	1.89X	\$ 4,705
2032	\$ 545,056,352	0.5900	\$ 1,607,899	0.2950	\$ 803,949	\$ 2,411,848	\$ 550,000	\$ 840,274	\$ 190,758	\$ 830,816	\$ 573,025	\$ 257,300	\$ 830,315	\$ 833,250	1.89X	1.94X	\$ 491
2033	\$ 555,951,359	0.5900	\$ 1,640,057	0.2950	\$ 820,028	\$ 2,460,085	\$ 550,000	\$ 865,482	\$ 196,481	\$ 848,122	\$ 572,850	\$ 253,400	\$ 826,250	\$ 833,250	1.93X	1.98X	\$ 21,672
2034	\$ 567,070,386	0.5900	\$ 1,672,858	0.2950	\$ 836,429	\$ 2,509,286	\$ 575,000	\$ 891,447	\$ 202,375	\$ 840,465	\$ 577,125	\$ 254,500	\$ 831,625	\$ 833,250	1.97X	2.01X	\$ 8,440
2035	\$ 578,411,794	0.5900	\$ 1,706,315	0.2950	\$ 853,157	\$ 2,559,472	\$ 600,000	\$ 918,190	\$ 208,446	\$ 832,836	\$ 575,575	\$ 255,300	\$ 830,875	\$ 833,250	2.01X	2.05X	\$ 1,981
2036	\$ 589,980,030	0.5900	\$ 1,740,441	0.2950	\$ 870,221	\$ 2,610,662	\$ 600,000	\$ 945,736	\$ 214,700	\$ 850,226	\$ 573,475	\$ 255,800	\$ 829,275	\$ 833,250	2.05X	2.10X	\$ 20,951
2037	\$ 601,779,630	0.5900	\$ 1,775,250	0.2950	\$ 887,625	\$ 2,662,875	\$ 625,000	\$ 974,108	\$ 221,141	\$ 842,626	\$ 575,825	\$ 256,000	\$ 831,825	\$ 833,250	2.09X	2.13X	\$ 10,801
2038	\$ 613,815,223	0.5900	\$ 1,810,755	0.2950	\$ 905,377	\$ 2,716,132	\$ 625,000	\$ 1,003,331	\$ 227,775	\$ 860,027	\$ 577,350	\$ 255,900	\$ 833,250	\$ 833,250	2.13X	2.17X	\$ 26,777
2039	\$ 626,091,527	0.5900	\$ 1,846,970	0.2950	\$ 923,485	\$ 2,770,455	\$ 650,000	\$ 1,033,431	\$ 234,608	\$ 852,416	\$ 573,050	\$ 255,900	\$ 828,550	\$ 833,250	2.17X	2.23X	\$ 23,866
2040	\$ 638,613,358	0.5900	\$ 1,883,909	0.2950	\$ 941,955	\$ 2,825,864	\$ 650,000	\$ 1,064,434	\$ 241,646	\$ 869,784	\$ 573,200	\$ 254,800	\$ 828,000	\$ 833,250	2.22X	2.28X	\$ 41,794
2041	\$ 651,385,625	0.5900	\$ 1,921,588	0.2950	\$ 960,794	\$ 2,882,381	\$ 650,000	\$ 1,096,367	\$ 248,896	\$ 887,119	\$ 577,525	\$ 253,800	\$ 831,325	\$ 833,250	2.26X	2.31X	\$ 55,794
2042	\$ 664,413,138	0.5900	\$ 1,960,019	0.2950	\$ 980,010	\$ 2,940,029	\$ 675,000	\$ 1,129,258	\$ 254,363	\$ 879,409	\$ 579,750	\$ 257,500	\$ 828,750	\$ 833,250	2.31X	2.35X	\$ 46,159
2043	\$ 677,701,804	0.5900	\$ 1,999,280	0.2950	\$ 999,610	\$ 2,999,890	\$ 700,000	\$ 1,163,136	\$ 264,083	\$ 871,641	\$ 573,150	\$ 257,500	\$ 828,150	\$ 833,250	2.35X	2.40X	\$ 60,676
2044	\$ 691,255,636	0.5900	\$ 2,039,204	0.2950	\$ 1,019,603	\$ 3,059,806	\$ 700,000	\$ 1,198,020	\$ 271,975	\$ 888,801	\$ 574,725	\$ 258,400	\$ 828,125	\$ 833,250	2.40X	2.45X	\$ 69,777
2045	\$ 705,080,749	0.5900	\$ 2,079,988	0.2950	\$ 1,036,994	\$ 3,119,982	\$ 725,000	\$ 1,233,971	\$ 280,134	\$ 880,877	\$ 575,200	\$ 256,900	\$ 831,100	\$ 833,250	2.45X	2.50X	\$ 80,479
2046	\$ 719,182,364	0.5900	\$ 2,121,588	0.2950	\$ 1,060,794	\$ 3,182,382	\$ 750,000	\$ 1,270,990	\$ 288,538	\$ 872,854	\$ 574,575	\$ 257,800	\$ 832,375	\$ 833,250	2.50X	2.55X	\$ 92,777
2047	\$ 733,566,011	0.5900	\$ 2,164,020	0.2950	\$ 1,082,010	\$ 3,246,030	\$ 750,000	\$ 1,308,119	\$ 297,194	\$ 889,714	\$ 572,850	\$ 254,100	\$ 826,950	\$ 833,250	2.55X	2.60X	\$ 105,479
2048	\$ 748,237,332	0.5900	\$ 2,207,300	0.2950	\$ 1,103,650	\$ 3,310,950	\$ 775,000	\$ 1,348,993	\$ 306,110	\$ 881,447	\$ 575,025	\$ 255,100	\$ 830,125	\$ 833,250	2.60X	2.65X	\$ 119,479
2049	\$ 763,202,678	0.5900	\$ 2,251,446	0.2950	\$ 1,125,723	\$ 3,377,169	\$ 800,000	\$ 1,388,845	\$ 315,294	\$ 873,031	\$ 575,825	\$ 255,500	\$ 831,325	\$ 833,250	2.65X	2.70X	\$ 134,479
2050	\$ 778,466,120	0.5900	\$ 2,296,475	0.2950	\$ 1,148,238	\$ 3,444,713	\$ 800,000	\$ 1,430,510	\$ 324,752	\$ 889,450	\$ 575,250	\$ 255,300	\$ 830,550	\$ 833,250	2.70X	2.75X	\$ 149,979
2051	\$ 794,035,442	0.5900	\$ 2,342,405	0.2950	\$ 1,171,202	\$ 3,513,607	\$ 800,000	\$ 1,473,825	\$ 334,495	\$ 905,686	\$ 573,300	\$ 254,500	\$ 827,800	\$ 833,250	2.75X	2.80X	\$ 165,979
2052	\$ 809,916,151	0.5900	\$ 2,389,253	0.2950	\$ 1,194,626	\$ 3,583,879	\$ 800,000	\$ 1,517,628	\$ 344,866	\$ 921,721	\$ 574,975	\$ 258,100	\$ 833,075	\$ 833,250	2.80X	2.85X	\$ 181,979
2053	\$ 826,114,474	0.5900	\$ 2,437,038	0.2950	\$ 1,218,519	\$ 3,655,557	\$ 800,000	\$ 1,563,157	\$ 354,866	\$ 937,534	-	\$ 255,800	\$ 833,075	\$ 833,250	2.85X	2.90X	\$ 197,979
2054	\$ 842,636,764	0.5900	\$ 2,485,778	0.2950	\$ 1,242,889	\$ 3,728,668	\$ 850,000	\$ 1,610,052	\$ 365,512	\$ 903,104	-	\$ 252,900	\$ 833,075	\$ 833,250	2.90X	2.95X	\$ 213,979
2055	\$ 859,489,499	0.5900	\$ 2,535,494	0.2950	\$ 1,267,747	\$ 3,803,241	-	\$ 1,658,353	\$ 376,477	\$ 1,708,411	-	\$ 254,400	-	-	N/A	N/A	\$ 229,979
2056	\$ 876,679,289	0.5900	\$ 2,586,204	0.2950	\$ 1,293,102	\$ 3,879,306	-	\$ 1,708,104	\$ 387,771	\$ 1,783,431	-	-	-	-	N/A	N/A	\$ 245,979
2057	\$ 894,212,875	0.5900	\$ 2,637,929	0.2950	\$ 1,318,964	\$ 3,954,892	-	\$ 1,759,347	\$ 399,405	\$ 1,798,140	-	-	-	-	N/A	N/A	\$ 261,979
Total			\$ 66,673,458			\$ 20,000,000					\$ 16,409,225	\$ 7,648,700	\$ 23,294,825				

⁽¹⁾ Preliminary, subject to change. Interest calculated at 5.50% for illustrative purposes only. Represents the funding of street improvements within TRIZ #2 to be financed in summer 2023.

⁽²⁾ Preliminary, subject to change. Interest calculated at 6.00% for illustrative purposes only.

⁽³⁾ Debt service coverage is based upon the City's pledged tax increment only. Subject to change.

SAMCO Capital

EXHIBIT G – PROPOSED USES OF THE PROPERTY

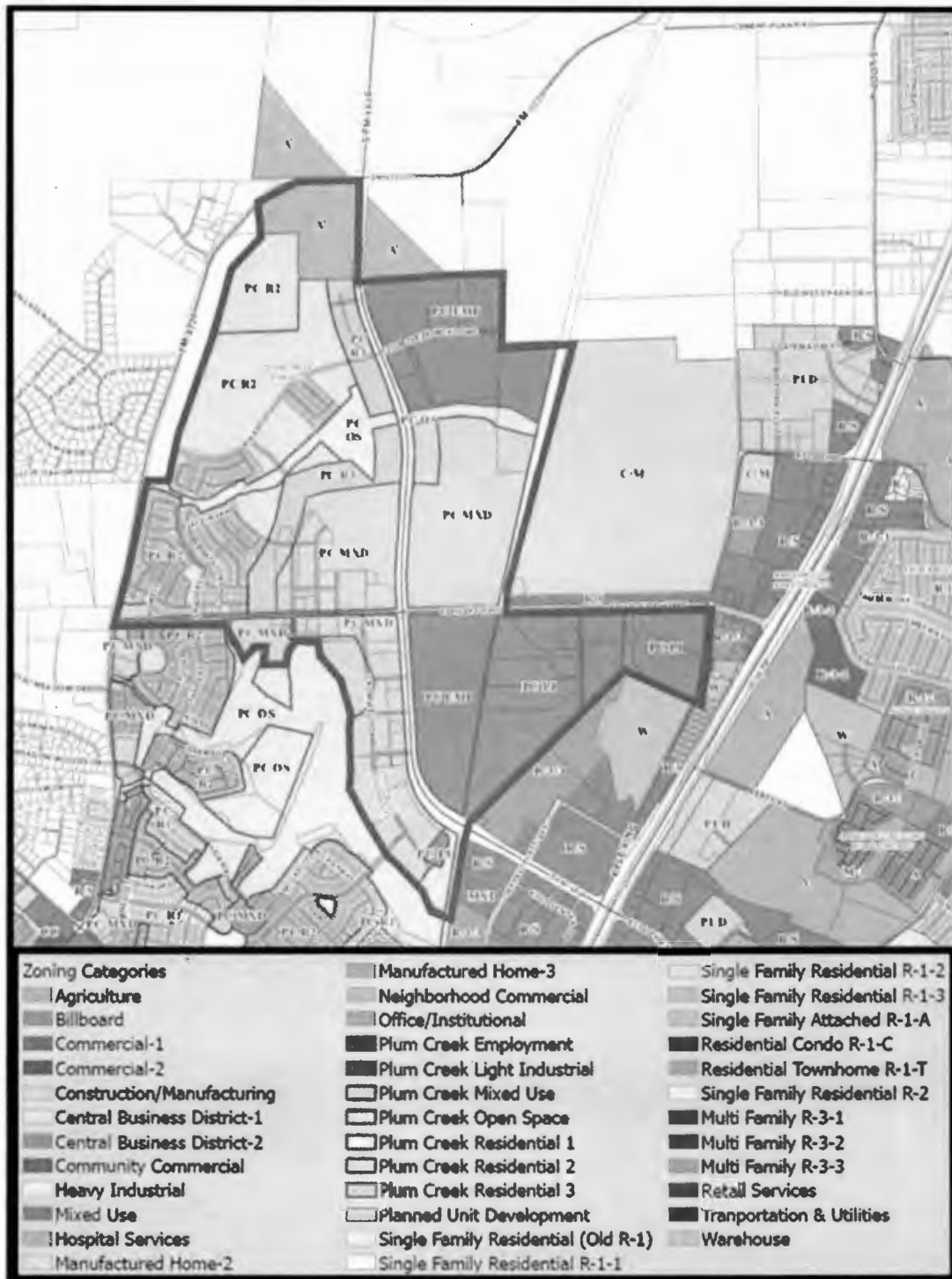


EXHIBIT H – MAP OF THE PUBLIC IMPROVEMENTS

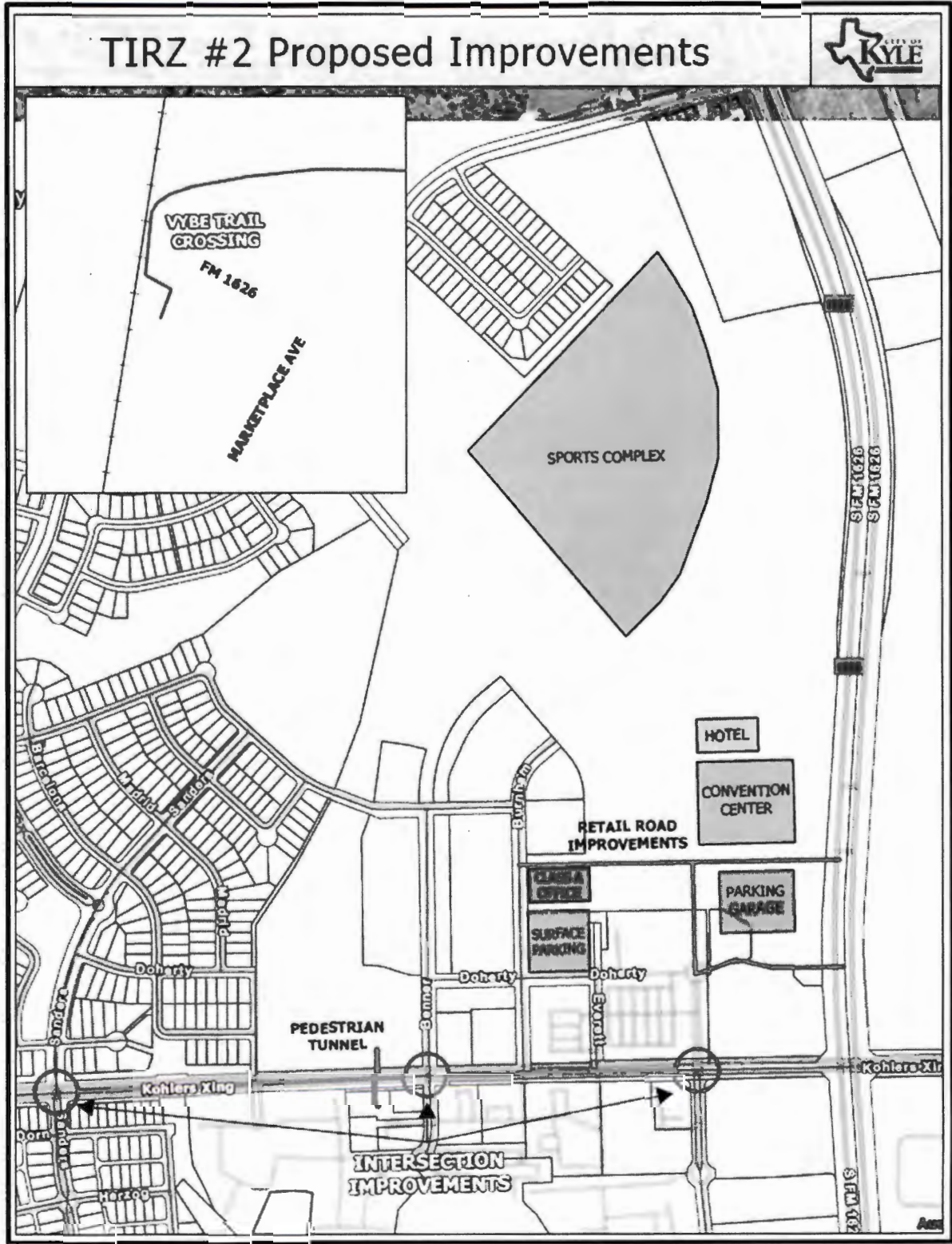


EXHIBIT I – LEGAL DESCRIPTION OF THE ZONE

Boundary Description Tax Increment Reinvestment Zone Number 2

THIS IS A DESCRIPTION OF A TRACT OF LAND CONTAINING APPROXIMATELY 1482.9 ACRES OUT OF THE JESSE DAY SURVEYS ABSTRACTS NOS. 152 AND 159, THE JOHN KING SURVEY NO. 20, THE MORTON MCCARVER SURVEY ABSTRACT NO. 10, THE THOMAS G. ALLEN SURVEY NO. 26, THE HENRY LOLLER SURVEY NO. 19, ABSTRACT 290 AND THE JOHN COOPER SURVEY NO. 13 IN HAYS COUNTY, TEXAS, TO BE USED FOR POLITICAL MEANS. THIS WAS NOT SURVEYED ON THE GROUND AND IS A BOUNDS DESCRIPTION ONLY ASSEMBLED FROM THE BEST AVAILABLE EVIDENCE INCLUDING DEED RESEARCH AND APPRAISAL DISTRICT MAPS. REFERENCES TO ALL DOCUMENTS OF RECORD REFER TO THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THIS TYPE OF DESCRIPTION IS ALLOWED UNDER THE TEXAS ADMINISTRATIVE CODE, PART 29, CHAPTER 663, SUBCHAPTER B, RULE 663.21 AND IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at the southwest corner of the intersection of FM 2770 and S FM 1626, same being the most northerly corner of the 142.38 acre parcel described in four tracts in a Special Warranty Deed to Texas Lehigh Cement Company recorded in Book 609 Page 843 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R 11247, R148425, and R148426);

THENCE, with the southerly right-of-way line of FM 2770, in a westerly direction to the Kyle city limits as it crosses tract 2 of the 142.38 acre parcel owned by Texas Lehigh Cement Company;

THENCE, with the Kyle city limit line, through the afore-mentioned Texas Lehigh Cement parcel to the intersection with a 51.48 acre tract, the same being more particularly described in Special Warranty Deed with Vendors Lien to Lennar Homes of Texas Land & Construction LTD recorded in Document Number 16029226 of the Official Public Records of Hays County, Texas (Tax Parcel No. R146069);

THENCE, continuing along the Kyle city limits with the western boundary of the Lennar Homes of Texas Land & Construction LTD tract, through a 308 acre tract and a 10.87 acre, the same being more particularly described in Special Warranty Deed with Vendors Lien to Lennar Homes of Texas Land & Construction LTD recorded in Document Number 16029226 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R146068 and R151283);

THENCE, along western right-of-way line FM 2770 and the northern right-of-way of Kohlers Crossing, also being the western and southern boundary of the 3.55 acre tract of Lot 1, Block A of Plum Creek Phase 2 Northwest Business Park;

THENCE, continuing along the north right-of-way of Kohlers Crossing, also being the southern boundary of the Lennar Homes of Texas Land & Construction LTD 308 acre and 10.87 acre tracts;

THENCE, crossing the Kohlers Crossing right-of-way at the northwestern corner of the 14.066 acre tract, being more particularly described as Lot 2 Block A of Plum Creek Phase 1 Section 6F, and continuing along the western and southern boundary of said tract;

THENCE, across the southern end of the right-of-way of Benner and the southern boundary of Lots 1 and 2, Block A of Plum Creek Phase 1 Section 12A;

THENCE, along the southwestern boundary of Lot 2, Block A of Plum Creek Phase 1 Section 12B;

THENCE, along the western boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11J;

THENCE, along the western boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11F;

THENCE, along the western boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11E-2;

THENCE, along the southwestern boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11E-1;

THENCE, crossing the Sampson Rd right-of-way and continuing along the southwestern boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11D;

THENCE, along the southwestern boundary of Lot 2, Block A of Plum Creek Phase 1 Section 11C, turning north along the eastern boundary of said lot also being the western right-of-way of the Union Pacific Railroad;

THENCE, crossing the FM 1626 right-of-way and the Railroad right-of-way to the southern corner and southeastern boundary of the 0.04 acre parcel being more particularly described as Tract 19 in the Deed Without Warranty to Mountain Plum LTD in Book 2047 Page 133 of the Official Public Records of Hays County, Texas (Tax Parcel No. R134955);

THENCE, continuing along the southeastern border of the 105.188 acre tract being a portion of that 1062.87 acre tract more particularly described in Book 2047, Page 133 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R13837, R134155, and R134161);

THENCE, along the southeastern boundary of the Marketplace Ave right-of-way as described in the subdivision plat Plum Creek Phase 1 Lot 1 Block A Business Park;

THENCE, along the southeastern boundary of the 69.725 acre tract being more particularly described in the Deed Without Warranty to Mountain Plum LTD in Book 2047 Page 133 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R12691, R13408, R13851, R134156, and R134159);

THENCE, continuing along the southern and eastern borders of the lots described in Majestic Industrial Park with the east boundary also being the western right-of-way line of Kyle Crossing, and continuing along the northern boundary of lots 1 and 3 of Majestic Industrial Park, being the same as the southern boundary of Kohlers Crossing right-of-way;

THENCE, continuing along the southern right-of-way of Kohlers Crossing also being the northern boundaries of the afore-mentioned 69.725 acre parcel, Plum Creek Phase 1 Lot 1 Block A Business Park, and the afore-mentioned 105.188 acre parcel, crossing the Union Pacific railroad right-of-way to the northeast corner of Lot 1 Block A of Plum Creek Phase 1 Section 8;

THENCE, north along the western boundary of the Union Pacific Railroad right-of-way to the Kyle city limit line;

THENCE, leaving the railroad right-of-way, following the eastern and northern boundaries of the Kyle city limit line to the point where it intersects the 75 acre parcel being more particularly described in the Deed Without Warranty to Texas-Lehigh Cement Company in Book 609 Page 843 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R11237 and R127405);

THENCE, following the southern boundary of said 75 acre parcel westward to its intersection with the S FM 1626 right-of-way;

THENCE, crossing the FM 1626 right-of-way and following the western line of said right-of-way in a northerly direction to the BEGINNING for a total of 1482.9 acres, more or less.

~~THENCE, north along the western boundary of the Union Pacific Railroad right-of-way to the Kyle city limit line in the northeastern corner of the 146.736 acre tract being more particularly described in (need a deed reference, owner Mountain Plum LTD) (Tax Parcel No R109017 and R11227);~~

~~THENCE, leaving the railroad right-of-way, following the eastern and northern boundaries of the 146.736 acre parcel, crossing the FM 1626 right-of-way and following the western line of said right-of-way in a northerly direction to the BEGINNING for a total of 1482.9 acres, more or less.~~

The following is a list of Hays Central Appraisal District parcel ID numbers included in the TIRZ:

R102948, R102949, R111489, R11209, R11227, R124075, R124076, R124475, R12691, R127266, R127663, R130335, R130336, R130419, R130421, R130423, R130425, R132398, R132399, R132402, R132408, R13408, R134152, R134153, R134155, R134156, R134159, R134161, R135553, R137936, R138187, R138188, R138189, R138268, R138269, R138270, R138271, R138272, R138273, R138274, R138275, R13837, R13851, R140150, R143792, R144234, R144235, R144236, R144843, R144849, R146068, R146069, R147859, R147860, R147908, R148425, R148426, R151122, R151279, R151283, R151597, R151601, R151602, R151603, R152394, R152412, R155405, R155406, R156298, R156516, R88923, R109017, R11227, R124024, R124066, R124067, R124068, R124069, R124070, R124071, R127267, R130339, R130340, R156457, R156458, R156516, R88919, R88923, R134740. In the event of a conflict between this Exhibit and Exhibit B, Exhibit B shall control.

**Amended and Restated Interlocal Agreement
Regarding the City of Kyle Tax Increment Reinvestment Zone Number Two**

THIS AMENDED AND RESTATED INTERLOCAL AGREEMENT regarding the City of Kyle Tax Increment Reinvestment Zone Number Two (this "Agreement") is made and entered into by and between the City of Kyle, Texas, a home rule municipality (the "City"), and Hays County, a political subdivision of the State of Texas (the "County") under the authority of Texas Government Code Chapter 791 and Chapter 311 of the Texas Tax Code for the participation of the City and the County in **Tax Increment Reinvestment Zone Number Two**, City of Kyle, Texas, ("TIRZ NUMBER 2"), TIRZ NUMBER 2 created by the City pursuant to Chapter 311 of the Texas Tax Code. This Agreement amends and restates in its entirety the original Interlocal Agreement between the City and the County entered into effective as of May 30, 2019.

WHEREAS, in accordance with the provisions of the Tax Increment Financing Act, Chapter 311, Texas Tax Code, as amended (the "Act"), the City Council of the City, pursuant to Ordinance No. 1022 (the "Zone No. 2 Ordinance") adopted on December 18, 2018, created, established, and designated TIRZ NUMBER 2 under the Act, attached hereto as Exhibit "A"; and

WHEREAS, in the Ordinance, the City found that the designation of TIRZ NUMBER 2 would encourage the development of property in and around TIRZ NUMBER 2; and

WHEREAS, in the Ordinance, the City contributed fifty percent (50%) of its Tax Revenue for TIRZ NUMBER 2; and

WHEREAS, in consideration of the County's contribution of a fifty percent (50%) portion of its Tax Revenue for the TIRZ, the County shall have the authority to appoint two members to the TIRZ NUMBER 2 board; and

WHEREAS, the TIRZ project plan includes transportation and other projects that benefit the County and its residents; and

WHEREAS, in consideration of special benefit to the County created by the TIRZ NUMBER 2 projects, including transportation and capital improvements for public use, the County is authorized to appropriate funding under this Agreement; and

WHEREAS, pursuant to the Hays County Zones Policy, the County's contribution of a TIRZ Payment equal to fifty percent (50%) of its own increment in TIRZ NUMBER 2 would greatly enhance the implementation of the TIRZ NUMBER 2 projects by the City; and

WHEREAS, both the City and the County will benefit from the development and improvements paid with the Tax Increment Funds in accordance with the documents creating TIRZ NUMBER 2; and

WHEREAS, pursuant to Chapter 791 of the Texas Government Code, the City and the County are entering into this Agreement to set forth the conditions governing the contribution of the Tax Increment by the City and current, annually-appropriated funds by the County, and the City finds that this Agreement is necessary for the implementation of the Project Plans for TIRZ NUMBER 2; and

NOW THEREFORE, the City and the County, in consideration of the terms, conditions, and covenants contained herein, hereby agree as follows:

SECTION 1. Incorporation of Recitals. The Parties hereby agree that the recitals set forth above form the basis upon which they have entered into this Agreement.

SECTION 2. Definitions. In addition to any terms defined in the body of this Agreement, the following terms shall have the definitions ascribed to them as follows:

(a) **Act** means the Tax Increment Financing Act, as amended and as codified as Chapter 311 of the Texas Tax Code.

(b) **Captured Appraised Value** in a given year means the total appraised value, less any applicable exemptions, of all TIRZ real property taxable by the City or the County for that Tax Year less the Tax Increment Base defined in Section (G) below.

(c) **Project Plan** means the project plans for TIRZ NUMBER 2 attached to this Agreement and included in Exhibit "A" as adopted by the TIRZ Board and the City of Kyle, along with amendments to this plan that are adopted by the Board of Directors of TIRZ NUMBER 2, and approved by the City Council of the City of Kyle, from time to time. The Project Plan includes maps of all property in the TIRZ, including all non-taxable property.

(d) **Tax Increment** means the amount of property taxes levied and collected by the City or County for that year on the captured appraised value of real property taxable by the City or County and located in TIRZ NUMBER 2.

(e) **City Tax Increment** will be that amount paid by the City into the Tax Increment Funds.

(f) **County TIRZ Payment** will be that amount of current, annually-appropriated funds paid by the County into the Tax Increment Funds.

(g) **Tax Increment Base** means the total appraised value as of January 1, 2018, of all real property taxable by the City or the County, as applicable, and located in the TIRZ. Each Party to this Agreement shall be responsible for establishing its own Tax Increment Base.

(h) **Tax Increment Fund (TIF)** means that fund created by the City pursuant to Section 311.014 of the Act and the Ordinance, which will be maintained by the City, and into which all revenues of the TIRZ will be deposited, including deposits of Tax Increment by the City and by such other taxing units with jurisdiction over real property in the TIRZ that may enter into agreements for such contributions, including the County's TIRZ Payment.

(i) **TIRZ Boards** mean the governing board of directors of the TIRZ appointed in accordance with Section 311.009 of the Act, the Ordinance, and this Agreement.

(j) **TIRZ** means the Tax Increment Reinvestment Zone Number Two, approved by City of Kyle Ordinance No. 1022.

(k) Terms other than those defined above shall: (1) have their meanings as given in Chapter 311, Texas Tax Code; or (2) if not so defined, their usual and ordinary meanings.

(l) References to state statutes shall include amendments to those statutes that are duly enacted from time to time.

SECTION 3. **Obligations of the County.**

(a) **County TIRZ Payment.** The County agrees to pay current, annually appropriated funds to the City for deposit into the Tax Increment funds created by the City for TIRZ NUMBER 2 (the "Tax Increment Funds") fifty percent (50%) of the tax increment attributed to the captured appraised value of the County in the TIRZ. The County's obligation to make these payments accrues only after taxes on the captured appraised value are collected by the County. Payments shall be due on May 1 of each year during the term of the Agreement. No interest or penalty will be charged to the County for any payments made by the County based on collections that occur after this due date. The County may offset against future payments to the Tax Increment any portion of payments to the City under this Agreement that the County subsequently refunds to taxpayers pursuant to the provision of the Texas Tax Code.

(b) **Limitations on Payments.** The County is not obligated to make payments under this Agreement: (1) unless and until taxes on the captured appraised value are actually collected by the County; or (2) in any amount greater than taxes actually collected on the County's captured appraised value. Likewise, if funds are not appropriated by the Hays County Commissioners Court during any annual budgetary cycle, then the County's obligations to make a County TIRZ Payment under this Agreement shall be waived for that Fiscal Year. Any funds already contributed to the Tax Increment Funds under this Agreement shall remain available for TIRZ expenditures, subject to the other terms and limitations of this Agreement.

(c) **The Project.** The obligation of the County to participate in the TIRZ is limited to the boundaries of the TIRZ as described in City of Kyle Ordinance No. 1022. In accordance with the provisions of Section 311.007 of the Texas Tax Code, the City may change the boundaries of the TIRZ. The County's participation does not extend to the tax increment on any additional property added to the TIRZ unless the Hays County Commissioners Court specifically agrees to participate in the additional area. The projects of the TIRZ are and shall be those described in City of Kyle Ordinance No. 1022, as adopted upon recommendation of the Board of Directors of the TIRZ (the "Board") and approved by the City Council of the City and in accordance with the *Tax Increment Reinvestment Zone Number Two*, ("Project Plans") and attached as Exhibit "A". In accordance with the provisions of Section 311.011(e) of the Texas Tax Code, the Board may amend the Project Plans; provided, however, no project expenditures of County monies provided under this Agreement shall be authorized without an affirmative vote of

the Board, with the County representatives present for the vote and with the County representatives unanimously agreeing with a proposed expenditure. In the event that the County representatives do not unanimously agree with a proposed expenditure, County monies provided under this Agreement may not be utilized for that expenditure unless and until a subsequent vote of the Hays County Commissioners Court approves of that expenditure.

(d) **Development in the Zone.** Property within the boundaries of the TIRZ shall be developed as closely as possible in conformity with the Final Plan. As stated above, County funds will only be used for projects that have been approved by the County members of the TIRZ Board or by the County Commissioners Court.

(e) **County Appointment to the Board of Directors of TIRZ Number Two.** The TIRZ Board shall consist of nine (9) voting members. The Commissioners Court of the County shall each have the unequivocal right to appoint two (2) qualified voting members during the period that the TIF created under this Agreement contains funds. The City Council shall have the right to appoint seven (7) qualified voting members during the length of the TIRZ as established by Ordinance 1022. Members of the TIRZ Board shall meet the qualifications set forth in Section 311.009 of the Texas Tax Code. Failure of the Commissioners Court to appoint a person to the TIRZ Board shall not be deemed a waiver of the County's right to make an appointment at a later date. The Commissioners Court will make best faith efforts to appoint a qualified person to serve on the Board of Directors, and to fill vacancies in the positions as needed.

SECTION 4. **Obligations of the City.**

(a) **Use of County Payments.** The City agrees to use payments made by the County under this Agreement solely to fund Project Costs as defined in Chapter 311 of the Texas Tax Code and as allowed by the Hays County TIRZ Policy.

(b) **Notice to County of Amendments to Project Plan.** The City agrees to provide the County with written notice of any proposed amendments to the Project Plan at least fourteen (14) days prior to their submission to the City Council for approval. The City agrees to work with the TIRZ Board to implement the Project Plan.

(c) **Disposition of Tax Increments.** Upon termination of the TIRZ, and after all obligations of the TIRZ have been paid, the City agrees to pay to the County, within sixty (60) days of the termination, all monies remaining in the Tax Increment Funds that represent the County's pro rata amount of participation authorized under this Agreement.

(d) **Annual Reports/ Right to Audit.** The City agrees to provide to the County an annual report regarding the TIRZ as required under Texas Tax Code Section 311.016. Additionally, the County shall have the right to audit the books and records of the TIRZ upon providing at least 10 days' written notice to the City. Such an audit shall occur between 9 a.m. and 5 p.m. on business days.

SECTION 5. **Term and Termination.**

The term of this Agreement, unless extended by mutual agreement of the County and the City, shall commence upon execution by the last party and shall last for: (1) until December 1, 2057; or (2) the date all Project Costs have been paid or reimbursed unless earlier terminated by the parties hereto. Nothing in this Agreement limits the authority of the County or City to extend the term of this Agreement. Upon termination of this Agreement, the obligation of the County to make payments to the City shall end; however, the County's TIRZ Board appointment powers shall survive the termination.

The City may terminate the TIRZ pursuant to the provisions of Section 311.017 of the Texas Tax Code.

SECTION 6. **Miscellaneous.**

(a) **Administration.** This Agreement and the Tax Increment Funds shall be administered by the City Manager or his/her designees or consultants. The City shall maintain a separate account for the Tax Increment Funds at a depository selected by the City, which Tax Increment Fund shall be secured in the manner prescribed by law for funds of Texas cities. The City shall not charge an administration fee against County TIRZ Payments for oversight of the Tax Increment Fund. The Tax Increment Fund shall be an account into which the City shall deposit the County TIRZ Payment, the City Increment (as defined in the TIRZ Ordinance and Project Plan), and all accrued interest earned on the fund. The County shall participate in the oversight of the Tax Increment Fund through its representation on the Board of Directors on which they will appoint two (2) out of nine (9) members. Pursuant to the Hays County TIRZ Policy adopted on February 7, 2017, no more than ten percent of the County Increment will be used for the payment of administrative, legal, consulting, or other professional expenses, except engineering and architectural fees directly related to the specific projects in which the County will participate.

(b) **Notice.** Whenever this Agreement requires or permits any consent, approval, notice, request, proposal, or demand from one party to another, the consent, approval, notice, request, proposal, or demand must be in writing to be effective and shall be delivered to the party intended to receive it at the addresses shown below (or to such other addresses as the parties may request, in writing, from time to time).

If intended for the City, to:
City Manager
City of Kyle, Texas
100 W. Center Street
Kyle, Texas 78640

If intended for the County, to:
Hays County Judge
Hays County Courthouse
111 E. San Antonio Street, Suite 300
San Marcos, Texas 78666

With copy to:
General Counsel
Hays County Courthouse
111 E. San Antonio Street, Suite 202
San Marcos, Texas 78666

(c) **Non-Assignability.** Neither the City, the County, nor the TIRZ shall assign any interest in this Agreement without the prior written consent of the other parties.

(d) **Non Discrimination.** No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any of the operations or funding of the TIRZ on the grounds of race, color, national origin, age, sex, religion, or other protected status.

(e) **Binding on the Parties and Non-Waiver.** This Agreement shall not be considered fully executed or binding on the City and/or the County until this Agreement has been approved and accepted by the City Council and the Hays County Commissioners Court at a properly called and noticed meeting of each respective body. After such approval and acceptance, the City and the County shall deliver to each other a certified copy of a Resolution as evidence of the authority to execute and bind the City and the County to the covenants, terms and provisions of this Agreement. The failure of either Party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that Party's right to insist upon appropriate performance or to assert any such right on any future occasion.

(f) **Third Parties.** The provisions and conditions of this Agreement are solely for the benefit for the City and the County, and are not intended to create any rights, contractual or otherwise, to any other person or entity. The relationship of the City and the County under this Agreement shall not be construed or interpreted to be a joint enterprise or joint venture. The Parties agree that each Party is an independent contractor.

(g) **Controlling Law.** Venue and Jurisdiction shall be exclusively in Hays County, Texas and under the laws of the State of Texas.

(h) **Entirety of Agreement.** This Agreement, including any exhibits attached hereto and any documents incorporated herein by reference, contains the entire understanding and agreement between the City and the County as to the matters contained herein. Any prior or contemporaneous oral or written agreement is hereby declared null and void to the extent in conflict with any provision of this Agreement.

(i) **Amendments.** Notwithstanding anything to the contrary herein, this Agreement shall not be amended unless executed in writing by both parties and approved by the City Council and the Commissioners Court in open meetings held in accordance with Chapter 551 of the Texas Government Code.

[The remainder of this page intentionally left blank.]

EXECUTED and **EFFECTIVE** on the last date signed by the duly authorized officials, below.

CITY OF KYLE

HAYS COUNTY

Mayor

County Judge

Date

Date

ATTEST

City Secretary

County Clerk

Date

Date

Exhibit A

ZONE NO. 2 CREATION ORDINANCE

ORDINANCE NO. 1022

AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN CITY OF KYLE, TEXAS AS REINVESTMENT ZONE NUMBER TWO, CITY OF KYLE, TEXAS, FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, pursuant to Chapter 311 of the Texas Tax Code, as amended (“Act”) a City may designate a contiguous geographic area within such City as a reinvestment zone if the area satisfies the requirements of certain sections of the Act;

WHEREAS, the City of Kyle, Texas (the “City”) has prepared a preliminary reinvestment zone financing plan, which is attached hereto as Exhibit C, which provides that City ad valorem taxes are to be deposited into the tax increment fund, and that ad valorem taxes of other taxing units may be utilized in the financing of the proposed reinvestment zone;

WHEREAS, a notice of the public hearing by the City Council on the creation of the proposed reinvestment zone was published on November 7, 2018, in the Hays Free Press a newspaper of general circulation in the City of Kyle and the City’s newspaper of record;

WHEREAS, at the public hearing held on November 20, 2018, interested persons were invited to speak for or against the creation of the proposed reinvestment zone, its boundaries, the concept of tax increment financing; and owners of property in the proposed reinvestment zone were given a reasonable opportunity to protest the inclusion of their property in the proposed reinvestment zone;

WHEREAS, evidence was received and presented at the meeting at which the public hearing was held in favor of the creation of the proposed reinvestment zone under the provisions of the Act;

WHEREAS, the City of Kyle has provided all information, presented all necessary information and facts regarding the proposed reinvestment zone, given all notices and completed all other things required by Chapter 311, Texas Tax Code, as condition to the creation of the proposed reinvestment zone;

WHEREAS, the total area within the proposed zone is approximately 1,480 acres, excluding property that is publicly owned;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1. FINDINGS

- (a) That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.
- (b) That the City Council finds and declares that the creation of the Tax Increment Reinvestment Zone Number Two, City of Kyle (also referred to herein as the "Tax Increment Reinvestment Zone" and the "Tax Increment Reinvestment Zone Number Two") will significantly enhance the value of all the taxable real property in the reinvestment zone and will be of general benefit to the City and its taxpayers.
- (c) That the City Council finds and declares that the creation of the Tax Increment Reinvestment Zone will stimulate economic growth and significantly accelerate economic development activities within the reinvestment zone resulting in the creation of businesses, employment, housing, and enhanced tax revenues for the City.
- (d) That the City Council further finds and declares that the Tax Increment Reinvestment Zone meets the criteria and requirements of Section 311.005(a)(2) of the Act because the reinvestment zone currently contains: (1) substantial areas that are predominantly open and underdeveloped; and (2) lack of essential public infrastructure to promote development of property as an urban, town center and to attract new businesses and commercial activity to the proposed zone for the purpose of increasing real property tax base for all taxing units within the zone and increasing job opportunities for residents of the City and the region; each of which cause conditions that substantially impair and arrest the sound growth of the City.
- (e) That the City Council, pursuant to the requirements of the Act, further finds and declares that:
 - (1) The proposed Tax Increment Reinvestment Zone Number Two is a contiguous geographic area located wholly within the corporate limits of the City of Kyle;
 - (2) Less than thirty (30) percent of all properties in the proposed Tax Increment Reinvestment Zone Number Two, excluding property that is publicly owned, is used for residential purposes.
 - (3) The appraised value of taxable real property in the proposed Tax Increment Reinvestment Zone Number Two and existing reinvestment zone currently does not exceed fifty percent (50.0%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City.

- (4) Accelerated development and or redevelopment in the proposed Tax Increment Reinvestment Zone would not occur through private investment in the foreseeable future.

SECTION 2. DESIGNATION OF REINVESTMENT ZONE

That the City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005 (a), does hereby designate as a Tax Increment Reinvestment Zone Number Two, City of Kyle, and create and designate said reinvestment zone over the area described in Exhibit "A" and depicted in the map attached hereto as Exhibit "B" to stimulate economic development and the development of the designated area.

The reinvestment zone shall hereafter be named for identification and reporting purposes as Tax Increment Reinvestment Zone Number 2, City of Kyle, Texas, (may also be referred to as TIRZ Number 2). The City Council specifically declares that the Tax Increment Reinvestment Zone Number 2 is designated pursuant to Section 311.005(a)(2) of the Texas Tax Code as declared in the Findings section of this Ordinance.

SECTION 3. BOARD OF DIRECTORS

The Tax Increment Reinvestment Zone Number 2 shall be governed by a nine (9) person Board of Directors (the "Board"). The City Council shall appoint seven (7) members of the Board to be appointed to Places 1, 2, 3, 4, 5, 6, and 7. Two (2) members of the Board may be appointed by the Hays County Commissioners Court to Places 8 and 9 or the County may waive the appointment of the Board members. If the County waives the appointment of Board members, the Places 8 and 9 go away. The City Council may choose to appoint currently serving members of the Kyle City Council to the Board of Directors.

- (a) Qualifications. Each member of the Board shall be a qualified voter of the City, or a person at least eighteen (18) years of age who must be a resident of Hays County or county adjacent to Hays County or own real property in the reinvestment zone.
- (b) Terms of Office.
- (1) If the City Council chooses to appoint currently serving members of the Kyle City Council to the Board of Directors, then the Council members shall serve the same term as their elected term on the City Council. The two Hays County Commissioners shall serve a two-year term on the Board of Directors.
- (2) If the City Council chooses to appoint other than currently serving members of the Kyle City Council to the Board of Directors, then the term of each initial Director shall be as set forth in this subsection. Places 2, 4, and 6 of the initial Directors shall serve an initial term of one (1) year, and Places 1, 3, 5, and 7 of the initial Directors shall serve an initial term of (2) years. The term of each subsequent director shall be for two (2) years. If the County appoints members other than members of the County

Commissioners Court, Place 8 shall serve an initial term of one (1) year and Place 9 will serve an initial term of two (2) years. The term of each subsequent director shall be for two (2) years. Vacancies shall be filled for the remainder of the unexpired term, by appointment made by the governing body that appointed the Director who served in the vacated position.

- (3) Officers. The City Council shall annually appoint a member of the Board to serve as chairman of the Board for a one-year term beginning January 1st and ending December 31st. The Board may elect a Vice Chairman to serve in the absence of the Chairman, and other officers as it deems appropriate.
- (4) Meeting of Directors. The Board shall hold its meetings at the Kyle City Hall currently located at 100 West Center Street, Kyle, Texas 78640, or at such other place designated from time to time by the Board. The Board shall conduct all its meetings in accordance with the requirements of the Act and the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended. Meetings of the Board shall be held at such times as shall be designated, from time to time, by the Board, or whenever called by the Chairman, the Vice Chairman in the absence of the Chairman, or upon advice of or request by the Mayor. Notice of meetings need not be given to each of the Directors but public notice of each meeting shall be given in the manner prescribed by law. A majority of the Board of Directors fixed by this Ordinance shall constitute a quorum for Board meetings. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless the act of a greater number is required by law.
- (5) Authority. The Board shall have the authority specifically given to the Board in Chapter 311, Texas Tax Code. Any powers and duties that may be delegated to the Board are not delegated at this time. The Board shall have such other authority, as may be lawfully delegated by the City Council, as is delegated by the City Council acting by a formal, written Resolution or Ordinance. Action by the Board that is expressly or impliedly provided in Chapter 311, or by other state law, to be subject to approval by the City Council, shall not be effective until approved in writing by the City Council.
- (6) Duties. The Board shall perform each duty and obligation required to be performed by the Board, by Chapter 311, any project or plan approved by the City Council, and each such duty and obligation lawfully imposed on the Board by the City Council consistent with Chapter 311.
- (7) Plan. The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the reinvestment zone as described in Section 311.011 of the Act and shall submit such plans to the City Council for its approval. The City hereby delegates to the Board of Directors all powers necessary to prepare the

project plan and reinvestment zone financing plan, subject to approval by the City Council.

SECTION 4. DURATION OF REINVESTMENT ZONE

The duration of the reinvestment zone is not to exceed a period of twenty (20) calendar years. The Zone shall take effect immediately upon passage of this ordinance. Termination of the operation of the reinvestment zone shall occur on December 31, 2037 (with the final year's tax to be collected by September 30, 2038), or at an earlier time as designated by City Council. The City shall have the right, through a subsequent City Ordinance, to terminate the Zone prior to the expiration date if all of the project costs have been paid in full. If upon expiration of the term of the Zone, project costs have not been paid, neither the City nor the County shall have any obligation to pay the shortfall.

SECTION 5. TAX INCREMENT BASE

That the Tax Increment Base of the City or any other taxing unit participating in the Tax Increment Reinvestment Zone Number 2 for the reinvestment zone is the total appraised value of all real property taxable by the City or other taxing unit participating in the reinvestment zone and located in the reinvestment zone, determined as of January 1, 2018 (property tax year 2018), the tax year in which the reinvestment zone was made effective as a reinvestment zone (the "Tax Increment Base").

SECTION 6. TAX INCREMENT FUND

A Tax Increment Reinvestment Zone Fund is hereby created and established for the Tax Increment Reinvestment Zone Number 2 which may be divided into subaccounts as authorized by subsequent Ordinances. All tax increment revenues, as defined below, shall be deposited in the Tax Increment Fund. The Tax Increment Fund and any subaccounts shall be maintained at the depository bank of the City of Kyle and shall be secured in the manner prescribed by law for funds of Texas cities.

The annual tax increment shall equal the property taxes assessed, levied, and collected by the City and any other taxing unit participating in the reinvestment zone for that year on the captured appraised value in compliance with the requirements of Sections 5, 6 and Exhibit C of this Ordinance and as defined by the Act, of real property located in reinvestment zone that is taxable by the City or any other taxing unit participating in the reinvestment zone, less any amounts that are to be allocated from the tax increment pursuant to the Act.

All revenues from the sale of any tax increment bonds, notes or other obligations hereafter issued for the benefit of the reinvestment zone by the City, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the reinvestment zone shall be deposited into the Tax Increment Fund.

Prior to the termination of the reinvestment zone, money shall be disbursed from the Tax Increment Fund only to pay for project costs, as defined by the Texas Tax Code, for the reinvestment zone, to

satisfy the claims of holders of tax increment bonds or notes issued for the reinvestment zone, to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010 (b) of the Texas Tax Code, or to pay the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of land in the zone, regardless of whether the costs of those services are identified in the project plan or the financing plan.

SECTION 7. EXHIBITS

The following exhibits are referred to in this Ordinance and are attached herewith:

- Exhibit A: Boundary Description
- Exhibit B: Boundary Map
- Exhibit C: Preliminary Project Plan and Financing Plan
- Exhibit D: Captured Assessed Taxable Value Assumptions
- Exhibit E: 2018 Base Assessed Taxable Valuations
- Exhibit F: Notice of Public Hearing
- Exhibit G: Term Sheet Approved by City Council for Development of the Uptown Area of Plum Creek

SECTION 8. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 9. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

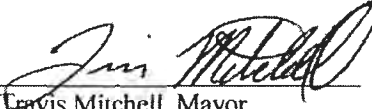
Section 10. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on 1st reading this 4th day of December, 2018.

PASSED AND FINALLY APPROVED on 2nd reading this 18th day of December, 2018.

CITY OF KYLE, TEXAS


Travis Mitchell, Mayor

ATTEST:

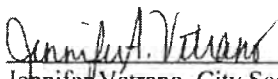

Jennifer Vetrano, City Secretary

EXHIBIT A

Boundary Description Tax Increment Reinvestment Zone Number 2

THIS IS A DESCRIPTION OF A TRACT OF LAND CONTAINING APPROXIMATELY 1482.9 ACRES OUT OF THE JESSE DAY SURVEYS ABSTRACTS NOS. 152 AND 159, THE JOHN KING SURVEY NO. 20, THE MORTON MCCARCVER SURVEY ABSTRACT NO. 10, THE THOMAS G. ALLEN SURVEY NO. 26, THE HENRY LOLLER SURVEY NO. 19, ABSTRACT 290 AND THE JOHN COOPER SURVEY NO. 13 IN HAYS COUNTY, TEXAS, TO BE USED FOR POLITICAL MEANS. THIS WAS NOT SURVEYED ON THE GROUND AND IS A BOUNDS DESCRIPTION ONLY ASSEMBLED FROM THE BEST AVAILABLE EVIDENCE INCLUDING DEED RESEARCH AND APPRAISAL DISTRICT MAPS. REFERENCES TO ALL DOCUMENTS OF RECORD REFER TO THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THIS TYPE OF DESCRIPTION IS ALLOWED UNDER THE TEXAS ADMINISTRATIVE CODE, PART 29, CHAPTER 663, SUBCHAPTER B, RULE 663.21 AND IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at the southwest corner of the intersection of FM 2770 and S FM 1626, same being the most northerly corner of the 142.38 acre parcel described in four tracts in a Special Warranty Deed to Texas Lehigh Cement Company recorded in Book 609 Page 843 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R 11247, R148425, and R148426);

THENCE, with the southerly right-of-way line of FM 2770, in a westerly direction to the Kyle city limits as it crosses tract 2 of the 142.38 acre parcel owned by Texas Lehigh Cement Company;

THENCE, with the Kyle city limit line, through the afore-mentioned Texas Lehigh Cement parcel to the intersection with a 51.48 acre tract, the same being more particularly described in Special Warranty Deed with Vendors Lien to Lennar Homes of Texas Land & Construction LTD recorded in Document Number 16029226 of the Official Public Records of Hays County, Texas (Tax Parcel No. R146069);

THENCE, continuing along the Kyle city limits with the western boundary of the Lennar Homes of Texas Land & Construction LTD tract, through a 308 acre tract and a 10.87 acre, the same being more particularly described in Special Warranty Deed with Vendors Lien to Lennar Homes of Texas Land & Construction LTD recorded in Document Number 16029226 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R146068 and R151283);

THENCE, along western right-of-way line FM 2770 and the northern right-of-way of Kohlers Crossing, also being the western and southern boundary of the 3.55 acre tract of Lot 1, Block A of Plum Creek Phase 2 Northwest Business Park;

THENCE, continuing along the north right-of-way of Kohlers Crossing, also being the southern boundary of the Lennar Homes of Texas Land & Construction LTD 308 acre and 10.87 acre tracts;

THENCE, crossing the Kohlers Crossing right-of-way at the northwestern corner of the 14.066 acre tract, being more particularly described as Lot 2 Block A of Plum Creek Phase 1 Section 6F, and continuing along the western and southern boundary of said tract;

THENCE, across the southern end of the right-of-way of Benner and the southern boundary of Lots 1 and 2, Block A of Plum Creek Phase 1 Section 12A;

THENCE, along the southwestern boundary of Lot 2, Block A of Plum Creek Phase 1 Section 12B;

THENCE, along the western boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11J;

THENCE, along the western boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11F;

THENCE, along the western boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11E-2;

THENCE, along the southwestern boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11E-1;

THENCE, crossing the Sampson Rd right-of-way and continuing along the southwestern boundary of Lot 1, Block A of Plum Creek Phase 1 Section 11D;

THENCE, along the southwestern boundary of Lot 2, Block A of Plum Creek Phase 1 Section 11C, turning north along the eastern boundary of said lot also being the western right-of-way of the Union Pacific Railroad;

THENCE, crossing the FM 1626 right-of-way and the Railroad right-of-way to the southern corner and southeastern boundary of the 0.04 acre parcel being more particularly described as Tract 19 in the Deed Without Warranty to Mountain Plum LTD in Book 2047 Page 133 of the Official Public Records of Hays County, Texas (Tax Parcel No. R134955);

THENCE, continuing along the southeastern border of the 105.188 acre tract being a portion of that 1062.87 acre tract more particularly described in Book 2047, Page 133 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R13837, R134155, and R134161);

THENCE, along the southeastern boundary of the Marketplace Ave right-of-way as described in the subdivision plat Plum Creek Phase 1 Lot 1 Block A Business Park;

THENCE, along the southeastern boundary of the 69.725 acre tract being more particularly described in the Deed Without Warranty to Mountain Plum LTD in Book 2047 Page 133 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R12691, R13408, R13851, R134156, and R134159);

THENCE, continuing along the southern and eastern borders of the lots described in Majestic Industrial Park with the east boundary also being the western right-of-way line of Kyle Crossing, and continuing along the northern boundary of lots 1 and 3 of Majestic Industrial Park, being the same as the southern boundary of Kohlers Crossing right-of-way;

THENCE, continuing along the southern right-of-way of Kohlers Crossing also being the northern boundaries of the afore-mentioned 69.725 acre parcel, Plum Creek Phase I Lot 1 Block A Business Park, and the afore-mentioned 105.188 acre parcel, crossing the Union Pacific railroad right-of-way to the northeast corner of Lot 1 Block A of Plum Creek Phase I Section 8;

THENCE, north along the western boundary of the Union Pacific Railroad right-of-way to the Kyle city limit line;

THENCE, leaving the railroad right-of-way, following the eastern and northern boundaries of the Kyle city limit line to the point where it intersects the 75 acre parcel being more particularly described in the Deed Without Warranty to Texas-Lehigh Cement Company in Book 609 Page 843 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R11237 and R127405);

THENCE, following the southern boundary of said 75 acre parcel westward to its intersection with the S FM 1626 right-of-way;

THENCE, crossing the FM 1626 right-of-way and following the western line of said right-of-way in a northerly direction to the BEGINNING for a total of 1482.9 acres, more or less.

~~THENCE, north along the western boundary of the Union Pacific Railroad right-of-way to the Kyle city limit line in the northeastern corner of the 146.736 acre tract being more particularly described in (need a deed reference, owner Mountain Plum LTD) (Tax Parcel No R109017 and R11227);~~

~~THENCE, leaving the railroad right-of-way, following the eastern and northern boundaries of the 146.736 acre parcel, crossing the FM 1626 right-of-way and following the western line of said right-of-way in a northerly direction to the BEGINNING for a total of 1482.9 acres, more or less.~~

The following is a list of Hays Central Appraisal District parcel ID numbers included in the TIRZ:

R102948, R102949, R111489, R11209, R11227, R124075, R124076, R124475, R12691, R127266, R127663, R130335, R130336, R130419, R130421, R130423, R130425, R132398, R132399, R132402, R132408, R13408, R134152, R134153, R134155, R134156, R134159, R134161, R135553, R137936, R138187, R138188, R138189, R138268, R138269, R138270, R138271, R138272, R138273, R138274, R138275, R13837, R13851, R140150, R143792, R144234, R144235, R144236, R144843, R144849, R146068, R146069, R147859, R147860, R147908, R148425, R148426, R151122, R151279, R151283, R151597, R151601, R151602, R151603, R152394, R152412, R155405, R155406, R156298, R156516, R88923, R109017, R11227, R124024, R124066, R124067, R124068, R124069, R124070, R124071, R127267, R130339, R130340, R156457, R156458, R156516, R88919, R88923, R134740. In the event of a conflict between this Exhibit and Exhibit B, Exhibit B shall control.

Boundary Map of Tax Increment Reinvestment Zone Number 2



EXHIBIT C

Preliminary Project Plan and Financing Plan Tax Increment Reinvestment Zone Number 2

Introduction

The City Council intends to exercise any authority allowed and necessary to carry out its responsibilities under Chapter 311 including the authority to:

- (1) Cause project plans to be prepared, approve and implement the plans, and achieve the purpose of the plan;
- (2) Acquire real property to implement project plans;
- (3) Enter into agreements, including agreements with bondholders, determined by City Council to be necessary to implement project plans and to achieve their purposes; and
- (4) Acquire, construct, reconstruct, or install public works, facilities or sites or other public improvements, including utilities, streets, street lights, water and sewer facilities, pedestrian malls and walkways, parks, flood and drainage facilities, or parking facilities.

No tax increment revenues shall be used to pay for and or expended for private property improvements. The tax increment revenues shall only be expended for public improvements owned by the Tax Increment Reinvestment Zone Number 2 or by the City of Kyle. As such, all facilities and infrastructure improvements eligible for funding from accumulated tax increment revenue in the Tax Increment Fund shall be located on land owned by the City of Kyle, public rights-of-way and/or public easements.

This plan is economically feasible based on the analysis of estimated captured value in Exhibit D and D-1.

The duration of the Zone is twenty (20) years, subject to early termination as provided in this City Ordinance, creating the Zone.

Public Improvements:

If it is authorized by the City Council and approved by the Board of Directors, the types of public facilities and infrastructure improvements that are eligible for funding from accumulated tax increment revenue in the Tax Increment Fund may include the following:

- a. Streetscapes, landscaping, roadway, transportation, roundabouts, underground waste receptacles and other applicable associated improvements;
- b. Public art including water features
- c. Parks, plazas and other public realm spaces dedicated exclusively for public gatherings, community events, and community celebrations;

- d. Safe pedestrian crossings including pavement lit crosswalks and underpasses;
- e. Under-the-road pedestrian crossings;
- f. Public parking/parking garages;
- g. Public buildings and other applicable facilities;
- h. Wayfinding and Signage;
- i. Safety and human comfort improvements including shade structures and lighting;
- j. Ambiance and space making lighting such as tree lights, free hanging strung lights;
- k. Trails connecting to Uptown to other areas within Plum Creek and adjacent developments;
- l. Improvements deemed appropriate by the TIRZ Board to promote economic development within Plum Creek; and
- m. Other improvements that is permissible under Chapter 311 of the Texas Tax Code and approved by the City Council and the Board of Directors.

It is important to note that the Tax Increment Reinvestment Zone Number 2 is not required or obligated to pay for any of the projects listed above. All eligible public facilities and infrastructure improvements must be authorized by the City Council and approved by the Board of Directors to be eligible for cost reimbursement from the Tax Increments Fund.

Tax Rate for Calculation of Tax Increment Revenue

The annual tax increment revenue from property taxes levied by the City and any other taxing unit participating in the reinvestment zone for that year on the captured appraised value shall be based on and calculated using the total ad valorem tax rate for each participating taxing entity; to include both the operations and maintenance (M&O) tax rate component and the interest and sinking fund (I&S) tax rate component.

Tax Increment Revenue Contribution Rate

The annual tax increment revenue from property taxes levied by the City of Kyle in the Tax Increment Reinvestment Zone Number 2 and by all other participating taxing units shall be based and calculated using only fifty percent (50.0%) of the captured appraised value for that year.

Method of Financing Projects

It is the City Council's intent and expressed requirement that this Tax Increment Reinvestment Zone Number 2 created under this City Ordinance shall administer and manage the use of all accumulated tax increment revenues only on a cost reimbursement basis. Accordingly, only actual tax increment revenues received and accumulated in the Tax Increment Fund shall be used to reimburse the developer for eligible and authorized facilities and infrastructure as authorized by the City Council and the Board of Directors.

Furthermore, it is the City Council's intent and expressed requirement that only actual increment tax revenues generated based on the amount of actual captured taxable values within the Tax Increment Reinvestment Zone Number 2 as calculated pursuant to this Plan shall be the source for funding eligible facilities and infrastructure as identified and described in the Project Plan and Financing Plan attached.

This Plan includes provisions for funding eligible public facilities and infrastructure as identified and described herein based on the following funding options:

1. Application of only actual tax increment revenues received as contributions to the reinvestment zone from the City of Kyle and all other participating taxing units and only if such revenues are available free and clear of any encumbrances or obligations in the Tax Increment Fund as established for the Tax Increment Reinvestment Zone Number 2.
2. Application of debt proceeds, only if (i) the debt issuance is authorized by City Council and an exception is approved by the City Council in the form of an amendment to this Ordinance and (ii) only if the actual captured taxable appraised values within the reinvestment zone (total tax base less the tax increment base determined in Section 5 of this Ordinance) as certified by the Hays County Appraisal District can generate sufficient actual annual tax increment revenues pursuant to this Plan to cover one-hundred percent (100.0%) of the total amount of annual debt service payments, fees, and other administrative charges that will be due each year on the outstanding debt obligations.

Restrictions on the Issuance of Debt Obligations

Under this Plan, the issuance of debt to finance eligible facilities and infrastructure is strictly prohibited. The City Council, at its sole discretion, may amend this Ordinance in the future to allow for the issuance of debt to finance eligible facilities and infrastructure.

If such an amendment is passed by City Council to allow for the issuance of debt, the amended Ordinance shall mandate that the Board of Directors must obtain City Council's prior authorization for the issuance of any type of debt obligations by the Tax Increment Reinvestment Zone Number 2. The amended Ordinance must further mandate that the City Council restricts the issuance of any debt by the Board of the Tax Increment Reinvestment Zone Number 2 until such time as the amount of actual captured taxable values within the reinvestment zone (total tax base less the tax increment base determined in Section 5 of this Ordinance) as certified by the Hays County Appraisal District can generate adequate and sufficient annual increment tax revenues pursuant to this Plan to cover one-hundred percent (100.0%) of the total amount of annual debt service payments, fees, and other administrative charges that will be due each year on the outstanding debt obligations.

Prior to the City Council authorizing the issuance of debt obligations by the Tax Increment Reinvestment Zone Number 2, the City's Financial Advisor shall be required to prepare and present to City Council an independent analysis and assessment which shall include, at a minimum, (i)

actual captured taxable values within the reinvestment zone per certified valuations from Hays Appraisal District, (ii) annual increment tax revenue generated pursuant to this Plan, (iii) determine maximum amount of debt obligations that can be supported based on the actual captured taxable values as adjusted for the City's tax levy participation rate in this Plan, (iv) determine the annual debt service requirements including fees and other administrative charges, (v) determine if the amount of actual captured taxable values within the reinvestment zone can generate adequate and sufficient annual increment tax revenues pursuant to this Plan to cover one-hundred percent (100.0%) of the total amount of annual debt service payments, fees, and other administrative charges that will be due each year on the outstanding debt obligations, and (vi) based on the analysis, provide a recommendation to City Council whether it is financially viable and prudent to issue any amount of debt obligations and if viable, to recommend the maximum amount of the debt issuance.

All debt obligations, if authorized by the City Council under an amended Plan, shall only be secured by the actual captured taxable appraised values in the reinvestment zone and payable from actual increment tax revenues available free and clear of any encumbrances or obligations in the Tax Increment Fund as established for the Tax Increment Reinvestment Zone Number 2.

Current Total Appraised Value of Taxable Real Property in the Zone and Estimated Captured Appraised Value of the Zone during each year of existence is provided in Exhibits D, D-1, E, E-1, and E-2.

EXHIBIT D

Captured Assessed Taxable Value Assumptions Tax Increment Reinvestment Zone Number 2

Year	Site/Tract Description	Primary Use	Value Added to Tax Roll on Jan 1st/Year	Estimated Incremental Taxable Value Added	Estimated Cumulative Taxable Value Added
	Base Year - 12/31/2018				
1	Estimates Provided by Momark 10-3-2018	All Tracts Within Proposed TIRZ Boundary	2019	\$ -	
2	Excludes Adjustments for Inflation	Industrial, office, retail, SF, MF, & Other	2020	\$ 116,525,000	\$ 116,525,000
3			2021	\$ 161,050,000	\$ 277,575,000
4			2022	\$ 71,400,000	\$ 348,975,000
5			2023	\$ 99,050,000	\$ 448,025,000
6			2024	\$ 76,050,000	\$ 524,075,000
7			2025	\$ 112,750,000	\$ 636,825,000
8			2026	\$ 72,750,000	\$ 709,575,000
9			2027	\$ 92,750,000	\$ 802,325,000
10			2028	\$ 72,750,000	\$ 875,075,000
11			2029	\$ 89,375,000	\$ 964,450,000
12			2030	\$ 41,000,000	\$ 1,005,450,000
13			2031	\$ 41,000,000	\$ 1,046,450,000
14			2032	\$ 41,000,000	\$ 1,087,450,000
15			2033	\$ 41,000,000	\$ 1,128,450,000
16			2034	\$ 41,000,000	\$ 1,169,450,000
17			2035	\$ -	\$ 1,169,450,000
18			2036	\$ -	\$ 1,169,450,000
19			2037	\$ -	\$ 1,169,450,000
20			2038	\$ -	\$ 1,169,450,000
21			2039	\$ -	\$ 1,169,450,000
22			2040	\$ -	\$ 1,169,450,000
23			2041	\$ -	\$ 1,169,450,000
24			2042	\$ -	\$ 1,169,450,000
25			2043	\$ -	\$ 1,169,450,000
26			2044	\$ -	\$ 1,169,450,000
27			2045	\$ -	\$ 1,169,450,000
28			2046	\$ -	\$ 1,169,450,000
29			2047	\$ -	\$ 1,169,450,000
30			2048	\$ -	\$ 1,169,450,000
				<u>\$ 1,169,450,000</u>	

EXHIBIT D-1

Captured Assessed Value & Tax Increment Assumptions Tax Increment Reinvestment Zone Number 2

Year	Tax Year	Projected Captured Taxable Value	City's 2018 Tax Rate	County's 2018 Tax Rate	Projected Tax Increment Revenue		
					City's Share 50%	County's Share 50%	Projected Total
1	2019						
2	2020	\$ 116,525,000	\$ 0.5416	\$ 0.3899	\$ 315,550	\$ 227,165	\$ 542,715
3	2021	\$ 277,575,000	\$ 0.5416	\$ 0.3899	\$ 751,673	\$ 541,132	\$ 1,292,806
4	2022	\$ 348,975,000	\$ 0.5416	\$ 0.3899	\$ 945,024	\$ 680,327	\$ 1,625,351
5	2023	\$ 448,025,000	\$ 0.5416	\$ 0.3899	\$ 1,213,252	\$ 873,425	\$ 2,086,676
6	2024	\$ 524,075,000	\$ 0.5416	\$ 0.3899	\$ 1,419,195	\$ 1,021,684	\$ 2,440,879
7	2025	\$ 636,825,000	\$ 0.5416	\$ 0.3899	\$ 1,724,522	\$ 1,241,490	\$ 2,966,012
8	2026	\$ 709,575,000	\$ 0.5416	\$ 0.3899	\$ 1,921,529	\$ 1,383,316	\$ 3,304,846
9	2027	\$ 802,325,000	\$ 0.5416	\$ 0.3899	\$ 2,172,696	\$ 1,564,133	\$ 3,736,829
10	2028	\$ 875,075,000	\$ 0.5416	\$ 0.3899	\$ 2,369,703	\$ 1,705,959	\$ 4,075,662
11	2029	\$ 964,450,000	\$ 0.5416	\$ 0.3899	\$ 2,611,731	\$ 1,880,195	\$ 4,491,926
12	2030	\$ 1,005,450,000	\$ 0.5416	\$ 0.3899	\$ 2,722,759	\$ 1,960,125	\$ 4,682,883
13	2031	\$ 1,046,450,000	\$ 0.5416	\$ 0.3899	\$ 2,833,787	\$ 2,040,054	\$ 4,873,841
14	2032	\$ 1,087,450,000	\$ 0.5416	\$ 0.3899	\$ 2,944,815	\$ 2,119,984	\$ 5,064,798
15	2033	\$ 1,128,450,000	\$ 0.5416	\$ 0.3899	\$ 3,055,843	\$ 2,199,913	\$ 5,255,756
16	2034	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
17	2035	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
18	2036	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
19	2037	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
20	2038	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
21	2039	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
22	2040	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
23	2041	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
24	2042	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
25	2043	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
26	2044	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
27	2045	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
28	2046	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
29	2047	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713
30	2048	\$ 1,169,450,000	\$ 0.5416	\$ 0.3899	\$ 3,166,871	\$ 2,279,843	\$ 5,446,713

EXHIBIT E

**2018 Base Assessed Taxable Valuations
Tax Increment Reinvestment Zone Number 2**

<u>Item #</u>	<u>Date</u> <u>AV Verified</u>	<u>Parcel</u> <u>Tax ID#</u>	<u>2018 Base</u> <u>Taxable AV</u>	<u>2018 Base</u> <u>Cumulative AV</u>
1	10/23/2018	R102948	\$ -	\$ -
2	10/23/2018	R102949	\$ -	\$ -
3	10/23/2018	R111489	\$ 290.00	\$ 290.00
4	10/23/2018	R11209	\$ 15,200.00	\$ 15,490.00
5	10/23/2018	R124075	\$ 50.00	\$ 15,540.00
6	10/23/2018	R124076	\$ -	\$ 15,540.00
7	10/23/2018	R124475	\$ 99,770.00	\$ 115,310.00
8	10/23/2018	R12691	\$ 2,150.00	\$ 117,460.00
9	10/23/2018	R127266	\$ 3,539,550.00	\$ 3,657,010.00
10	10/23/2018	R127663	\$ 4,860.00	\$ 3,661,870.00
11	10/23/2018	R130335	\$ 170,710.00	\$ 3,832,580.00
12	10/23/2018	R130336	\$ 280,850.00	\$ 4,113,430.00
13	10/23/2018	R130419	\$ 1,831,314.00	\$ 5,944,744.00
14	10/23/2018	R130421	\$ 2,114,628.00	\$ 8,059,372.00
15	10/23/2018	R130423	\$ 937,993.00	\$ 8,997,365.00
16	10/23/2018	R130425	\$ 1,244,440.00	\$ 10,241,805.00
17	10/23/2018	R132398	\$ 848,240.00	\$ 11,090,045.00
18	10/23/2018	R132399	\$ 1,498,720.00	\$ 12,588,765.00
19	10/23/2018	R132402	\$ 2,710.00	\$ 12,591,475.00
20	10/23/2018	R132408	\$ 24,700,000.00	\$ 37,291,475.00
21	10/23/2018	R13408	\$ 1,620.00	\$ 37,293,095.00
22	10/23/2018	R134152	\$ 1,590.00	\$ 37,294,685.00
23	10/23/2018	R134153	\$ 710.00	\$ 37,295,395.00
24	10/23/2018	R134155	\$ 920.00	\$ 37,296,315.00
25	10/23/2018	R134156	\$ 1,050.00	\$ 37,297,365.00
26	10/23/2018	R134159	\$ 1,710.00	\$ 37,299,075.00
27	10/23/2018	R134161	\$ 7,460.00	\$ 37,306,535.00
28	10/23/2018	R135553	\$ -	\$ 37,306,535.00
29	10/23/2018	R137936	\$ 4,863,000.00	\$ 42,169,535.00
30	10/23/2018	R138187	\$ 2,280,960.00	\$ 44,450,495.00
31	10/23/2018	R138188	\$ 9,340.00	\$ 44,459,835.00
32	10/23/2018	R138189	\$ 1,710.00	\$ 44,461,545.00

EXHIBIT E-1

**2018 Base Assessed Taxable Valuations
Tax Increment Reinvestment Zone Number 2**

<u>Item #</u>	<u>Date AV Verified</u>	<u>Parcel Tax ID#</u>	<u>2018 Base Taxable AV</u>	<u>2018 Base Cumulative AV</u>
33	10/23/2018	R138268	\$ 339,562.00	\$ 44,801,107.00
34	10/23/2018	R138269	\$ 339,562.00	\$ 45,140,669.00
35	10/23/2018	R138270	\$ 339,562.00	\$ 45,480,231.00
36	10/23/2018	R138271	\$ 339,562.00	\$ 45,819,793.00
37	10/23/2018	R138272	\$ 339,562.00	\$ 46,159,355.00
38	10/23/2018	R138273	\$ 339,562.00	\$ 46,498,917.00
39	10/23/2018	R138274	\$ 339,562.00	\$ 46,838,479.00
40	10/23/2018	R138275	\$ 339,562.00	\$ 47,178,041.00
41	10/23/2018	R13837	\$ 4,780.00	\$ 47,182,821.00
42	10/23/2018	R13851	\$ 550.00	\$ 47,183,371.00
43	10/23/2018	R140150	\$ 24,250,000.00	\$ 71,433,371.00
44	10/23/2018	R143792	\$ 18,369,830.00	\$ 89,803,201.00
45	10/23/2018	R144234	\$ 500.00	\$ 89,803,701.00
46	10/23/2018	R144235	\$ 500.00	\$ 89,804,201.00
47	10/24/2018	R144236	\$ 3,278,616.00	\$ 93,082,817.00
48	10/24/2018	R144843	\$ 94,870.00	\$ 93,177,687.00
49	10/24/2018	R144849	\$ 40.00	\$ 93,177,727.00
50	10/24/2018	R146068	\$ 35,230.00	\$ 93,212,957.00
51	10/24/2018	R146069	\$ 5,220.00	\$ 93,218,177.00
52	10/24/2018	R147859	\$ 690.00	\$ 93,218,867.00
53	10/24/2018	R147860	\$ 2,587,684.00	\$ 95,806,551.00
54	10/24/2018	R147908	\$ 1,890.00	\$ 95,808,441.00
55	10/24/2018	R148425	\$ 1,900.00	\$ 95,810,341.00
56	10/24/2018	R148426	\$ 390.00	\$ 95,810,731.00
57	10/24/2018	R151122	\$ 530.00	\$ 95,811,261.00
58	10/24/2018	R151279	\$ 260.00	\$ 95,811,521.00
59	10/24/2018	R151283	\$ 1,100.00	\$ 95,812,621.00
60	10/24/2018	R151597	\$ -	\$ 95,812,621.00
61	10/24/2018	R151601	\$ 24,931,760.00	\$ 120,744,381.00
62	10/24/2018	R151602	\$ 1,059,220.00	\$ 121,803,601.00
63	10/24/2018	R151603	\$ 130.00	\$ 121,803,731.00
64	10/24/2018	R152394	\$ 6,169,860.00	\$ 127,973,591.00

EXHIBIT E-2

**2018 Base Assessed Taxable Valuations
Tax Increment Reinvestment Zone Number 2**

<u>Item #</u>	<u>Date</u> <u>AV Verified</u>	<u>Parcel</u> <u>Tax ID#</u>	<u>2018 Base</u> <u>Taxable AV</u>	<u>2018 Base</u> <u>Cumulative AV</u>
65	10/24/2018	R152412	\$ 8,558,750.00	\$ 136,532,341.00
66	10/24/2018	R155405	\$ 850,920.00	\$ 137,383,261.00
67	10/24/2018	R155406	\$ 360.00	\$ 137,383,621.00
68	10/24/2018	R156298	\$ 156,820.00	\$ 137,540,441.00
69	10/24/2018	R156516	\$ 149,940.00	\$ 137,690,381.00
70	10/24/2018	R88923	\$ 1,262,130.00	\$ 138,952,511.00
71	2018 Total Base Assessed Valuation:		<u>\$138,952,511.00</u>	

EXHIBIT F

CITY OF KYLE, TEXAS NOTICE OF PUBLIC HEARING ON THE CREATION OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWO

NOTICE IS HEREBY GIVEN that the City Council of the City of Kyle, Texas will hold a Public Hearing on Tuesday, November 20, 2018, at 7:00 p.m. at the Kyle City Hall, located at 100 W. Center Street, Kyle, Texas 78640, for the purpose of receiving comments on the proposed creation of Tax Increment Reinvestment Zone Number Two under the provisions of Chapter 311 of the Texas Tax Code.

The general benefit to the City and its taxpayers of the Tax Increment Reinvestment Zone Number Two will be to increase the value of taxable properties through the development of new public and private improvements within the reinvestment zone.

The proposed Tax Increment Reinvestment Zone Number Two is comprised of approximately 1,480 acres located west of IH-35 and east of FM 2770 within Kyle city limits as depicted in the proposed boundary map below:



The legal description, boundary map, draft project and finance plan, and the draft creation Ordinance are available for public inspection in the City Secretary's office at 100 W. Center Street, Kyle, Texas 78640.

All Kyle residents and interested persons are invited to attend the public hearing to provide their comments to City Council on the proposed creation of Tax Increment Reinvestment Zone Number Two.

EXHIBIT G

**TERM SHEET AS APPROVED BY CITY COUNCIL FOR
DEVELOPMENT OF THE UPTOWN AREA OF PLUM CREEK**

The Term Sheet, as attached hereto, outlines the conditions under which the City Council of the City of Kyle considered and created the Tax Increment Reinvestment Zone Number 2 in Kyle, Texas.

The purpose of this Term Sheet is to provide the City Manager with specific principles and parameters to negotiate a Development Agreement and/or Reimbursement Agreement between the City and the developer containing the terms and conditions outlined in the approved Term Sheet and other acceptable terms that would serve as the guiding document for all items related to the use, look, and feel of the development of the Uptown Area of Plum Creek, including all public improvements.

This Term Sheet was discussed and considered by City Council, at a public meeting held on November 20, 2018.

OUTLINE OF PROPOSED TERMS OF PLUM CREEK TIRZ

As an overall goal, the purpose of these Proposed Terms is to obtain approval of the creation of a Tax Increment Reinvestment Zone ("TIRZ") covering the undeveloped land in Plum Creek for the purposes outlined below. By creating the TIRZ now, the contemplated \$100 million in expected improvements in 2019 will be captured in the TIRZ to further the goals stated below.

Plum Creek and the City contemplate that these terms set forth below will be incorporated into a TIRZ Development Agreement between the owners of the Uptown area of Plum Creek and the City of Kyle ("City"), in addition to other such terms and conditions as are appropriate and acceptable.

DRAFT VISION STATEMENT

The Uptown TIRZ aims to serve the City and its residents with a first-class town center that improves the quality of life, connects people, and becomes a destination for Kyle residents and the region.

Our Draft Mutual Goals

- 1. Build a quality town center and the remainder of Plum Creek as a desirable destination for employment, housing, recreation, and entertainment.*
- 2. Assist Kyle by establishing a substantial tax base that will benefit all residents of Kyle.*
- 3. Establish the town center as a mechanism to attract quality employment and residential development.*
- 4. Create capital improvements that promotes walkability and recreation.*
- 5. Develop higher quality aesthetics, safety, human comfort, accessibility, and amenities within the public realm.*

Plum Creek understands that the City is considering the creation of a Tax Increment Reinvestment Zone (TIRZ) with all powers allowed to it by state law and its associated governing body (the "TIRZ Board") within Plum Creek for the purpose of enhancing public improvements to achieve the above-stated Mutual Goals. The funding of these improvements would likely be through Tax Increment Financing (TIF) based reimbursable tax revenues. If done correctly, the development of Plum Creek will likely be quicker and more robust than without the TIRZ, which will help to achieve the above goals.

This term sheet outlines the conditions under which the City will consider creating a TIRZ within Plum Creek. After a public hearing to receive input from Kyle residents regarding the TIRZ, assuming these terms and others as deemed appropriate, the City Council may vote to create a TIRZ. After approval of that ordinance, the Plum Creek developers and the City would negotiate a Development Agreement containing these terms, and other acceptable terms that would serve as the guiding document for all items related to use, look, feel, and public environment.

The TIRZ would be established with a Sunset Clause of twenty (20) years from its creation.

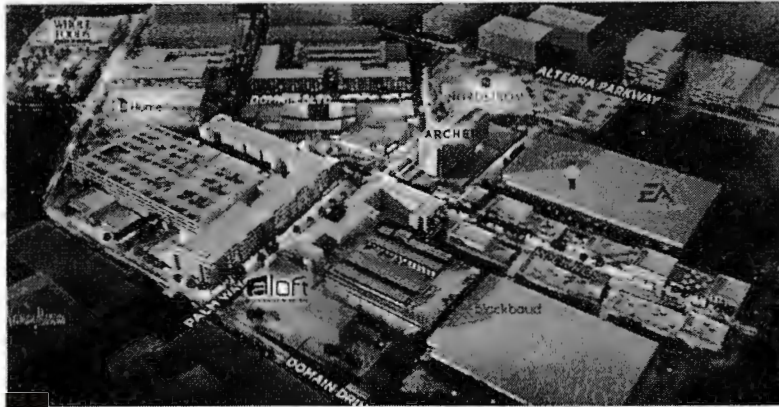
Here is a Summary of the Proposed TIRZ terms:

1. Attached as Exhibit A is a conceptual map of Uptown (approximately 38 acres) for the purposes of conversation. The area shaded in red, approximately 38 acres in size, is the "Mixed Use Area". The area shaded in blue is the "Secondary Retail Area". The remaining area of Uptown is the "Urban Residential Area". This plan has not been approved or endorsed by the City at this time, but generally includes the items of note contained within the terms. As with any plan, the market will dictate which phases of Uptown get built in what order and how fast. A "Strategic Plan" will be generated as part of the Development Agreement terms, that will outline the intended development for the upcoming five years. The Strategic Plan will be updated every two years.
2. No TIRZ money will be spent for private property improvements. Any TIRZ funds will only be expended for public improvements owned by the TIRZ or by the City of Kyle or a non-profit affiliate. The developer is already required to build certain base infrastructure as a part of the development process, therefore the amount that is eligible to be paid for by the TIRZ is the incremental difference from the base to that of the upgrades, as determined by utilizing 'add-alternate' bidding procedures. In the event there is not an alternate bid available the TIRZ board will use its best judgement in authorizing reimbursement values. It is understood that certain items such as art would be wholly reimbursable as city code does not currently require its installation. All TIRZ improvements will be located on land owned by the City of Kyle, public rights-of-way and/or public easements. If TIRZ funds are used, the Developer must commit to certain level of adjacent development in full accordance with sections 5 through 9 below. The public improvements may include (but only as approved by the TIRZ Board appointed by the City Council):
 - a. Streetscapes, landscaping, roadway, transportation, roundabouts, underground waste receptacles and other applicable associated improvements;

- b. Public art, water features; 1% of TIRZ funds dedicated to art. The Uptown developer will promote public art in the Mixed Use Area, and other appropriate areas within Uptown.
 - c. Parks, plazas and other public realm spaces could include a variety of uses as well as gatherings, events, and celebration;
 - d. Trails connecting to Uptown to other areas within Plum Creek and adjacent developments;
 - e. Safe pedestrian crossings such as pavement-lit crosswalks and underpasses;
 - f. Under-the-road pedestrian crossings;
 - g. Public parking/parking garages;
 - h. Public buildings and other applicable facilities;
 - i. Wayfinding and signage;
 - j. Safety and human comfort improvements including shade structures and lighting;
 - k. Ambiance and space making lighting such as tree lights, free hanging strung lights;
 - l. Improvements deemed appropriate by the TIRZ Board to promote economic development within Plum Creek;
 - m. And, any other improvement that is permissible by applicable TIRZ law and approved by the TIRZ Board.
3. All TIRZ improvements shall be approved by TIRZ Board appointed by the Kyle City Council. TIRZ funded improvements will commit the Developer to areas adjacent to the improvement being developed in accordance with the terms of this agreement.
 4. All of Uptown shall be designed as an urban village, with a variety of housing and other uses to create a desirable urban environment – a destination for Kyle and surrounding area residents that appropriately balances office, retail, dining, entertainment and housing.
 5. Parking garages shall be encouraged (and built wherever financially feasible) and must accommodate mixed-use parking as well as employees, but not allow for inventory storage. The City and Plum Creek acknowledge that current market conditions do not

allow for parking garages, however, the parties seek to have structured parking when and where financially feasible. Parking garages, if constructed, shall be wrapped urban product with mixed use if in the Mixed Use Area, or as much as practicable in the Secondary Retail Area or with multifamily if in the Urban Residential Area. Street level parking may be used where appropriate. In the beginning phases, parking lots will be allowed so long as at the time of site review of a ground level parking lot, there is a plan in place for when and how the space will transition to structured parking, if that becomes financially feasible.

6. Plum Creek and the City want true mixed-use in the Mixed Use Area of Uptown. To accomplish this Plum Creek and the City shall negotiate and execute a restrictive covenant covering the Mixed Use Area to accommodate the uses and design controls necessary for the TIRZ funding. No TIRZ funding shall occur without compliance with this restrictive covenant. Within that Mixed Use Area, the City and Plum Creek desire:
 - a. Architecture that shall be timeless, and the primary facade material shall be brick, stone, metal and glass. Other accent elements of the façade from other quality materials shall be permitted, consistent with good design. Design criteria and guidelines shall be approved by City and will include the use of city approved materials, colors, and enhance the overall Kyle branding.
 - b. Vertical mixed use shall be required in the Mixed Use Area, however, on a case by case basis, City may approve the use single-story buildings when appropriate such as:
 - i. Free standing restaurants around the pond at the northwest corner of Kohlers Crossing and Kyle Parkway (1626).
 - ii. In certain cases, beyond the primary east-west retail avenue of the Mixed Use Area, a single-story lifestyle retail district may be appropriate. The Domain Northside (Austin’s most successful lifestyle urban center) has a showcase retail district full of shops and restaurants – the Rock Rose District. That district contains some single-story structures and is the center of the majority of retail and entertainment activity in the Domain Northside. Here are some images:





Any single-story retail – if any is approved by the City as part of the approval of the Strategic Plan implementing the TIRZ – would only be approved by consent of the City, as part of the overall mixed-use plan for the Mixed Use Area, and then only if it makes good design sense to enhance the overall mixed-use experience.

- c. The Mixed Use Area shall seek true mixed-use retail that generates pedestrian activity and circulation, with uses that provide for walkable pedestrian activities, and are clustered to primary mixed use corridors to prevent fragmentation.
 - i. Bottom, or street level floors shall be reserved for restaurants, retail shops, entertainment and active uses – other service retail such as cell phone stores and the like shall be limited to the second floor or higher.
 - ii. Acceptable ground floor uses include:
 - 1. Retail
 - 2. Retail service establishments that generate significant foot traffic
 - 3. Restaurants, dining options and bars that serve food
 - 4. Food or entertainment incubator space
 - 5. Entertainment

6. Not more than two, small bank lobbies (ie lobby access on the ground floor and basic teller atm access with remaining offices and services located above the first floor) may occupy ground floor retail, but not at an intersection of two streets (i.e., mid-block only).
- iii. Acceptable second floor or higher uses could include:
 1. All uses above, plus:
 2. Bars where more than 50% of revenues are alcohol sales
 3. Retail or Service that do not generate significant foot traffic
 4. Professional Services
 5. Office space
 6. Office incubator space
 7. Activated roof/green roof space
 8. Residential
 - iv. All restaurants along the primary retail street in the Mixed Use Area will incorporate shade – either in the form of a shaded front patio seating and/or a shaded activated roof seating area and/or other approved shade design.
 - v. First floor uses will commit to standardized operating hours as a minimum to support the lifestyle retail strategy of staying open as long as practicable, with a goal of 9:00 p.m.
 - vi. The vision statement seeks to prohibit uses that do not promote pedestrian activity or would detract from the Urban Uptown environment. Such uses are listed in Exhibit B, but will likely expand upon more careful consideration and negotiation with Plum Creek and the City. Exhibit B will serve as a model for the use restriction table for new PUD zoning for the Uptown Urban district.
- d. The Secondary Retail Area, is an area that would have likely been residential, but has been identified by the City and Developer as a possible location to expand the footprint of the Mixed Use Area beyond what would normally be justified by the size of the development. The Developer is open to this desire and will commit to developing the area identified in Exhibit A as the 'Secondary Retail Area' last, giving the market time to see if the Mixed Use Area could stretch up North Cromwell. If the Developer desires to use TIRZ funds for improvements up North Cromwell in the Secondary Retail Area, then the Developer will commit to having this area as an expanded Mixed Use Area. Corner retail only would not suffice for the use of TIRZ funds, but this area may make sense to incorporate some of the single story lifestyle users such as referenced in Section 6.B.ii above. The Developer feels that if either or both of the following items were to occur, it would dramatically increase the likelihood of this conversion from residential to an expanded Mixed Use Area:

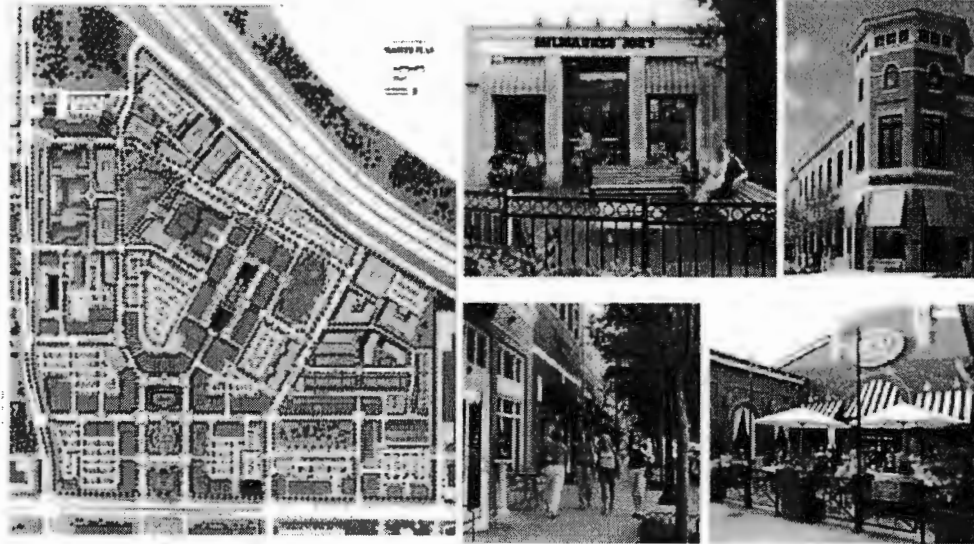
- i. Develop the soccer fields on the northern terminus of Cromwell into a right sized regional soccer complex that is programmed and able to attract users from the region and beyond year-round, thereby creating synergy on North Cromwell. This may require partnering between the Plum Creek Residential Owner and the Developer to reallocate the detention area into a regional detention structure east of Kyle Parkway. Should this happen, funds should not be double-dipped from both the TIRZ and any future Residential PID. This should not be interpreted as a prohibition for both the TIRZ and any future Residential PID to participate in the improvements, just that the same improvements can't be counted twice, once for each district.
 - ii. The placement of a convention center with hotel in the Secondary Retail Area.
- e. Developer shall include public art, sculptures, water features, fountains and landscaped and structured shade.
- f. The Urban Uptown district shall be in a commercial property owners' association. The owner(s) of the Uptown development shall be responsible for, among other things (either directly through a management company or through the property owners' association) and such obligation formalized through a License and Use agreement with the City and other methods to ensure that the association levies sufficient assessments to pay for the maintenance obligations:
 - i. common area and open space maintenance, irrigation, upkeep and beautification
 - ii. maintenance of public art
 - iii. upkeep of fountains, shade structures
 - iv. replacement of all landscaping that dies or underperforms and hardscapes with like materials in a timely fashion unless the same species or material cannot be used.
 - v. pedestrian canopy trees and sidewalks
 - vi. pedestrian scaled lighting, ambiance lighting, holiday lighting, tree lighting and all decorative poles and signs
 - vii. cleaning of sidewalks
 - viii. street litter and organic pickup
- g. All streets with funding by the TIRZ in Uptown will have city approved designs, including right-of-way widths, cross sections showing the pedestrian and bicycle improvements, hardscapes and landscaping.
 - i. Design shall include the main thoroughfares terminating in a vista or view shed highlighting a city facility, park, public art or prominent element such as an architectural piece or water feature, as approved.

- ii. All streets within Uptown will be pedestrian-oriented, promoting walkability and, where applicable, bicycle use. Some streets will be limited to pedestrian use only (i.e. pedestrian boulevards, plazas) and will be cobblestone, brick, paving or other City-approved landscape material.
 - iii. In addition, within the Mixed Use Area, the street designs will show public landscaping improvements and public art in accordance with City-approved landscaping and public art criteria.
 - iv. Pedestrian design shall enhance access from beyond the Uptown district, including pulling from other corners of Kyle Parkway and Kohlers, including specific consideration for pedestrian tie ins with ACC and Area 9/10.
 - v. All roads and pedestrian ways will have planted and irrigated canopy trees. The Uptown Urban district will only include trees from an approved tree species list.
 - vi. Main thoroughfares will have street trees wired for lights, and all street trees will be lit/wrapped with string lights during the applicable holidays.
 - vii. Modern roundabouts that accommodate pedestrian traffic will be favored over four-way intersections for main thoroughfares in the Uptown district, where applicable, and as approved.
7. TIRZ money may be expended only if the tax value supporting the TIRZ expenditure exists – no future tax value shall be used to support any TIRZ expenditures. As determined by the TIRZ board, expenditures may be expended in several ways:
- a. The developer may expend the funds needed to create the approved TIRZ improvements and be reimbursed by the TIRZ according to applicable law.
 - b. The TIRZ may elect at its discretion to fund appropriate planning, design, and engineering work;
 - c. The TIRZ may elect at its discretion to fund directly approved TIRZ improvements that have been properly bid according to applicable law.
8. Pursuant to an existing agreement between the City and Plum Creek, 17 acres shall be dedicated within Plum Creek for public use which may include: convention center (convertible space to sports/theatre/concert) with attached hotel, municipal facilities, children’s library, incubator space (food, tech, arts), sports venue, entertainment venues, central town square park, river concept, parking structures, museums, performing art

centers, entrepreneur centers, municipal facilities, stadiums, zoos, carousel/Ferris wheel, music venues and enhanced public activated streetscapes.

9. The following graphical examples are found to be mostly in adherence to these terms and should serve as examples of the type of look and feel both parties plan to accomplish:

SOUTHLAKE TOWN SQUARE



SOUTHLAKE TOWN SQUARE



SOUTHLAKE TOWN SQUARE

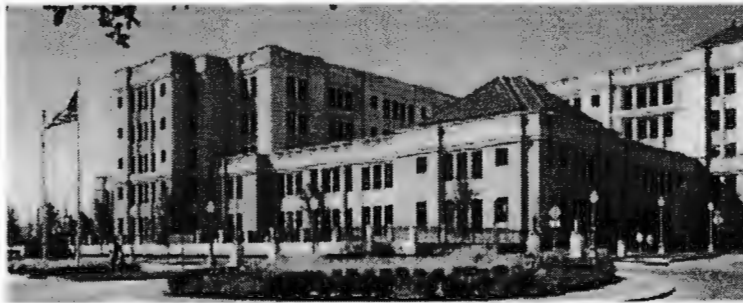
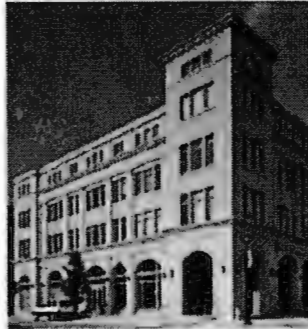
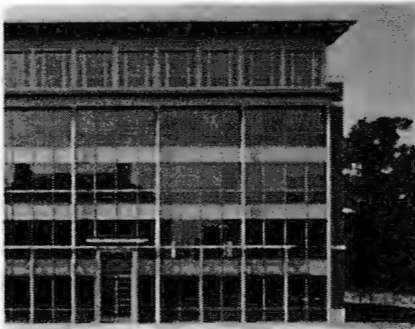


FIREWHEEL TOWN CENTER



WEST VILLAGE









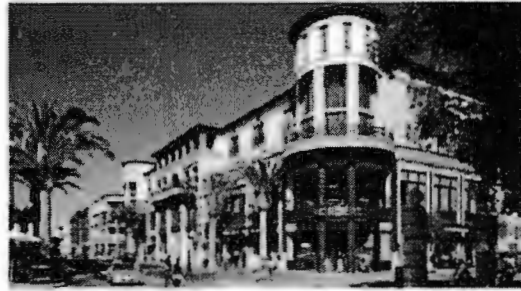
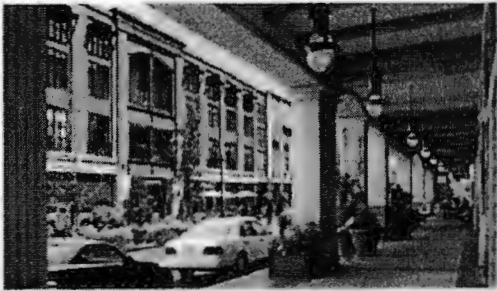




Exhibit A

CONCEPTUAL PLAN

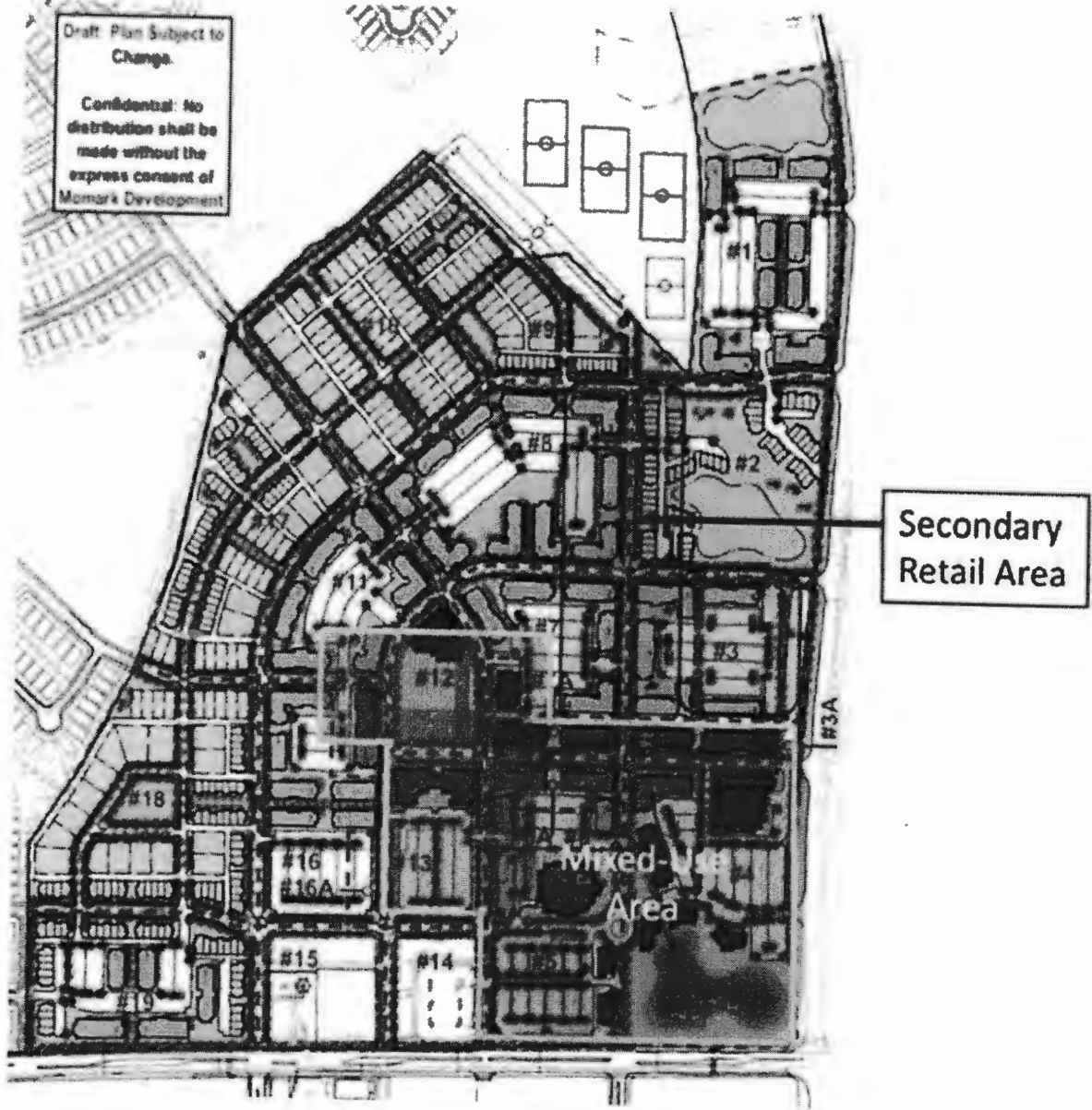


EXHIBIT B PROHIBITED USES

Prohibited uses: Adult entertainment; Auto body repair shops; Automotive car wash; Automotive parts stores; Automotive service centers; Bank lobbies/bank branches (except as permitted above; Boat sales establishments; Building, electrical, or plumbing contractors; Building material sales with outdoor storage; Equipment rental, sales, or service (including heavy equipment, farm equipment, bulldozers, backhoes forklifts, cranes, etc.); Emissions inspection stations;; Funeral homes or mausoleums; Heavy equipment and farm equipment sales and service, and truck rental; Lawnmower repair shops; Liquor stores (except as may be permitted in the Development Agreement); Log-splitting and storage lots; Manufactured homes; Mattress stores, Mobile home or mobile building leasing or sales lots; Machine or welding shops; Mini-warehouse facilities; New and used automobile sales and/or rental with outside storage of inventory; Pawn shops; Pest control businesses that store toxic chemicals on site; Payday Loans; Recovered materials processing; Motels that provide outside entries to individual units; Outdoor sales except via vendor permits; Outdoor storage of inventory; Self-service laundries that are principal uses; Self-storage; Tattoo parlors; Taxidermists; Yard trimmings composting; Veterinarians or animal services with overnight boarding.

ORDINANCE NO. 1261

AN ORDINANCE OF THE CITY OF KYLE, TEXAS APPROVING THE AMENDED AND RESTATED PROJECT AND FINANCE PLAN AND AMENDED INTERLOCAL AGREEMENT FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO, CITY OF KYLE AND APPROVING THE EXTENSION OF THE TERM OF THE ZONE; AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Kyle, Texas (the "City"), is authorized under Chapter 311 of the Texas Tax Code, as amended (the "Act"), to create a tax increment reinvestment zone within its corporate limits and within its extraterritorial jurisdiction; and

WHEREAS, on December 18, 2018 the City Council of the City (the "City Council") through Ordinance No. 1022 (the "Creation Ordinance") designated Tax Increment Reinvestment Zone Two, City of Kyle (the "Zone") with the boundaries being described in the metes and bounds and depictions attached to the Creation Ordinance; and

WHEREAS, on May 30, 2019 the City entered into an Interlocal Agreement (the "Original Interlocal Agreement") with Hays County, Texas (the "County"); and

WHEREAS, the Board of Directors of the Zone (the "Board") approved a Project and Financing Plan for the Zone on November 14, 2019; and

WHEREAS, on December 3, 2019, the City Council adopted Ordinance No. 1064 (the "Amending Ordinance" and, together with the Creation Ordinance, the "Zone Ordinance") which amended the Creation Ordinance and adopted the Project and Financing Plan for the Zone (the "Original Project and Financing Plan"); and

WHEREAS, the City Council desires to (1) extend the term of the Zone from December 31, 2037 to December 31, 2057, (2) amend the Original Project and Financing Plan to add additional projects, (3) amend the Original Interlocal Agreement, and (4) issue obligations secured by revenues generated within the Zone to finance such authorized projects; and

WHEREAS, prior to extending the term of the Zone and amending the Original Project and Financing Plan, the City Council must hold a public hearing; and

WHEREAS, in order to hold a public hearing for the extension of the term of the Zone, notice must be given in a newspaper of general circulation in the City no later than the 7th day before the date of the hearing in accordance with Section 311.003 of the Act; and

WHEREAS, the City has published notice in the *Hays Free Press* on March 29, 2023 for a public hearing to be held on April 18, 2023; and

WHEREAS, on April 13, 2023, the Board adopted a resolution (1) approving the extension the term of the Zone from December 31, 2037 to December 31, 2057, (2) approving the amendment to the Original Project and Financing Plan to add additional projects, and (3) recommending that the City issue obligations secured by revenues generated within the Zone to finance such authorized projects; and

WHEREAS, the City Council finds and determines that the term of the Zone should be extended from December 31, 2037 to December 31, 2057; and

WHEREAS, the City Council finds and determines that the Original Project and Financing Plan should be amended to add additional projects to the plan; and

WHEREAS, the City Council finds and determines that the Original Interlocal Agreement should be amended; and

WHEREAS, the City Council finds and determines the Amended and Restated Project and Financing Plan for Reinvestment Zone Number Two, City of Kyle, a copy of which is attached hereto as **Exhibit A** (the Original Project and Financing Plan, as amended, the "Project and Financing Plan") and the Amended Interlocal Agreement (the Original Interlocal Agreement, as amended, the "Interlocal Agreement") a copy of which is attached hereto as **Exhibit B** are feasible and encourage further development within the Zone and includes all information required by the Act; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AS FOLLOWS:

SECTION 1. Findings. The findings and determinations set forth in the preamble above are hereby deemed to be true and correct and incorporated herein.

SECTION 2. Approval of Extension of Term. The City Council hereby approves the extension of the term of the Zone from December 31, 2037 to December 31, 2057.

SECTION 3. Approval of Amended Final Plan. The City Council hereby approves the "Tax Increment and Reinvestment Zone Number Two, City of Kyle Amended Project and Financing Plan" in the form attached hereto as Exhibit A, which is incorporated herein as a part hereof for all purposes, as the Project and Financing Plan for the Zone, in accordance with the Act. The City hereby finds that the Project and Financing Plan satisfies the requirements of the Act, the Zone will enhance the value of all taxable real property in the Zone and the Project and Financing Plan is feasible.

SECTION 4. Approval of Amended Interlocal Agreement. The City Council hereby approves the amendment to the Interlocal Agreement, in substantially the form attached hereto as Exhibit B, which is incorporated herein as a part hereof for all purposes. The City Council hereby authorizes the Mayor, City Manager and Finance Director of the City to negotiate any final terms with the County to finalize the amendment to the Interlocal

Agreement and execute the final Interlocal Agreement, as amended.

SECTION 5. Additional Actions. The Mayor, City Manager, Finance Director of the City and the City Secretary are hereby authorized and directed to take any and all actions on behalf of the City necessary or desirable to carry out the intent and purposes of this Ordinance.

SECTION 6. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 8. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

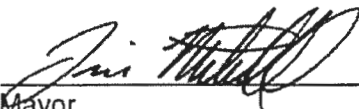
SECTION 9. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 10. Effective Date. This Ordinance shall become effective from and after its date of passage in accordance with the law.

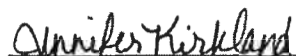
[Remainder of Page Intentionally Left Blank; Signatures to Follow]

PASSED AND APPROVED on this April 18, 2023.

CITY OF KYLE, TEXAS

By: 
Mayor

ATTEST:


City Secretary



CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS

§

§

COUNTY OF HAYS

§

The Commissioners Court (the *Court*) of Hays County, Texas (the *County*), convened on the 2nd day of May, 2023 in regular session in the regular meeting place of the Court in the County Courthouse (the *Meeting*), which Meeting was at all times open to the public, the duly constituted officers and members of the Court being as follows:

Ruben Becerra	County Judge
Debbie Ingalsbe	Commissioner, Precinct No. 1
Dr. Michelle Cohen	Commissioner, Precinct No. 2
Lon Shell	Commissioner, Precinct No. 3
Walt Smith	Commissioner, Precinct No. 4

and all of such persons were present at the Meeting, except the following: _____, thus constituting a quorum. Among other business considered at the Meeting, the attached order (the *Order*) entitled:

**AN ORDER OF HAYS COUNTY, TEXAS APPROVING THE AMENDED AND
RESTATED PROJECT AND FINANCE PLAN AND AMENDED INTERLOCAL
AGREEMENT FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER
TWO, CITY OF KYLE AND APPROVING THE EXTENSION OF THE ZONE; AND
OTHER MATTERS RELATED THERETO**

was introduced for the due consideration of the Court. After presentation and discussion of the Order, a motion was made by Commissioner _____ that the Order be passed and adopted. The motion was seconded by Commissioner _____ and carried by the following vote:

_____ voted "For" _____ voted "Against" _____ "Abstained"

all as shown in the official Minutes of the Court for the Meeting.

2. The attached Order is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Court on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Court was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Order would be considered; and the Meeting and deliberation of the aforesaid public business, including the subject of the Order, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the Commissioners Court, this 2nd day of May, 2023.

HAYS COUNTY, TEXAS

County Clerk and Ex-Officio Clerk of the
Commissioners Court of Hays County, Texas

(SEAL OF COMMISSIONERS COURT)



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Miller

Sponsor:

Commissioner Shell

Agenda Item:

Discussion and possible action on implementation of salary progression plans within the new salary chart.

SHELL/MILLER

Summary:

Pay progression plans were not drafted or included in the 4/1/23 implementation of the new salary plan. Discussion on the progression plans currently in place and department needs.

Fiscal Impact:

Amount Requested: TBD dependent on implementation

Line Item Number: Various

Budget Office:

Source of Funds: Various Funds

Budget Amendment Required Y/N?: TBD

Comments: Funding may need to be identified dependent on adopted implementation guidelines.

Auditor's Office:

Purchasing Guidelines Followed Y/N?: N/A

G/L Account Validated Y/N?: TBD

New Revenue Y/N?: N/A

Comments:



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Marcus Pacheco, Development Services Director

Sponsor:

Commissioner Shell

Agenda Item

Discussion and possible action to consider granting a variance from Section 705.2.01 of the Hays County Development Regulations and allow issuance of development permits to the owner(s) of a portion of Tract 40C in Rainbow Ranch Subdivision, an unrecorded subdivision, in Precinct 3. **SHELL/PACHECO**

Summary

The owners of a portion of Tract 40C in the Rainbow Ranch Subdivision, an unrecorded subdivision, have requested a waiver of platting requirements so that permits may be issued on the 0.31 acre property.

This portion of Tract 40C in the Rainbow Ranch Subdivision was divided by metes and bounds and gifted as a donation from the original owners of the parent tract for purposes of providing fire suppression and road maintenance uses for the Rainbow Ranch Subdivision.

Hays County is unable to issue development permits on tracts of land that do not comply with the County Subdivision Regulations, so this property would need to be platted prior to any permit issuance. The request for the waiver comes at the concern that the platting process with Hays County could cause undue hardship on their gifted property and the proposed use of the property.

Attachments

Variance Form

Site Plan

Deed



Hays County Development Services

2171 Yarrington Rd, Suite 100, Kyle Texas 78640

(P) 512-393-2150 (Web) www.hayscountytexas.com

Variance Request Form

Overview:

The Variance Request Form is for a non-compliant property seeking a variance from a Regulation adopted by Hays County. The decision to grant or deny a variance is at the complete discretion of the Hays County Development Services and/or the Hays County Commissioners Court.

Instructions:

The Variance Request Form should be completed in its entirety. Any incomplete forms will not be accepted and returned to the Owner / Applicant. Documents are required to be attached to the Variance Request Form. Recorded copies of the required documents can be obtained at the Hays County Clerk's Office.

Fee:

Type I – Administrative Variance - \$100

Type II – Commissioners Court Determination Variance - \$500

Definitions:

Applicant – A person seeking approval of an application submitted pursuant to the Hays County Development Regulations.

Owner(s) – The holder(s) of a legal or equitable interest in real property as shown by the deed records of the county in which the property is located, and which has been included in an application or Development Authorization under the Hays County Development Regulations.

Variance – A grant of relief by Hays County from a Regulation adopted by Hays County under the authority of the Hays County Commissioners Court.

Owner / Applicant Information:

Business Name: Rainbow Ranch Association, Inc.

Owner Name: Evalene Murphy, President Kathryn Brown, Vice President

Owner Address: 110 N. Tainbow Ranch Road, Wimberley, TX 78676

Primary Phone: Kathryn 512-785-3448

Secondary Phone:

Primary E-mail: kathy.kmb@gmail.com

Secondary E-mail:

Applicant Name: Kelly Kilber, PE RPLS, Consultant, Tri-Tech Engineering Company

Applicant Address: 155 Riverwalk Drive, San Marcos, TX 78666

Primary Phone: 512-938-2045

Secondary Phone:

Primary E-mail: kkilber@tritechtx.com

Secondary E-mail:

Property Information:

Subdivision Name: Rainbow Ranch Unrecorded

Phase: Section: Block: Lot:

If not located in a subdivision,

Survey / Abstract: 0.31 acres out of 6.12 acres / James Lansing Survey, A-285

Recorded (Vol/Page/Instrument): V 4527 P 188

Hays Central Appraisal District Property ID "R" Number: TBD protion of R38667

Hays County Commissioner Precinct: ☐ 1 ☐ 2 ☒ 3 ☐ 4**Type of Variance (check all that apply):**

- ☒ Variance to the Hays County Development Regulations
- ☐ Variance to the Hays County Rules for Junkyards and Automotive Wrecking and Salvage Yards
- ☐ Variance to the Hays County Development Services Fee Schedule

Variance Justification:

All variance requests must be accompanied by the section of current Regulations being appealed and the reason sought for the variance. Please fill out the below section, attaching any additional sheets needed to support the reason sought for the variance.

Chapter / Section of Regulations being Appealed	Reason for Variance
Chapter 705 Subdivision & Platting	A variance is being requested because platting of this property will serve no purpose normally addressed by the platting process. There are no roads, OSSF Systems, utility connections, drainage issues or other development issues normally associated with subdividing. The property will be used exclusively for fire suppression and road maintenance purposes. With the exception of a Development permit for Floodplain purposes, it will need no other permits from the County and the survey of the property states that it is in a Zone X area.

Hardship Findings:

1. Describe the actual situation of the property in question in relation to neighboring or similar properties such that no special privilege not enjoyed by other similar situated properties may be granted.

There are no neighboring or similar properties which would or could enjoy this "special privilege". That being said, the availability of water for fire suppression and material for road maintenance will benefit all of the neighboring properties.

2. Describe how strict enforcement of the Regulation would deny the Applicant the privileges or safety of similarly situated property with similar development.

See 1. above. This variance will provide for the safety of similar situated properties.

3. Describe how the granting of a variance will not be detrimental to public health, safety, and welfare, or injurious to other property, or will not prevent the orderly development of the land in the area in accordance with these Regulations.

See 1. above. Granting of this variance will be beneficial to the public health, safety and welfare of other properties and will enhance the orderly development of land in this area.

4. Describe how the hardship sought to be avoided is not the result of the Applicant's own actions being self-imposed or self-created and/or economic or financial hardship.

The Applicant is a non-profit organization of the owners of the surrounding properties who has negotiated a donation of the property for the benefit and safety of its members. The hardship to be avoided is the loss of the property for its stated purpose. Attached is a Site Plan for the proposed improvements to the property.

Required Documents (please attach the below documents to this request):

1. Deed(s) – A copy of the deed(s) for all properties relating to this request.
2. Survey / Metes & Bounds – A copy of any survey or metes and bounds description for all properties relating to this request.

Acknowledgement:

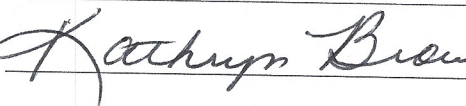
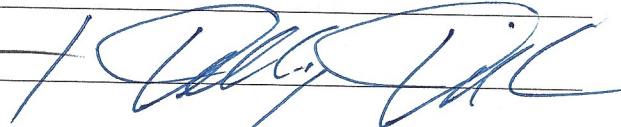
I hereby certify that I have submitted an application in compliance with the Hays County Development Regulations and other applicable local, state, and federal laws. I know that this Request Form will not be acted upon unless a completed application currently exists with Hays County Development Services. Submittal of this Request form without an existing application may result in immediate denial.

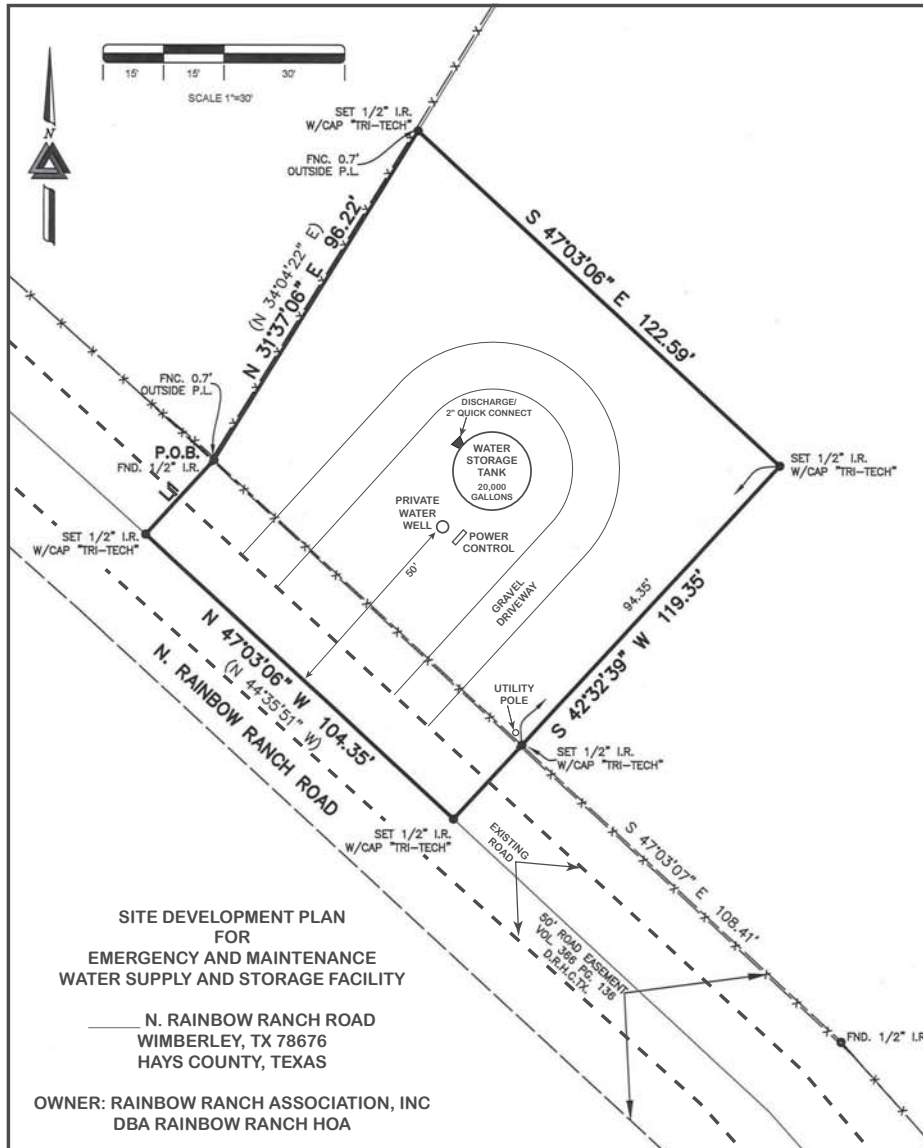
Owner's / Applicant's Certification:

I hereby certify that I have carefully read and completed this Request Form. All the above information is true and correct to the best of my knowledge. I hereby agree to comply with all provisions of local, state, and federal laws whether they are herein specified or not. As the Owner of the above-mentioned property or a duly authorized Applicant, I hereby grant permission to the County to enter the premises and make all necessary inspection and to take all other actions necessary to review and act upon this request.

Date: Feb. 28, 2023

Print Owner / Applicant Name: Kathryn Brown, Vice President / Kelly Kilber, PE RPLS Consultant

Owner / Applicant Signature:  / 



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: February 13, 2023 to be effective February 16, 2023

Grantor: Karen O'Connor Urban, Trustee of the Karen O'Connor Urban Intervivos Trust

Grantor's Mailing Address (including county):

4110 Ocean Drive
Corpus Christi, Texas 78411-1223
Nueces County

Grantee: Rainbow Ranch Association, Inc., a Texas Nonprofit Corporation

Grantee's Mailing Address (including county):

110 N. Rainbow Ranch Road
Wimberley, Texas 78676
Hays County

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

Property (including any improvements):

A 0.31 acre tract of land, more or less, out of and part of the JAMES LANSING SURVEY, ABSTRACT NO. 285 in Hays County, Texas, being also known as a portion of Tract 40C, RAINBOW RANCH, an unrecorded subdivision, in Hays County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

1. The Property shall only be used for fire suppression and road maintenance purposes.
2. The Property must be maintained in a neat and orderly condition.

Grantor, as the fee simple owner of the Property, establishes the Restrictions as covenants, conditions, and restrictions, whether mandatory, prohibitive, permissive, or administrative, to regulate the structural integrity, appearance, and uses of the Property and the improvements placed on it. Grantor and Grantee stipulate that (a) the Restrictions touch and concern the Property; (b) privity of estate exists by reason of the ownership of the Property; (c) notice is given by filing this instrument in the real property records of the county in which the Property is situated; and (d) the Restrictions are reasonable, their purposes being for the common benefit of Grantor and Grantee. The Restrictions run with the land making up the Property, are binding on Grantee and Grantee's successors and assigns forever, and inure to the benefit of Grantor and Grantee, and their successors and assigns forever.

This conveyance is further made and accepted subject to any and all restrictions, covenants, reservations, and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor but not otherwise.

Karen O'Connor Urban Intervivos Trust

By: 
Karen O'Connor Urban, Trustee

READ, AGREED AND ACCEPTED:

Rainbow Ranch Association, Inc.,
a Texas nonprofit corporation

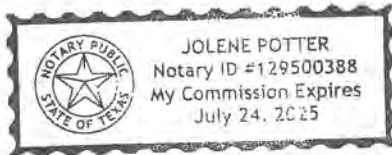
By: *Evalene Murphy, President*
Evalene Murphy, President

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF Wheeler

This instrument was acknowledged before me on this 16th ^{February} day of ~~January~~ 2023 by Karen O'Connor Urban, Trustee of the Karen O'Connor Urban Intervivos Trust, on its behalf.



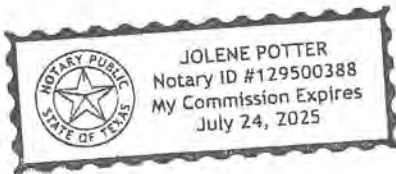
Jolene E Potter
Notary Public, State of Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on this 16th ^{February} day of ~~January~~ 2023 by Evalene Murphy, President of the Rainbow Ranch Homeowner's Association, Inc., a Texas nonprofit corporation on its behalf.



Jolene E Potter
Notary Public, State of Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on this _____ day of January 2023 by Karen O'Connor Urban, Trustee of the Karen O'Connor Urban Intervivos Trust, on its behalf.

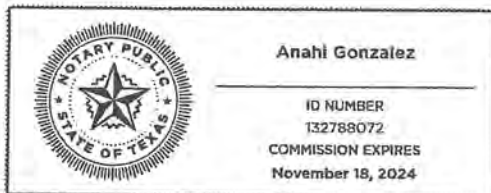
Notary Public, State of Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF ^{A.G.} ~~HAYS~~ MONTGOMERY

This instrument was acknowledged before me on this 13th ^{February} ~~January~~ day of 2023 by Evalene Murphy, President of the Rainbow Ranch Homeowner's Association, Inc., a Texas nonprofit corporation on its behalf.



Anahi Gonzalez

Notary Public, State of Texas

Anahi Gonzalez

My Commission Expires: 11/18/2024

Notarized online using audio-video communication



LEGAL DESCRIPTION

A 0.31 ACRE TRACT OF LAND OUT OF THE JAMES LANSING SURVEY ABSTRACT 285, BEING A PORTION OF A CALLED 6.12 ACRE TRACT OF LAND CONVEYED TO KAREN O'CONNOR URBAN, TRUSTEE OF THE KAREN O'CONNOR URBAN INTERVIVOS TRUST IN VOLUME 4527 PAGE 188 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.31 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the northeast line of a 50' Road Easement described in Volume 366 Page 136 of the Deed Records of Hays County, Texas, the southeast boundary of a called 5.00 acre tract conveyed to Milorad Vujanovic and wife, Veselinka Vujanovic; and Michael J. Zvolensky and wife, Anka A. Vujanovic in Document No. 21033514 of the Official Public Records of Hays County, Texas, being in the northwest boundary of said 6.12 acre tract same being the northwest boundary of the herein described tract;

THENCE N31°37'06"E with the northwest boundary of herein described tract, the northwest boundary of said 6.12 acre tract, and the southeast boundary of said 5.00 acre tract a distance of 96.22' to a 1/2" iron rod set with "Tri-Tech" cap for the north corner of herein described tract;

THENCE over and across the said 6.12 acre tract the following 2 (two) courses and distances:

1. S 47°03'06" E a distance of 122.59' to a 1/2" iron rod set with "Tri-Tech" cap;
2. S 42°32'39" W passing a 1/2" iron rod set with "Tri-Tech" cap at a distance of 94.35' at the intersection of the northeast line of said 50' Road Easement from which a 1/2" iron rod found in the northeast line of said 50' road easement bears S 47°03'07" E, a distance of 108.41' and continuing for a total distance of 119.35' to a 1/2" iron rod set with "Tri-Tech" cap in the centerline of said 50' Road Easement, same being the southwest boundary of said 6.12 acre tract, being in the northeast boundary of a called 19.25 acre tract conveyed to Donald K. Wimp and Melissa A. Wimp in Volume 4700 Page 645 of the Official Public Records of Hays County, Texas, for the south corner of herein described tract;

THENCE N 47°03'06" W with the southwest boundary of said 6.12 acre tract, the southwest boundary of the herein described tract, the centerline of said 50' Road Easement, and the northeast boundary of said 19.25 acre tract a distance of 104.35' to a 1/2" iron rod set with "Tri-Tech" cap for the west corner of said 6.12 acre tract, the west corner of the herein described tract and the south corner of said 5.00 acre tract;

THENCE N 42°32'39" E along the northwest boundary of said 6.12 acre tract and the herein described tract, same being the southeast boundary of said 5.00 acre tract, a distance of 25.00' to the POINT OF BEGINNING containing 0.31 acre of land, more or less.

- A.) This field note description is produced in conjunction with an exhibit of same date.
- B.) This field note description is valid for this transaction only.
- C.) Basis of Bearings: Texas State Plane Coordinate System, Texas South Central Zone.



09.13.2022
Arthur Vasquez Torres, R. P. L. S. No. 5737
Field Date: 09-13-22
Job No.: SMS-MC568-22



Exhibit "A"



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Chris Johnson, Elaine Brown, Jimmy Alan Hall

Sponsor:

Judge Becerra

Agenda Item

Discussion and possible action to authorize each County Courts at Law Judge to procure a credit card in an amount not to exceed \$2,000.00 per card from the County depository bank. **BECERRA/JOHNSON/BROWN/HALL**

Summary

On June 18, 2019, the Commissioners Court approved for the County Courts at Law Department to obtain a credit card from the County depository bank in an amount not to exceed \$5,000.00. The County Courts at Law Judges are requesting to obtain a credit card in each of their names, in an amount not to exceed \$2,000.00 per card.

The County Courts at Law Judges are requesting a Hays County Credit card for making department purchases, travel reservations, and other miscellaneous expenses that would normally be charged to the Countywide credit card, held by the Purchasing Department.



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Miller/Borcherding

Sponsor:

Commissioner Smith

Co-Sponsor:

Commissioner Ingalsbe

Agenda Item:

Discussion and possible action to authorize the re-grade of one Bookkeeper/Purchasing Coordinator position in the Transportation Department, grade 114 to Financial Specialist I, grade 115, effective May 1, 2023.

SMITH/INGALSBE/MILLER/BORCHERDING

Summary:

The Transportation Department would like to request the Bookkeeper/Purchasing Coordinator position be considered for re-grade to Financial Specialist I in alignment with other Bookkeeper positions and with the complexity of the job duties. This position maintains the material expenses per project, tracks and monitors road bond project budget and expenses, processes all invoices for payment, generates material purchase orders to vendors, and orders material directly from the vendor.

The establishment of a series of Financial Specialist positions is recommended for Bookkeeper and former Accountant positions.

Fiscal Impact:

Amount Requested: None

Line Item Number: 020-710-00]

Budget Office:

Source of Funds: Road & Bridge General Fund

Budget Amendment Required Y/N?: No

Comments: No fiscal impact, current employee is above the new minimum grade recommended.

<u>Position</u>	<u>Grade</u>	<u>Base Salary</u>
Bookkeeper/Purchasing Coordinator	114	\$40,063
Financial Specialist I	115	\$42,066
Current Employee		\$43,758

Auditor's Office:

Purchasing Guidelines Followed Y/N?: N/A

G/L Account Validated Y/N?: Salaries and Fringe Benefits

New Revenue Y/N?: N/A

Comments:



AGENDA ITEM REQUEST FORM: **J. 7.**

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Mike Jones

Sponsor:

Judge Becerra

Agenda Item

Discussion and possible action to consider a continuance of the Local Disaster Declaration originally proclaimed by the County Judge on or about February 3, 2023, and extended by Commissioners Court on February 10, 2023. **BECERRA/MIKE JONES**

Summary

See attached Resolution.

Attachments

Disaster Resolution Extension



RESOLUTION

STATE OF TEXAS §
COUNTY OF HAYS §

WHEREAS, Hays County experienced Winter Storm Warnings, Winter Weather Advisories and cold, wet, icy conditions during the first week of February 2023; and

WHEREAS, the temperatures dropped below freezing, causing the wet conditions to turn to ice on roadways and in other public area, and fallen tree limbs due to ice accumulation have caused significant damage; and

WHEREAS, the County Judge, considering a Proclamation declaring Hays County a Local Disaster Area necessary to promote the health and safety of Hays County citizens, and to open avenues for funding, executed such a Resolution on or about February 3, 2023; and

WHEREAS, §418.108 of the Texas Government Code provides that the County Judge's Proclamation may not remain in effect in excess of seven (7) days unless consent to continue it or renew it is provided by vote of the Hays County Commissioners Court; and

WHEREAS, the Hays County Commissioner Court's continuance of the County Judge's Proclamation will expire after May 11, 2023, unless again continued by the Hays County Commissioners Court; and

WHEREAS, the County Judge's Proclamation was, and this Resolution is, declared for the purpose of continuing the measures that must be taken to provide for public safety needs related to the winter storm, and continuing a collective effort of state and local entities to provide relief;

NOW, THEREFORE, BE IT RESOLVED that this Resolution continuing the County Judge's Declaration of Local Disaster executed on or about February 3, 2023; and continued by the Hays County Commissioners Court on February 10, 2023 is hereby declared and shall continue for a period of not more than ninety (90) days from the date cited below, unless this local state of disaster is rescinded or continued by subsequent action of the Hays County Commissioners Court.

RESOLVED, ORDERED, AND DECLARED this the 2nd day of May, 2023, by the Hays County Commissioners Court.

RUBEN BECERRA
HAYS COUNTY JUDGE

ATTEST:

ELAINE CARDENAS, MBA, PhD
HAYS COUNTY CLERK



Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Marcus Pacheco, Development Services Director

Sponsor:

Judge Becerra

Agenda Item

Discussion and possible action to call for a public hearing on May 23, 2023 to hear and finalize changes to the Hays County Food Establishment Regulations. **BECERRA/PACHECO**

Summary

The rules which govern retail food establishments in Texas (the Texas Food Establishment Regulations - TFER) were revised in August of 2021. The proposed changes to the Hays County Rules reflect a number of the changes passed down from the State as well as an additional requirement which will allow for greater transparency to potential public health concerns at the food establishments in Hays County. Documentation and justifications for the proposed changes are provided in backup.

Attachments

2023 Food Est Regulations Draft

HAYS COUNTY DEVELOPMENT SERVICES

FOOD ESTABLISHMENT REGULATIONS

AN ORDER ADOPTING THE REGULATION OF FOOD ESTABLISHMENTS INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS, TEMPORARY FOOD ESTABLISHMENTS, FARMER’S MARKETS, AND ROADSIDE FOOD VENDORS

As provided by Chapter 437 of the Texas Health and Safety Code, counties and public health districts have the authority to enforce state law and rules concerning food service establishments, retail food stores, mobile food units, temporary food establishments, farmer’s markets, and roadside food vendors.

Therefore, it is ORDERED, that Hays County Commissioners Court adopts the following order:

Section 1. Enforcement of State Law and Rules and Definitions

Hays County adopts by reference the provisions of Chapter 437 applicable to counties/public health districts and the current rules or rules as amended by The Executive Commissioner of the Health and Human Services Commission found in Title 25 of the Texas Administrative Code, Chapter 228, and Chapter 229 regarding the regulation of food establishments in this jurisdiction.

Definitions

1. The term “Health Official” means the authorized representative of the Hays County Development Services Department.
2. The term "Regulatory Authority" means the Hays County Development Services Department.
3. The term “Area of Jurisdiction” means the unincorporated areas of Hays County and the area within the corporate limits of a city with which Hays County entered into an inter-local cooperation agreement for the inspection of food establishments within that City’s incorporated limits.
4. The term "State Laws and Rules" means the state laws found in Chapter 437 of the Texas Health and Safety Code and the state rules found in Title 25 of the Texas Administrative Code Chapter 228 and Chapter 229.
5. The term “Person in Charge” is the individual present at a food establishment who is responsible for the operation at the time of inspection. If no employee identifies him/herself as the person in charge, then any employee can be considered the person in charge by the health official.
6. The term “Nonprofit Organization(s)” means civic or fraternal organizations, charity, lodge, association, proprietorship, or corporation possessing a 501 (c) 3 exemption under the Internal Revenue Code, or religious organizations meeting the standard of the Internal Revenue Code, Section 170 (b)(1)(A)(i).
7. The term “Extensive Remodeling” means addition or change to physical structure including but not limited to: work involving demolition to walls, ceiling, or floors on the premises, major equipment addition or addition of equipment due to menu change.
8. The term “Change in Food Operations” means Change in food operations including but not limited to change from the previously permitted operation in type of food establishment, type of food operation, occupancy type, structure, plumbing equipment or floor plan in terms of extensive remodeling.
9. The term “Extensive Food Preparation” means activities including but not limited to thawing of food, reheating of potentially hazardous foods, cutting ingredients needed for cooking or assembly for onsite preparation.
10. The term “Yard Egg Producer” means an egg producer that sells only ungraded eggs from their own flock directly to consumers. Such producer may be exempt from licensing by the Texas Department of Agriculture (TDA) but must be permitted by the retail food authority.

Section 2. Permits and Exemptions

A person may not operate a food establishment without a permit issued by the regulatory authority. Permits may be

transferrable from one owner to another. Permits are non-transferable from one location to another location, except as otherwise permitted by this order. A valid permit must be posted in or on every food establishment regulated by this order. All permits must be posted in a conspicuous location and easily visible to the public. The most recent inspection report must be displayed near the entrance of the establishment, or at the service window of a mobile food unit, so that it can be easily viewed by the public.

A food establishment operated solely by a nonprofit organization is exempt from the permitting requirements of this order but is not exempt from compliance with state laws and rules. The regulatory authority may require any information necessary to determine whether an organization is a nonprofit organization for purposes of this exemption.

A yard egg producer that sells yard eggs at a Farmer's Market would be operating a food establishment and would need to obtain a permit, according to the FDA Food Code. Vendors must label the stock carton with the word "ungraded", producer's name, address, and safe handling instructions. Eggs are a temperature control for safety (TCS) food and must be held and transported at a temperature of 45° Fahrenheit or less. A Yard Egg Producer Permit is non-transferable. A valid permit must be posted in or on every food establishment regulated by this order.

Section 3. Application for Permit and Fees

Any person desiring to operate a food establishment must submit an application, supporting documents and the associated fee to the regulatory authority. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit.

All Food Establishment Permits expire on December 31st of every calendar year. Renewals of permits are required on an annual basis by submitting an application with supplemental documents provided to the regulatory authority.

Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules may be denied a permit

Section 4. Review of Plans

Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review before work is begun. The plans and specifications shall include but not be limited to, the proposed layout, equipment arrangement, mechanical plans, plumbing plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of state law and rules. The approved plans and specifications must be followed in construction, remodeling, or conversion. Failure to follow approved plans and specifications, when required, will result in a permit denial, suspension, or revocation.

Section 5. Inspections

1. **Frequency.** A food establishment permitted under these rules shall be inspected at a frequency determined by the regulatory authority or in response to a formal complaint made to the regulatory authority. The owner/proprietor of a food establishment may request a re-inspection from the regulatory authority. Re-inspections will be at the discretion of the regulatory authority and will be an unscheduled inspection.
2. **Access.** The Health Officials, after proper identification, shall be permitted access to all parts of the establishment for the purpose of making inspections to determine compliance with these rules. The Health Officials shall be permitted to conduct inspections and allowed access to records specified in the code and to which the regulatory authority is entitled according to law during hours of operation and other reasonable times. Access shall be permitted in accordance with the Food and Drug Administration Food Code 2017, Section 8-402.11.

3. **Report of inspection.** Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of these rules. Any violations observed during the inspection will be documented with both the violation observed and any corrective actions that are required to remedy the violation. A copy of the Texas Food Establishment Rules will be on hand with the inspector and available for the responsible party to view should there be a dispute over any violation. A copy of the inspection report shall be furnished to the Food Establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.
4. **Correction of Violations.** The inspection report form shall specify a reasonable time period for the correction of the violations found. Correction of the violations shall be accomplished within the period specified, in accordance with the following provisions.
 - a. If a public health hazard exists or is imminent, such as, but not limited to, lack of adequate refrigeration for daily operations, extended interruption of water service, or sewage backup, the food service establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Official. Food establishments must contact the regulatory authority if hot water is not available.
 - b. All priority violations shall be corrected no later than three (3) days following the inspection, all priority foundation violations shall be corrected no later than ten (10) days following the inspection, all core violations shall be corrected no later than ninety (90) days following the inspection, or unless specifically stated otherwise by the regulatory authority. The holder of the permit may be required to submit a written report stating that the violations have been corrected and a follow up inspection may be conducted to confirm correction.
 - c. When any food service establishment rating score exceeds thirty (30) percent, corrective action on all identified violations shall be initiated within forty-eight (48) hours. One or more re-inspections will be conducted at reasonable time intervals to assure correction.

Section 6. Enforcement of Order

The regulatory authority may, after giving notice and providing an opportunity for hearing, deny, suspend, or revoke a permit for any violation of this order, the state law, or the state rules. For notice, hearing, and penalties, reference procedures in the Food and Drug Administration Food Code 2017, Annex 1, Part 5, Subpart 8-9.

Section 7. Severability

If any section, subsection, sentence, clause, phrase, or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

Section 8. Effective Date

The provisions of this order shall take effect on: May 1, 2023

INTRODUCED, READ, AND PASSED BY AN AFFIRMATIVE VOTE BY THE COMMISSIONERS COURT OF
HAYS COUNTY ON THIS _____ DAY OF _____, _____.

Ruben Becerra, Hays County Judge

Debbie Ingalsbe, Commissioner, Pct. 1

Michelle Cohen, Commissioner, Pct. 2

Lon Shell, Commissioner, Pct. 3

Walt Smith, Commissioner, Pct. 4

Attest:

Elaine Cardenas, Hays County Clerk



AGENDA ITEM REQUEST FORM: K. 1.

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Sponsor:

Judge Becerra

Agenda Item

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 and/or value of real property associated with Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court.

BECERRA

Summary

Additional information will be provided during Executive Session.



AGENDA ITEM REQUEST FORM: K. 2.

Hays County Commissioners Court

Date: 05/02/2023

Requested By:

Sponsor:

Commissioner Cohen

Agenda Item

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 and/or value of Right of Way located at or near Windy Hill Road in Pct. 2. Possible discussion and/or action may follow in open court. **COHEN**

Summary

To be provided in Executive Session.
