Hays County Emergency Services District No. 5
Kyle Fire Department Station 1 (Miller-Whitaker)
210 W. Moore St - Kyle, Texas 78640
July 23, 2014 - 6:30pm
Regular Meeting Minutes

1) The meeting was called to order at 6:49 p.m. and quorum established with Commissioners Susan Meckel, Mike Fulton, and Eric Holen present. Commissioner Beth Smith arrived at 7:08 p.m. Commissioner Paul Terry was absent.

2) Public comment was offered by City of Kyle Assistant City Manager James Earp who informed advised the ESD #5 Board that the railroad crossing at Kohlers Crossing will soon be a silent crossing. No other public comments were offered at this time.

3) Minutes of the previous Regular Meeting on May 28, 2014 were tabled momentarily until the arrival of Commissioner Beth Smith as Commissioner Mike Fulton was absent at the May 28, 2014 meeting. After Commissioner Smith's arrival at 7:08 pm, minutes of the previous Regular meeting on May 28, 2014 were read. Motion made by Eric Holen to approve minutes as read, seconded by Beth Smith. Motion passed. (3 - 0 - 1 absent - 1 abstention)

4) Jim Jansen of Jansen and Gregorcyzk provided an update regarding the FY 2013 audit. No action required.

5) The Treasurer's report was presented by Commissioner Eric Holen. No action necessary.

   a) Discussion was held on update of the signature page for the ESD's Broadway Bank signature cards. Motion made by Eric Holen, seconded by Beth Smith, to adopt Resolution 07-23-14-02 as written to include Chief as an authorized signatory per the conditions therein. Motion passed. (4 – 0 – 1 absent)

6) The Chief's report was presented by Fire Chief Kyle Taylor. No action necessary.

7) Discussion held regarding Committee update on rental procedures with discussion and possible action on lease or other contracts for Station 4 property use. The District reserves the right to enter into Closed Meeting on this agenda item pursuant to Section 551.072, Texas Government Code. ESD adjourned to Executive Session at 7:45 p.m. Executive Session ended and Regular Meeting reconvened at 8:27 p.m. No action was taken during Executive Session. Motion made by Mike Fulton to approve proposed rental contract with Hope & Love 4 Kids and Bailey's Burgers as presented with contract items numbered 7.A.9, 15, 20, and 21 filled in as "N/A." Motion seconded by Eric Holen. Motion passed. (4 – 0 – 1 absent) Mike Fulton motioned to direct Chief Taylor to execute the rental contract as edited and approved. Beth Smith seconded the motion. Motion passed. (4 – 0 – 1 absent)

8) Discussion was held regarding Updates and Recommendations from the Long-Term Structural and Operational Committee with possible action on recommendations.

   a) No discussion held, nor action taken, regarding the review of proposed Five-Year Strategic Plan and FY 2015 Budget.

   b) Discussion held regarding the adoption and implementation of Vehicle Action Plan and authorization to staff or the sale and purchase of vehicles and vehicle components. Chief Taylor reported that he would like to sell Brush 21 to fund the other two Brush Trucks being remounted. Motion made by Susan Meckel, and seconded by Eric Holen, to authorize Chief Taylor to sell Brush 21. Motion passed. (4 – 0 – 1 absent)

   c) No discussion was held, nor action taken, regarding limitations of existing revenue streams and need for potential future new revenue streams.

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9) (Agenda items 9 and 10 were briefly tabled and President Smith called for discussion with possible action on agenda items 11 and 12 to accommodate public in attendance.) Discussion and possible action on organization and structure of District operations, Emergency services provision by District, and long- and short-term planning related to same, including reorganization of debt, ownership, and related matters of real and personal property of District and KFD was held as follows. The District reserves the right to enter into Closed Meeting on this agenda item pursuant to Section 551, Texas Government Code.

a) No discussion was held, nor action taken, on draft Five-Year Strategic Plan.

b) No discussion was held, nor action taken, on ESDNet IT infrastructure co-location project and MOU or other appropriate agreement.

10) Discussion was held regarding the HCESD5 draft budget for FY 2014-2015. Chief Taylor reported that there have been no further changes made to the draft FY 2014-2015 budget since the last draft presented at the last ESD meeting. No action necessary.

11) Discussion was held and action taken on ordering an election for November 4, 2014 on the adoption of a Sales and Use Tax in Hays County Emergency Services District No.5 at a rate of one percent (1%) or other appropriate rate as allowed by law; and authorizing District officials, including the District's attorney and District's Fire Chief, to take all actions and execute necessary documents to conduct said election; authorizing the District to provide notice related to same and to enter into necessary agreements for the conduct of same; exclude any areas in the District currently at the two percent maximum locals sales and use tax, including, but not limited to the City of Kyle, the City of Mountain City, the City of Uhland, the City of San Marcos, and any other area in the District currently at two percent; discussion and action of matters related to the same, including matters related to the adoption of the District's Sales and Use Tax.

Motion made by Commissioner Beth Smith: "I, Beth Smith, make a motion to adopt RESOLUTION 07-23-14-01 ordering an election for November 4, 2014 on the issue of an increase in the Sales and Use Tax in Hays County Emergency Services District No. 5 from a rate of one-half of one percent (0.50%) to a rate of one and one-half percent (1.5%); authorizing District officials, including the District's attorney, to take all actions and execute necessary documents to conduct said election; authorizing the District to provide notice related to same and to enter into necessary agreements for the conduct of same; exclude any areas in the District currently at the two percent maximum local sales and use tax, including, but not limited to, the City of Kyle, the City of Mountain City, the City of Uhland, the City of San Marcos and any other area in the District currently at two percent; discussion and action of matters related to same, including matters related to the adoption of the increase in the District's Sales and Use Tax." Motion was seconded by Mike Fulton.

A roll call for vote was taken on the proposed motion as follows:

Eric Holen – Aye
Susan Meckel – Aye
Beth Smith – Aye
Mike Fulton – Aye
Paul Terry – Absent

Motion passed. (4 – 0 – 1)

Motion made by Beth Smith, seconded by Eric Holen, to execute and adopt resolution to affirm and support the motion for election. No discussion. Motion passed. (4 – 0 – 1 absent)

Motion made by Mike Fulton, seconded by Eric Holen, to enter into a contract with Clay Huckaby as an election administrator for consulting services regarding the Sales and Use Tax election. Motion passed. (4 – 0 – 1 absent)

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Motion made by Mike Fulton, seconded by Beth Smith, to direct Chief Taylor to execute the above-mentioned contract with Clay Huckaby. Motion passed. (4 – 0 – 1 absent)

12) Discussion was held and action taken regarding a possible Memorandum of Understanding or other agreement as may be appropriate with the City of Kyle regarding possible future sales and use tax collection or other revenue funding opportunities. Representatives present from the City of Kyle included Mayor Webster, Councilwoman Diane Hervol, and Assistant City Manager James Earp, who spoke in favor of working cooperatively with HCESD5 regarding an MOU or other agreements for future funding opportunities. Commissioner Smith asked that the issue be placed as an agenda item for a City Council meeting, to which Councilwoman Hervol was agreeable. Hays County Commissioner Ray Whisenant was also in attendance and stated support for the two entities to work cooperatively with shared responsibilities, expenses, and revenue.

Motion made by Susan Meckel for Beth Smith to enter into discussions with the City of Kyle to discuss the terms of the possible MOU or other appropriate agreement and to bring the results of those discussion back to the District for consideration. Motion was seconded by Eric Holen. Further discussion resulted in an amendment to the motion by Susan Meckel to include Chief Taylor with Beth Smith in discussions with the City. Motion was duly amended to include Chief Taylor. Motion passed. (4 – 0 – 1 absent)

13) Discussion with possible action was held on contracting with Hays County Elections Administrator or other appropriate authority to conduct Sales and Use Tax election for November 4, 2014. Motion made by Susan Meckel to authorize the Hays County Election Administrator or other appropriate authority to conduct all necessary actions to conduct a Sales and Use Tax election for November 4, 2014. Motion was seconded by Mike Fulton. Motion passed. (4 – 0 – 1 absent)

14) No discussion or updates on old business.

15) No discussion was held, nor action taken, on matters related to personnel. The District reserves the right to enter into Closed Meeting on this agenda item pursuant to Section 551.074 of the Texas Government Code.

16) Discussion was held to set workshops, meetings, and public hearings of the HCESD No. 5. Future dates are as follows:

August 11, 2014 – Budget Workshop at 6:30pm
August 20, 2014 – Public Hearing at 6:30pm followed by Special Meeting
August 27, 2014 – Regular Meeting at 6:30pm and Public Meeting (if needed) or Vote to Adopt
September 3, 2014 – Vote to Adopt (if needed) Budget and Tax Rate
September 10, 2014 – (If needed)

17) Meeting was adjourned at 9:00pm

Respectfully submitted,
Susan Meckel, Secretary
HCESD5

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