

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 30, 2021

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 30<sup>th</sup> DAY OF MARCH A.D., 2021, IN THE HAYS COUNTY COURTHOUSE, 111 E. SAN ANTONIO ST., SUITE 301, SAN MARCOS, TEXAS, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

RUBEN BECERRA  
DEBBIE GONZALES INGALSBE  
MARK JONES  
LON A. SHELL  
WALT SMITH  
ELAINE H. CÁRDENAS

COUNTY JUDGE  
COMMISSIONER, PCT. 1  
COMMISSIONER, PCT. 2  
COMMISSIONER, PCT. 3  
COMMISSIONER, PCT. 4  
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 Josh Murillo of San Marcos Seventh-day Adventist 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**

Rodrigo Amaya made public comments regarding Judge Millie Thompson, Constable Ron Hood, General Counsel, the court room decorum, and Commissioner Smith. Dan Lyon made public comments against the Hays County Appraisal District, the Sheriff's Office, and the Commissioners. Eric Martinez made a public comment in favor of a Public Defenders initiative. Mike Lee made a public comment on behalf of Counsel of First Appearance (COFA) and Mano Amiga advocacy group in support of the public defender efforts.

**RECOGNITION OF CHIEF ENVIRONMENTAL HEALTH SPECIALIST/FLOODPLAIN ADMINISTRATOR TOM POPE FOR HIS 36 YEARS OF SERVICE TO HAYS COUNTY.**

Marcus Pacheco, Interim Director of Development Services, stated that Tom Pope will be retiring on March 31<sup>st</sup>, 2021. He thanked him for his constant service to the county and the citizens. Eric Vangaasbeek, Development Services, stated that he has worked with Tom Pope for 11 years, and that he is a great mentor and friend. Clint Garza, former Director of Development Services, stated that Tom Pope has been a dedicated public servant, and has made an impact on many of the people he has met. The court took time to recognize Tom Pope. They shared stories of instances when Mr. Pope went above and beyond to resolve issues, and the relief they felt knowing that he was handling some of the most difficult situations. The court thanked Mr. Pope for his years of service and congratulated him on his retirement. No action was taken.

**UPDATE FROM THE COUNTY JUDGE AND STAFF REGARDING THE LOCAL DISASTER DECLARATION AND COVID-19. POSSIBLE DISCUSSION AND ACTION MAY FOLLOW.**

Mike Jones, Director of Emergency Services, gave the court an update. He thanked the Wimberley First Baptist Church for all they have done to assist with vaccination distributions. He stated there will be second dose clinics at Live Oak and the Performing Arts Center. No action was taken.

**36221 APPROVE PAYMENTS OF COUNTY INVOICES.**

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

**36222 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.**

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



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**36223 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 23, 2021.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of March 23, 2021. All present voted "Aye." MOTION PASSED.

**36224 APPROVE THE PAYMENT OF THE MARCH 31, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,975,000.00 EFFECTIVE MARCH 31, 2021 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the payment of the March 31, 2021 payroll disbursements in an amount not to exceed \$3,975,000.00 effective March 31, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

**36225 AUTHORIZE THE ACCEPTANCE OF THE TEXAS INDIGENT DEFENSE COMMISSION FY21 FORMULA GRANT PROGRAM IN THE AMOUNT OF \$140,485.00.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the acceptance of the Texas Indigent Defense Commission FY21 Formula Grant Program in the amount of \$140,485.00. All present voted "Aye." MOTION PASSED.

**36226 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO MAKE NEEDED REPAIRS IN THE AMOUNT OF \$51,998 TO THE KYLE WIC BUILDING THAT WAS DAMAGED DUE TO BROKEN WATER LINES CAUSED BY THE RECENT WINTER STORM AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Building Maintenance Department to make needed repairs in the amount of \$51,998 to the Kyle WIC building that was damaged due to broken water lines caused by the recent winter storm and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36227 AUTHORIZE PAYMENT TO GT DISTRIBUTOR IN THE AMOUNT OF \$529.98 IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE COUNTY PURCHASING POLICY.**

Rodrigo Amaya made public comments regarding no purchase order issued, the Commissioners, and law enforcement. Commissioner Smith stated two motor officers needed jackets. He noted under the collective bargaining agreement there were allotments made for uniforms and ancillary equipment. He stated the Constables are trying to workout an agreement which would make it easier for the Auditor's Office to categorize the items correctly. The policy should be set in the next week or two. This item is coming out of the constable's budget and not requesting additional funds. Commissioner Shell noted the court has had several items, like this one, come to court for approval. He urged department heads and elected officials to meet with the Purchasing office before they make an emergency purchase. Marisol Villarreal-Alonzo, Auditor, stated that if there is not specific direction as far as what constitutes as a uniform, then her office would need approval from the court. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize payment to GT distributor in the amount of \$529.98 in which no purchase order was issued as required per the county purchasing policy. All present voted "Aye." MOTION PASSED.

**36228 AUTHORIZE PAYMENT TO ON SITE SERVICES IN THE AMOUNT OF \$575.00 IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE COUNTY PURCHASING POLICY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize payment to On Site Services in the amount of \$575.00 in which no purchase order was issued as required per the County Purchasing Policy. All present voted "Aye." MOTION PASSED.

**36229 RATIFY THE ACCEPTANCE OF A 2009 CHEVROLET G-4500 AMBULANCE VALUED AT \$50,000.00 TO THE SHERIFF'S OFFICE AND AMEND THE BUDGET ACCORDINGLY.**

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Rodrigo Amaya made a public comment against this item. Mark Kennedy, General Counsel, requested the court set a value for the donated item. Marisol Villarreal-Alonzo, Auditor, stated this item would be valued at the fair market value by the Purchasing manager. Commissioner Shell stated he would amend his motion to include that stipulation. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to ratify the acceptance of a 2009 Chevrolet G-4500 Ambulance valued at \$50,000.00 to the Sheriff's Office and amend the budget accordingly upon final approval of the Auditor's office for the value of the donation. All present voted "Aye." MOTION PASSED.**

**36230        AUTHORIZE THE JUVENILE DETENTION CENTER TO ACCEPT A GRANT AWARD FROM TEXAS STATE UNIVERSITY RELATED TO THE HISET GED PROGRAM AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Juvenile Detention Center to accept a grant award from Texas State University related to the HiSET GED Program and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36231        AUTHORIZE THE COUNTY TREASURER TO PURCHASE A REPLACEMENT DELL OPTIPLEX 7080 COMPUTER VALUED AT \$933.90 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to Authorize the County Treasurer to purchase a replacement Dell OptiPlex 7080 computer valued at \$933.90 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36232        AUTHORIZE THE COUNTY AUDITOR TO PURCHASE A REPLACEMENT DELL OPTIPLEX 7080 COMPUTER VALUED AT \$933.90 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Auditor to purchase a replacement Dell OptiPlex 7080 computer valued at \$933.90 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36233        AUTHORIZE THE JUSTICE OF THE PEACE, PRECINCT 1-2 TO TEMPORARILY INCREASE HOURS FOR PART-TIME JUSTICE CLERK, SLOT 0855-021 FROM 20 HOURS PER WEEK TO 30 HOURS PER WEEK EFFECTIVE APRIL 1, 2021.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Justice of the Peace, Precinct 1-2 to temporarily increase hours for part-time Justice Clerk, slot 0855-021 from 20 hours per week to 30 hours per week effective April 1, 2021. All present voted "Aye." MOTION PASSED.

**36234        AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADDENDUM TO THE MASTER SERVICE AGREEMENT AND LEASE PRODUCT SCHEDULE WITH RICOH USA, INC. TO REMOVE THE RICOH COPIER LOCATED IN THE LAW LIBRARY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an addendum to the Master Service Agreement and Lease Product Schedule with Ricoh USA, Inc. to remove the Ricoh copier located in the Law Library. All present voted "Aye." MOTION PASSED.

**36235        AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT WITH PBS OF TEXAS RELATED TO COUNTYWIDE JANITORIAL SERVICES PURSUANT TO RFP 2020-P02.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Contract Amendment with PBS of Texas related to Countywide Janitorial Services pursuant to RFP 2020-P02. All present voted "Aye." MOTION PASSED.



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**36236 APPROVE SPECIFICATIONS FOR IFB 2021-B08 RM 12 AT WINTERS MILL PARKWAY AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve specifications for IFB 2021-B08 RM 12 at Winters Mill Parkway and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

**36237 RELEASE OF THE REVEGETATION BOND #70187175 IN THE AMOUNT OF \$103,669.80 FOR HEADWATERS AT BARTON CREEK SUBDIVISION, PHASE 2, AND PHASE 4, SECTION 1.**

Commissioner Smith stated this is a release of a revegetation bond, the minimum criteria have been met, and there is full staff recommendation. A motion was made by Commissioner Smith, seconded by Commissioner Shell to release of the revegetation bond #70187175 in the amount of \$103,669.80 for Headwaters at Barton Creek subdivision, Phase 2, and Phase 4, Section 1. All present voted "Aye." MOTION PASSED.

**36238 APPOINT MEMBERS TO THE REVIEW AND INTERVIEW COMMITTEE FOR RFQ 2021-Q07 GENERAL ENGINEERING CONSULTANT-ROAD BOND.**

Commissioner Jones stated he would like to propose a review and interview committee. He requested two members of the court on the committee and Jerry Borcharding, Transportation Director, or Wilton Porterfield, Transportation Department, and Mark Kennedy, General Counsel; the Auditor's Office to oversee the process. Discussion was had among the court members and staff as to who will participate on the committee. Further discussion was had regarding the meetings possibly being recorded or documented for Judge Becerra to view. Judge Becerra stated he would not participate in the meeting or decision-making process. Jerry Borcharding, Director of Transportation, stated that he would not be on the committee if the meetings are recorded as he would not like any outside influences on the decision-making process. Mark Kennedy, General Counsel, stated that he would not recommend recording the meetings or documenting the process. If the committee would like to do so, they can make it an open meeting. A motion was made by Commissioner Smith, seconded by Commissioner Shell to move forward with a five-person selection committee consisting of Winton Porterfield, Jerry Borcharding, Mark Kennedy, Mark Jones, and Lon Shell, Judge Becerra as an alternate. Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith voted "Aye." Judge Becerra voted "No." MOTION PASSED.

**36239 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 1 WITH LJA ENGINEERING, INC. TO PROVIDE RIGHT-OF-WAY ACQUISITION SERVICES FOR THE DARDEN HILL/SAWYER RANCH ROAD INTERSECTION ROUNDABOUT PROJECT IN PRECINCT 4 AS PART OF THE HAYS COUNTY 2016 ROAD BOND PROGRAM AND AUTHORIZE A DISCRETIONARY EXEMPTION PER TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

Commissioner Smith stated this item is specific to the round-about on the corner of Darden Hill and Sawyer Ranch Road, this is a slight change that needs to be made. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Change Order No. 1 with LJA Engineering, Inc. to provide Right-of-Way Acquisition services for the Darden Hill/Sawyer Ranch Road Intersection Roundabout project in Precinct 4 as part of the Hays County 2016 Road Bond Program and authorize a discretionary exemption per Texas Local Government Code Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.

**36240 APPROVE AMENDMENT #1 TO THE AGREEMENT FOR A LOCAL ON-SYSTEM IMPROVEMENT PROJECT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE US 290 AT HENLY LOOP PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDMENT #1 TO THE AGREEMENT FOR A LOCAL ON-SYSTEM IMPROVEMENT PROJECT ON BEHALF OF HAYS COUNTY.**

Commissioner Smith stated this is the next step in this project, which was approved in the 2016 Road Bond project and is the completion of the safety improvements project. A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Amendment #1 to the Agreement for a Local On-System Improvement Project between Hays County and the Texas Department of Transportation (TxDOT) for the US 290 at Henly Loop project and authorize the County Judge to execute the Amendment #1 to the Agreement for a Local On-System Improvement Project on behalf of Hays County. All present voted "Aye." MOTION PASSED.



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- 36241 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 1 WITH BINKLEY & BARFIELD, INC. FOR SURVEYING SERVICES FOR THE WINDY HILL SAFETY IMPROVEMENTS PROJECT IN PCT. 2.**

Commissioner Jones stated Windy Hill did not make it into the past bond. Over the last 3 years this project has been worked as an in-house project. This is the fourth segment to that project. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 1 with Binkley & Barfield, Inc. for surveying services for the Windy Hill Safety Improvements project in Pct. 2. All present voted "Aye."** MOTION PASSED.

- 36242 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS FOR IN THE AMOUNT OF \$1,045,394.00 FOR DRIFTWOOD GOLF AND RANCH CLUB, PHASE TWO SUBDIVISION (BOND # 1001130669).**

Commissioner Jones stated this is a project of off 1967. The work is starting to pick back up, and there is staff recommendation. **A motion was made by Commissioner Jones, seconded by Commissioner Smith to accept fiscal surety for the construction of street and drainage improvements for in the amount of \$1,045,394.00 for Driftwood Golf and Ranch Club, Phase Two Subdivision (Bond # 1001130669). All present voted "Aye."** MOTION PASSED.

- 36243 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT (ILA) AND MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO RIGHT OF WAY TRANSFER AND TRANSPORTATION AT THE SAN MARCOS REGIONAL AIRPORT IN CONNECTION WITH THE FM 110 CONSTRUCTION PROJECT.**

Commissioner Ingalsbe stated this is the last section of FM 110 which is the north section. She stated the interlocal agreement and the memorandum of understanding will lay out the responsibilities of each entity. She stated the county will collaborate with the Department of Labor (DOL) and the City of San Marcos for the funding of the south entrance of Gary Job Corp. Mark Kennedy, General Counsel, stated the parking lot, guard house, guard gate, and entrance was requested by the Department of Labor. He stated the county is waiting for the Department of Labor to submit their dedication of right of way. This item is an effort to get them to convey the right of way for this project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Interlocal Agreement (ILA) and Memorandum of Understanding (MOU) between Hays County and the City of San Marcos related to Right of Way transfer and transportation at the San Marcos Regional Airport in connection with the FM 110 construction project. All present voted "Aye."** MOTION PASSED.

- 36244 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE THE FINAL PLAT CONCERNING THE MYSTIC CREEK SUBDIVISION, LOT 15, REPLAT; SUB-1341.**

Judge Becerra open the public hearing at 11:08 a.m. No comments were made. Judge Becerra closed the public hearing at 11:08 a.m. Marcus Pacheco, Interim Director of Development Services, stated this is a replat of lot 15 which will be divided into two lots. Both lots will have access to Mystic Creek Overlook and Mystic Creek Drive. Water services will be accomplished by individual private wells, and wastewater will be treated by individual on-site sewage facilities. There are no variances requested and has full staff recommendation. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to hold a public hearing with possible action to approve the final plat concerning the Mystic Creek Subdivision, Lot 15, Replat; SUB-1341. All present voted "Aye."** MOTION PASSED.

- 36245 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE THE FINAL PLAT CONCERNING HEATON HOLLOW, TRACT 16, REPLAT.; PLN-1612-PC.**

Judge Becerra open the public hearing at 11:09 a.m. No comments were made. Judge Becerra closed the public hearing at 11:09 a.m. Marcus Pacheco, Interim Director of Development Services, stated this replat is of tract 16 and the adjacent 55-acre property that will be split to create 3 new parcels. Water services will be accomplished by rainwater harvesting and private well, and wastewater will be accomplished by individual on-site sewage facilities. Staff is requesting the court take a conditional approval since there are a few deficiencies noted on the plat that need to be remedied. The plat was brought to court to meet the 30-day requirement of the state statue. Commissioner Shell requested additional information regarding the timeline for the conditions to be

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met. A motion was made by Commissioner Shell, seconded by Commissioner Smith to conditionally approve the final plat for Heaton Hollow, Tract 16, Replat, providing via Development Services, a written statement of these conditions in compliance with Texas Local Government Code Section 232.0026, and to designate Marcus Pacheco Interim Director of Development Services to assess applicants satisfaction of those conditions and approve or disapprove within the timeframes established by Texas Local Government Code Chapter 232. All present voted "Aye." MOTION PASSED.

**36246 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE THE FINAL PLAT OF THE REPLAT OF LOTS 14 & 15, ROLLING OAKS, SECTION THREE SUBDIVISION; PLN-1587-PC.**

Judge Becerra open the public hearing at 11:14 a.m. No comments were made. Judge Becerra closed the public hearing at 11:14 a.m. Marcus Pacheco, Interim Director of Development Services, stated this is a replat of lots 14 and 15; lot 14 will be divided into two lots, and lot 15 will also be divided into two lots. Water services will be accomplished by individual private wells and wastewater treatment will be accomplished by individual on-site sewage facility. There are no variances requested for this replat. This item has full staff recommendation. Commissioner Shell spoke. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to hold a public hearing with possible action to approve the final plat of the Replat of Lots 14 & 15, Rolling Oaks, Section Three Subdivision; PLN-1587-PC. All present voted "Aye." MOTION PASSED.

**36247 APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS; SUB-751, ANTHEM, PHASE 1A SUBDIVISION (193 LOTS).**

Marcus Pacheco, Interim Director of Development Services, stated fiscal surety is required for the remaining improvements. Water and wastewater will be provided by the City of Kyle, and there is full staff recommendation. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety for street and drainage improvements; SUB-751, Anthem, Phase 1A Subdivision (193 Lots). All present voted "Aye." MOTION PASSED.

**36248 AUTHORIZE THE COUNTY CLERK TO RE-GRADE THE ADMINISTRATIVE ASSISTANT II, SLOT 0272-034 (GRADE 108) TO A BOOKKEEPER (GRADE 109) EFFECTIVE APRIL 1, 2021 UTILIZING AVAILABLE SALARY SAVINGS.**

Elaine H. Cardenas, County Clerk, stated her office has two vacant positions. She would like to re-grade the Administrative Assistant II to a Bookkeeping position to keep up with the workflow of the growing office. Shari Miller, Human Resources Director, stated this item would establish the position of a second bookkeeper for the County Clerk's office. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Clerk to re-grade the Administrative Assistant II, slot 0272-034 (grade 108) to a Bookkeeper (grade 109) effective April 1, 2021 utilizing available salary savings. All present voted "Aye." MOTION PASSED.

**Clerk's Note Agenda Item #31 RE: DISCUSSION AND POSSIBLE ACTION TO ADOPT HAYS COUNTY EMPLOYEE PERSONNEL POLICY REVISIONS.WAS PULLED.**

Rodrigo Amaya made public comments regarding the position of the court administrator for County Court at Law #3, and the Director of Human Resources.

**36249 DISCUSSION AND POSSIBLE ACTION REGARDING THE CRIMINAL JUSTICE COORDINATING COMMISSION INCLUDING AN UPDATE ON RECENT COMMISSION AND SUBCOMMITTEE MEETINGS.**

Christine Terrell made a public comment in favor of a Public Defender's Office starting at fifty percent of the case load. Shannon Fitzpatrick made a public comment in favor of a Public Defender's Office starting at fifty percent of the case load. Commissioner Shell updated the court regarding some of the issues that have been discussed in the Criminal Justice Coordinating Commission meetings, mainly the Public Defender's Office, pre-trial services, and mental health issues. Commissioner Ingalsbe stated that this an opportunity to provide representation and other services that are needed to ensure success, including training for investigators, social workers, and staff. Commissioner Shell stated that the committee is in communication with TIDC (Texas Indigent Defense Commission) and the Neighborhood Defender Services, and they also want support from the local Judges. A motion was made by Commissioner Shell, seconded by Judge Becerra to authorize a letter of intent to the TIDC regarding the Public Defenders opportunities, Pretrial Service Program opportunities, and Managed Assigned Counsel opportunities. All present voted "Aye." MOTION PASSED.

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- 36250 AMEND THE CONTRACT FOR THE SWAGIT PROPOSAL. ADDING AGENDA QUICK SOFTWARE, ALLOWING ACCESS TO AGENDA AND BACKUP SOFTWARE, AS WELL AS AUTOMATED PARLIAMENTARY PROCEDURES AND RECORDING OF VOTES AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Shell stated that he was supportive of the program. He stated the Commissioners would need training on the equipment. Commissioner Smith stated that he felt the county may need a CIO (Chief Information Officer) position to look at these types of projects in the future. Elaine H. Cardenas, County Clerk, stated that she agreed with Commissioner Smith. She noted that during the selection process for this project a member of the I.T. (Information Technology) department was on the committee. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the contract for the Swagit Proposal. Adding Agenda Quick software, allowing access to agenda and backup software, as well as automated parliamentary procedures and recording of votes and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

- 36251 AUTHORIZE THE DISTRICT CLERK TO UTILIZE KOFI FILE TECHNOLOGIES FOR THE HAYS COUNTY DISTRICT CLERK RECORDS PRESERVATION PROJECT.**

Beverley Crumley, District Clerk, stated this request is for the preservation of the historical records that are held in the District Clerk's office. She stated it is important to preserve the integrity of these records for the history of the county. She stated the books have also been digitized so that there is less chance to handle and cause damage to the books. Commissioner Ingalsbe thanked Beverley Crumley for her work to preserve these records. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the District Clerk to utilize Kofile Technologies for the Hays County District Clerk Records Preservation Project. All present voted "Aye." MOTION PASSED.**

- 36252 ACCEPT THE FISCAL YEAR 2020 HAYS COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT AS AUDITED BY ABIP, PC CERTIFIED PUBLIC ACCOUNTANTS.**

Marisol Villarreal- Alonzo, Auditor, introduced the external auditor with ABIP, PC. Jeremy Barbado, Audit Manager of ABIP, explained the audit findings to the court regarding the financial statements. He stated the Auditor's Office received the Certificate of Achievement of Excellence in Financial Reporting for the fiscal year of 2019 from the Government Finance Officer Association. He reviewed the highlights of the report to the Commissioners. He stated overall that the audit found that financial statements provided to the court weekly are reliable. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the Fiscal Year 2020 Hays County Comprehensive Annual Financial Report as audited by ABIP, PC Certified Public Accountants. All present voted "Aye." MOTION PASSED.**

- 36253 APPROVE A PRELIMINARY HAYS COUNTY BUDGET CALENDAR FOR FISCAL YEAR 2022.**

**A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a preliminary Hays County budget calendar for Fiscal Year 2022. All present voted "Aye." MOTION PASSED.**

- 36254 AUTHORIZE HAYS COUNTY HUMAN RESOURCES TO CONDUCT SALARY MARKET ANALYSIS UTILIZING BENCHMARK COUNTIES AND CITIES AS PRESENTED.**

Dan Lyon made public comments against the recent audit of the county's financial reports that was made in a previous item, and against employee pay raises. Judge Becerra stated the salary market analysis is for a comparison of pay, and not to match pay. Commissioner Ingalsbe noted the analysis will be conducted in-house. Shari Miller, Human Resource Director, gave the court an explanation of the data that will be gathered for the analysis. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize Hays County Human Resources to conduct salary market analysis utilizing benchmark counties and cities as presented. All present voted "Aye." MOTION PASSED.**

- 36255 AWARD TXCDBG ADMINISTRATIVE SERVICES TO LANGFORD COMMUNITY MANAGEMENT SERVICES, INC. AND AUTHORIZE STAFF AND GENERAL COUNSEL TO NEGOTIATE A CONTRACT.**

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Commissioner Shell stated the selection made by the evaluation team was Langford Community Management Services, Inc. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to award TxCDBG Administrative Services to Langford Community Management Services, Inc. and authorize staff and General Counsel to negotiate a contract. All present voted "Aye." MOTION PASSED**

**36256 EXECUTE A CONTRACT FOR RFP 2020-P15 TRAFFIC COUNTER INSPECTION AND MAINTENANCE BETWEEN HAYS COUNTY AND JM ENGINEERING, LLC. FOR CONTRACTS PROCURED BY THE HAYS COUNTY PURCHASING DEPARTMENT.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to execute a contract for RFP 2020-P15 Traffic Counter Inspection and Maintenance between Hays County and JM Engineering, LLC. for contracts procured by the Hays County Purchasing Department. All present voted "Aye." **MOTION PASSED.**

**Clerk's Note:** Judge Becerra called for a break that began at 10:31 a.m. and resumed back into open court at 10:41 a.m.

**36257 DISCUSSION AND POSSIBLE ACTION RELATED TO PROPOSED BILLS IN THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE, INCLUDING BUT NOT LIMITED TO CONSIDERATION OF A BILL PROPOSING TO CREATE AN ADDITIONAL DISTRICT COURT WITHIN HAYS COUNTY; 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.**

Rodrigo Amaya made a public comment. Commissioner Smith stated this item was requested by Representative Erin Zwiener. He stated the court has made resolutions for some of the items in the past. He stated some of the items for discussion consisted of an additional district court, and the authority of the commissioner's court to regulate billboards. He noted that some of the items need additional information and staff input before a decision could be made by the court. Judge Becerra called on 428<sup>th</sup> Judicial District Judge, Bill Henry, to speak on this item. Judge Henry stated that the district courts' expanded caseloads, in addition to COVID-19 is causing further delays for jury trials. He stated many of the people in jail are waiting on a jury trial through the district courts. He requested the Commissioners court decide on a resolution by today to meet the deadline on Wednesday. Commissioner Smith stated moving forward with this resolution, that he would like this position to be a Hays County based Judge. He noted that the courts have a major back log for civil cases. Commissioner Shell requested clarification on the resolution regarding if the court will be specifically handling criminal or civil court cases. Discussion was had that a criminal or civil designation would not be needed at this time. Commissioner Shell noted several costs associated with running a court such as additional support staff and bailiffs. Beverly Crumley, District Clerk, was available in court to answer questions regarding the case statistics that are submitted to the Office of Court Administration (OCA). Discuss was had among the court regarding budgeting for a new court. Commissioner Smith requested that a resolution be written, and this item remain open until the end of court, which they would then vote on that resolution.

**Clerk's Note:** At the request of Commissioner Smith, this item was left open to allow a resolution to be created to meet the needs of the court. This item was revisited, and the resolution was read at 1:52 p.m.

Commissioner Shell inquired if the Commissioners Court can give guidance on the effective date for the District court. He noted September 1<sup>st</sup> as it coincides with their fiscal year. Mark Kennedy, General Counsel recommended the court attach the drafted legislation to the resolution. Commissioner Smith announced the additional items on the list for discussion from Representative Erin Zwiener. House Bill 37 would establish that pipelines go through the same type of process as Public Utility Commissions (PUC). Commissioner Smith stated he would like to bring back a draft resolution for this issue. The Commissioners stated they agreed. House Bill 176 would give local government the authority to ban containers. This is an issue with people floating and polluting the San Marcos River with their aluminum cans. Commissioner Smith stated he hopes the City of San Marcos is in support of this, and he would like to get more information regarding that issue. Commissioner Ingalsbe and Commissioner Shell stated they agreed. House Bill 242 would require oil and gas companies operating in the Edwards Water Aquifer recharge zone to submit a water pollution abatement plan. Commissioner Ingalsbe and Commissioner Shell stated this is reasonable but would like to review the full document. House Bill 298 is part of the Hill Country preserving dark skies initiative. This would allow cities to extend the ordinance to Extraterritorial Jurisdictions (ETJ). Commissioner Smith noted Wimberley and Dripping Springs are dark sky communities in the county. The court has passed resolutions in the past in support of the Dark Skies initiative. The Commissioners stated they are in support of that item but would like to review the details especially regarding jurisdictions. House Bill 1512 would grant authority to the Hays County Commissioners Court instead of the Texas Department of Transportation for billboards in unincorporated areas. The Commissioners stated they are in support of that item. House Bill 2422 would allow the County Commissioners in fast growing counties to regulate the location of new quarries and aggregate production operations. Commissioner Shell suggested communicating with Comal County to coordinate efforts. House Bill



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186 provides tax exemptions for homeowners who install graywater and rainwater systems, this would be an extension of the solar panel exemption that already exists. The Commissioners stated they are supportive. HB 2350 would incentivize nature-based infrastructure projects through the Clean Water State Revolving Fund. The nature-based infrastructure projects would be funded on a decrease of the interest rate of the overall project. Commissioner Shell stated that Hays County has applied for Clean Water State Revolving Fund. The Commissioners stated they were supportive. Commissioner Smith stated that some of the other items proposed did not have enough back up information for him to present at this time. **A motion was made by Judge Becerra, seconded by Commissioner Smith to approve a resolution of the Hays County Commissioners Court in support of the creation of a District Court within Hays County in the Legislative Session with an effective date for the creation of this court for September 1<sup>st</sup>, 2022. All present voted "Aye." MOTION PASSED.**

**Clerk's Note:** Executive Session began at 12:22 p.m. and resumed back into open court at 1:47 p.m.

**36258 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF THE ADMINISTRATIVE ASSISTANT POSITION IN THE OFFICE OF THE HAYS COUNTY JUDGE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.**

Mark Kennedy, General Counsel, request the court indicate to the Auditor where the funds for the additional pay will come from. Commissioner Shell stated the funds will come from salary savings from the Chief of Staff position. **A motion was made by Commissioner Shell, seconded by Commissioners Ingalsbe to update the job description for the administrative assistant within the County Judge's office as presented in Executive Session and move the pay in the range of 110 to the 50<sup>th</sup> percentile. All present voted "Aye." MOTION PASSED.**

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF THE HAYS COUNTY CHIEF OF STAFF POSITION. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.**

No action was taken.

**36259 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF ALL POSITIONS IN THE HAYS COUNTY DEVELOPMENT SERVICES OFFICE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to name the new Interim Floodplain Administrator as Eric Vangaasbeek. All present voted "Aye." MOTION PASSED.

**Clerk's Note Agenda Item #44 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION. – 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. The estimated cost for outsourcing was \$48,480.00 for the week. The number of outsourced males was 122 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 6, Department of Public Safety – 1, Hays County Sheriff's Department – 61, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Constable Precinct 1 – 1, Kyle Police Department – 26, San Marcos Police Department - 45, Texas State Police Department – 0. No action was taken.

**Clerk's Note Agenda Item #46 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.**



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**ADJOURNMENT**

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 2:07 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 March 30, 2021.



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

