

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JUNE 1, 2021

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 1<sup>st</sup> DAY OF JUNE 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 Stella Burkhalter of Kyle United Methodist 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**

Dianne Wassenich made public comments regarding vaccines, county purchase of flood plains, and the Capes Dam removal. Virginia Parker Condie, Executive Director of the San Marcos River Foundation, made a public comment regarding the Capes Dam Complex. Jonathan Steinberg made a public comment in support of appointing Judge Linda Rodriguez for County Court at Law #3. Rodrigo Amaya made a public comment regarding lack of accountability from the Hays County leadership. Dan Lyon made public comments against the Hays County Appraisal District and the Appraisal Review Board. Kimberly Meitzer, member of the San Marcos River Foundation, made a public comment regarding the interlocal agreement between Hays County and the City of San Marcos for the Capes Dam removal. Dr. Linda Calvert, representative of the League of Women Voters, made a public comment regarding a proposal for a transparent commission. The following public comments were emailed to the court. Elaine Cardenas, County Clerk read the emailed public comments to the court. Monica Baietti, Donna Haschke, Jehnny Oh, and Judy Curtis submitted letters in support of appointing Judge Linda Rodriguez for County Court at Law #3. James "Jay" Daniel made a public comment in support of the removal of Capes Dam. Mark Trahan made a public comment in support of Judge Linda Rodriguez. Mindy Webber made public comments regarding redistricting and in support of Judge Linda Rodriguez. Will Webber made a public comment against keeping Capes Dam. Shannon Fitzpatrick made a public comment in support of Judge Linda Rodriguez.

**36430 ADOPT A PROCLAMATION DECLARING THE FIRST FRIDAY OF JUNE 2021 AS GUN VIOLENCE AWARENESS DAY.**

Dan Lyon made public comment regarding confusion of the wording of the proclamation. Discussion was had among the court and Mark Kennedy, General Counsel, to clarify and amend the wording of the proclamation. The court agreed that they are in support of the second amendment rights and responsible gun ownership. **A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the first Friday of June 2021 as Gun Violence Awareness Day. All present voted "Aye." MOTION PASSED.**

**36431 ADOPT A PROCLAMATION DECLARING JUNE 2021 AS HAYS COUNTY MONTH LONG CELEBRATION OF JUNETEENTH.**

Commissioner Ingalsbe thanked everyone involved in planning the Juneteenth celebration and events. Vanessa Westbrook, Hays County Historical Commission, announced to the court the schedule for the upcoming events. Teresa Carbajal – Ravet, President of the Hays County League of Women Voters, announced that the league is a supporter of this proclamation. Commissioner Smith stated he appreciated that the proclamation included reference to Reverend Al Edwards. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a proclamation declaring June 2021 as Hays County Month Long Celebration of Juneteenth. All present voted "Aye." MOTION PASSED.**



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**PRESENTATION ON THE TEXAS 4H ACCOMPLISHMENTS OVER THE PAST YEAR AND HIGHLIGHTS FROM 4H PROGRAMS.**

Jason Mangold, County Extension Agent, spoke about the effects of the pandemic to the 4H clubs and members. Kate Blankenship, County Extension Agent, stated the 4H members still conducted community services during the pandemic such as DIY videos and providing masks. Ty Dahlstrom, Grace Vasicek, and Arielle Wortham, scholarship recipients spoke to the court to thank them for their support for 4H. 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, announced that vaccines are available in almost every pharmacy in Hays County. He announced the number of positive cases has gone down. He noted there are additional clinic openings this week. He stated the Texas National Guard will be assisting with the clinics. No appointment is necessary. No action was taken.

**Clerk's Note:** Judge Becerra called for a break that began at 11:03 a.m. and resumed back into open court at 11:13 a.m.

**36432 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.

**36433 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.

**36434 APPROVE COMMISSIONERS COURT MINUTES OF MAY 18, 2021.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of May 18, 2021. All present voted "Aye." MOTION PASSED.

**36435 APPROVE THE PAYMENT OF THE JUNE 15, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,100,000.00 EFFECTIVE JUNE 15, 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 June 15, 2021 payroll disbursements in an amount not to exceed \$3,100,000.00 effective June 15, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

**36436 AUTHORIZE THE JAIL TO UTILIZE SAVINGS WITHIN THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION, CORONAVIRUS GRANT FOR A UVC LIGHT AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Jail to utilize savings within the Office of the Governor Criminal Justice Division, Coronavirus Grant for a UVC Light and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36437 AUTHORIZE THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY TO PURCHASE ONE (1) REPLACEMENT DELL LAPTOP WITH ACCESSORIES VALUED AT \$1,414.13 AND FOUR (4) OPTIPLEX COMPUTERS VALUED AT \$4,241.28 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Hays County Criminal District Attorney to purchase one (1) replacement Dell Laptop with accessories valued at \$1,414.13 and four (4) OptiPlex computers valued at \$4,241.28 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

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**36438      AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE ASSISTANCE, PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) TO PURCHASE BULLETPROOF VESTS FOR COUNTY LAW ENFORCEMENT OFFICERS IN THE AMOUNT OF \$28,655.64.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the submission of a grant application to the Department of Justice, Office of Justice Assistance, Patrick Leahy Bulletproof Vest Partnership (BVP) to purchase bulletproof vests for County law enforcement officers in the amount of \$28,655.64. All present voted "Aye." MOTION PASSED.

**36439      AUTHORIZE THE ACCEPTANCE OF A GRANT RENEWAL AWARD FROM THE TEXAS VETERANS COMMISSION (TVC) FOR FUNDING OF THE HAYS COUNTY VETERANS SERVICES - VETERANS TREATMENT COURT IN THE AMOUNT OF \$300,000.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the acceptance of a grant renewal award from the Texas Veterans Commission (TVC) for funding of the Hays County Veterans Services - Veterans Treatment Court in the amount of \$300,000. All present voted "Aye." MOTION PASSED.

**36440      AUTHORIZE THE ACCEPTANCE OF THE HAYS COUNTY ASSISTANCE TO VETERANS GRANT RENEWAL AWARD IN THE AMOUNT OF \$100,000 FROM THE TEXAS VETERANS COMMISSION (TVC) FOR THE VETERANS COUNTY SERVICE OFFICER (VCSO).**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the acceptance of the Hays County Assistance to Veterans grant renewal award in the amount of \$100,000 from the Texas Veterans Commission (TVC) for the Veterans County Service Officer (VCSO). All present voted "Aye." MOTION PASSED.

**36441      APPROVE THE CANCELLATION OF THE HAYS COUNTY COMMISSIONERS COURT ON THE FOLLOWING DATES IN 2021: JUNE 8, JULY 6, JULY 20, AUGUST 3, AUGUST 31, SEPTEMBER 14, SEPTEMBER 28, OCTOBER 26, NOVEMBER 16 AND DECEMBER 14.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the cancellation of the Hays County Commissioners Court on the following dates in 2021: June 8, July 6, July 20, August 3, August 31, September 14, September 28, October 26, November 16 and December 14. All present voted "Aye." MOTION PASSED.

**36442      APPROVE UTILITY PERMITS.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Utility Permits. All present voted "Aye." MOTION PASSED.

**36443      ACCEPT THE FISCAL YEAR 2020 HAYS COUNTY EMERGENCY SERVICES DISTRICT #2 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to accept the Fiscal Year 2020 Hays County Emergency Services District #2 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

**36444      AUTHORIZE THE EXECUTION OF A RESOLUTION AND SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE TRANSPORTATION ALTERNATIVE SET-ASIDE (TA) PROGRAM FOR THE HAYS COUNTY FM 2325 SIDEWALK PROJECT.**

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Dan Lyon made a public comment against this item. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of a Resolution and submission of a grant application to the Texas Department of Transportation (TxDOT) for the Transportation Alternative Set-Aside (TA) Program for the Hays County FM 2325 Sidewalk project. All present voted "Aye." MOTION PASSED.

**36445 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO BASEBALL FIELDS WITH A FACILITY BUILDING AT 1740 SPORTS PARK RD, DRIPPING SPRINGS, TEXAS 78620.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for two baseball fields with a facility building at 1740 Sports Park Rd, Dripping Springs, Texas 78620. All present voted "Aye." MOTION PASSED.

**36446 AUTHORIZE THE COUNTY JUDGE TO ACCEPT THE ANNUAL 2020 WILDLIFE MANAGEMENT ACTIVITIES REPORT FOR THE GAY RUBY DAHLSTROM NATURE PRESERVE.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to accept the Annual 2020 Wildlife Management Activities Report for the Gay Ruby Dahlstrom Nature Preserve. All present voted "Aye." MOTION PASSED.

**36447 RATIFY THE ACCEPTANCE OF LAW ENFORCEMENT AND JANITORIAL SUPPLIES, VALUED AT \$355.39 FROM BOB BARKER AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to ratify the acceptance of law enforcement and janitorial supplies, valued at \$355.39 from Bob Barker and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36448 RATIFY THE ACCEPTANCE OF A \$355.00 DONATION TO THE SHERIFF'S OFFICE CRIME VICTIM'S ASSISTANCE PROGRAM AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to ratify the acceptance of a \$355.00 donation to the Sheriff's Office Crime Victim's Assistance program and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36449 AUTHORIZE PAYMENT TO LOWER COLORADO RIVER AUTHORITY OF \$572.00 FOR RADIO CABLES WHERE NO PURCHASE ORDER WAS IN PLACE AS PER THE COUNTY POLICY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize payment to Lower Colorado River Authority of \$572.00 for radio cables where no purchase order was in place as per the County Policy. All present voted "Aye." MOTION PASSED.

**36450 AUTHORIZE THE SELECTION OF WSB AND ASSOCIATES TO PERFORM ROUTE STUDIES IN RELATION TO VARIOUS PROPOSED TRANSPORTATION PLAN FACILITIES AND AUTHORIZE STAFF TO NEGOTIATE A CONTRACT.**

Commissioner Jones stated due to the growth in the precinct this is a plan for future roads. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to Authorize the selection of WSB and Associates to perform route studies in relation to various proposed Transportation Plan facilities and authorize staff to negotiate a contract. All present voted "Aye." MOTION PASSED.

**36451 AUTHORIZE THE JAIL TO ADD A TELEPHONE ALLOWANCE FOR THE INMATE PROGRAM DIRECTOR, SLOT 0468-001 EFFECTIVE JUNE 1, 2021.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the Jail to add a telephone allowance for the Inmate Program Director, slot 0468-001 effective June 1, 2021. All present voted "Aye." MOTION PASSED.





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- 36452      APPROVE OUT OF STATE TRAVEL, UTILIZING THE SHERIFF'S OFFICE CONTINUING EDUCATION FUNDS, FOR CRIMINAL INVESTIGATIONS DIVISION LIEUTENANT MICHAEL BRIGGS TO ATTEND THE NATIONAL HOMELAND SECURITY CONFERENCE ON AUGUST 30-SEPTEMBER 2, 2021 IN LAS VEGAS, NEVADA.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve out of state travel, utilizing the Sheriff's Office Continuing Education Funds, for Criminal Investigations Division Lieutenant Michael Briggs to attend the National Homeland Security Conference on August 30-September 2, 2021 in Las Vegas, Nevada. All present voted "Aye." MOTION PASSED.

- 36453      APPROVE OUT OF STATE TRAVEL, UTILIZING THE SHERIFF'S OFFICE CONTINUING EDUCATION FUNDS, FOR EMERGENCY COMMUNICATIONS OFFICER DENISE LEWIS TO ATTEND THE NAVIGATOR CONFERENCE ON JULY 13-15, 2021 IN LAS VEGAS, NEVADA.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve out of state travel, utilizing the Sheriff's Office Continuing Education Funds, for Emergency Communications Officer Denise Lewis to attend the Navigator Conference on July 13-15, 2021 in Las Vegas, Nevada. All present voted "Aye." MOTION PASSED.

- 36454      AUTHORIZE THE HAYS COUNTY CONSTABLE, PCT. 4 OFFICE TO ENTER INTO A STATE PLAN OF OPERATION AGREEMENT WITH THE STATE OF TEXAS TO RECEIVE CERTAIN EXCESS DEPARTMENT OF DEFENSE (DOD) PROPERTY UNDER THE LAW ENFORCEMENT SUPPORT OFFICE (1033/LESO) PROGRAM ADMINISTERED BY THE DEFENSE LOGISTICS AGENCY (DLA).**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Hays County Constable, Pct. 4 Office to enter into a State Plan of Operation Agreement with the State of Texas to receive certain excess Department of Defense (DOD) property under the Law Enforcement Support Office (1033/LESO) Program administered by the Defense Logistics Agency (DLA). All present voted "Aye." MOTION PASSED.

- 36455      AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR THE RELOCATION OF A DRAIN FIELD FOR AN OFFICE AND SELF-STORAGE UNITS AT 5500 W. US 290, DRIPPING SPRINGS, TEXAS 78620.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for the relocation of a drain field for an office and self-storage units at 5500 W. US 290, Dripping Springs, Texas 78620. All present voted "Aye." MOTION PASSED.

- 36456      AUTHORIZE THE HAYS COUNTY SHERIFF'S OFFICE TO ENTER INTO A STATE PLAN OF OPERATION AGREEMENT WITH THE STATE OF TEXAS TO RECEIVE CERTAIN EXCESS DEPARTMENT OF DEFENSE (DOD) PROPERTY UNDER THE LAW ENFORCEMENT SUPPORT OFFICE (1033/LESO) PROGRAM ADMINISTERED BY THE DEFENSE LOGISTICS AGENCY (DLA).**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Hays County Sheriff's Office to enter into a State Plan of Operation Agreement with the State of Texas to receive certain excess Department of Defense (DOD) property under the Law Enforcement Support Office (1033/LESO) Program administered by the Defense Logistics Agency (DLA). All present voted "Aye." MOTION PASSED.

- 36457      AUTHORIZE THE JUSTICE OF THE PEACE PCT. 4 OFFICE TO PURCHASE ONE REPLACEMENT OPTIPLEX 7090 DESKTOP COMPUTER VALUED AT \$1,060.32 UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the Justice of the Peace Pct. 4 Office to purchase one replacement OptiPlex 7090 Desktop Computer valued at \$1,060.32 utilizing the Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



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- 36458      AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO ACCEPT A PROPOSAL FROM WATER & EARTH TECHNOLOGIES, INC. (WET) RELATED TO DAM REPAIRS AT SITE SCSS IN SAN MARCOS AND AUTHORIZE A DISCRETIONARY EXEMPTION PER LOCAL GOVERNMENT CODE 262.024(A)(7).**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the Office of Emergency Services to accept a Proposal from Water & Earth Technologies, Inc. (WET) related to Dam repairs at site SCSS in San Marcos and authorize a discretionary exemption per Local Government Code 262.024(a)(7). All present voted "Aye." MOTION PASSED.

- 36459      AUTHORIZE THE LOCAL HEALTH DEPARTMENT TO UTILIZE TRAVEL & TRAINING SAVINGS FOR ADDITIONAL OFFICE AND DATA PROCESSING SUPPLIES AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the Local Health Department to utilize travel & training savings for additional office and data processing supplies and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36460      RECEIVE ANNUAL ROAD REPORTS FOR EACH PRECINCT AS REQUIRED BY THE TEXAS TRANSPORTATION CODE SECT 251.005.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to Receive Annual Road Reports for each Precinct as required by the Texas Transportation Code Sect 251.005. All present voted "Aye." MOTION PASSED.

- 36461      AUTHORIZE THE ACCEPTANCE OF A PROPOSAL FROM DAVID SULLIVAN TO INSTALL DATA DROPS WITHIN THE CONSTABLE PRECINCT 4 OFFICES AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Smith stated these are the data drops for the new Deputy Constable. He stated this was paid for in the last budget. A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the acceptance of a Proposal from David Sullivan to install data drops within the Constable Precinct 4 Offices and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36462      AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO UTILIZE CONTINUING EDUCATION FUNDS FOR ADDITIONAL DATA SUPPLIES AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the Information Technology Department to utilize continuing education funds for additional data supplies and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36463      ACCEPT GRANTS & CONTRIBUTIONS TOTALING \$12,000 ON BEHALF OF THE HAYS COUNTY CHILD PROTECTIVE BOARD AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to accept grants & contributions totaling \$12,000 on behalf of the Hays County Child Protective Board and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36464      CALL FOR A PUBLIC HEARING ON JUNE 15, 2021 TO ESTABLISH A "NO PARKING" ZONE IN FRONT OF THE PARK GATE & DRIVEWAY ON EDGEWATER DRIVE ALONG THE BLANCO RIVER.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to call for a public hearing on June 15, 2021 to establish a "No Parking" zone in front of the park gate & driveway on Edgewater Drive along the Blanco River. All present voted "Aye." MOTION PASSED.

- 36465      HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH A "NO DUMPING" ZONE ALONG BOTH SIDES OF ELM GROVE LANE BETWEEN FM 1626 AND THE CUL-DE-SAC.**

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Judge Becerra opened the public hearing at 12:02 p.m. No comments were made. Judge Becerra closed the public hearing at 12:02 p.m. Commissioner Jones stated this is a road that has become a popular dumping site. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hold a public hearing with possible action to establish a "No Dumping" zone along both sides of Elm Grove Lane between FM 1626 and the cul-de-sac. All present voted "Aye." MOTION PASSED.

**36466 ACCEPT THE ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND #70NGP184872 IN THE AMOUNT OF \$3,026,133.00, ACCEPT THE 2-YEAR MAINTENANCE BOND #135515C IN THE AMOUNT OF \$284,666.74, AND ACCEPT THE 5-YEAR PAVEMENT MAINTENANCE BOND #30114353 IN THE AMOUNT OF \$23,492.81 FOR HYMEADOW SUBD., PHASE 1, SECTION 2.**

Commissioner Ingalsbe stated there is staff recommendation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the road construction & drainage improvements, release of the construction bond #70NGP184872 in the amount of \$3,026,133.00, accept the 2-year maintenance bond #135515C in the amount of \$284,666.74, and accept the 5-year pavement maintenance bond #30114353 in the amount of \$23,492.81 for Hymeadow Subd., Phase 1, Section 2. All present voted "Aye." MOTION PASSED.

**36467 ACCEPT THE ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION BOND #7901052373 IN THE AMOUNT OF \$724,309.50, ACCEPT THE 2-YEAR MAINTENANCE BOND #135518C IN THE AMOUNT OF \$89,741.66, AND ACCEPT THE 5-YEAR PAVEMENT MAINTENANCE BOND #30114350 IN THE AMOUNT OF \$14,379.44 FOR TRAILS AT WINDY HILL SUBD., PHASE 3.**

Commissioner Jones stated there is staff recommendation. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the road construction & drainage improvements, release of the subdivision bond #7901052373 in the amount of \$724,309.50, accept the 2-year maintenance bond #135518C in the amount of \$89,741.66, and accept the 5-year pavement maintenance bond #30114350 in the amount of \$14,379.44 for Trails at Windy Hill Subd., Phase 3. present voted "Aye." MOTION PASSED.

**36468 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT AMENDMENT NO. 2 IN THE AMOUNT OF \$32,000 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND DOUCET & ASSOCIATES, INC. FOR THE DARDEN HILL ROAD (FM1826 TO SAWYER RANCH ROAD) PROJECT AS PART OF THE HAYS COUNTY ROAD BOND PROGRAM AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

Commissioner Smith stated there is a new school at Sawyer Ranch and Darden Hill, therefore the contract needed to be modified to include phasing of the project. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Contract Amendment No. 2 in the amount of \$32,000 to the Professional Services Agreement between Hays County and Doucet & Associates, Inc. for the Darden Hill Road (FM1826 to Sawyer Ranch Road) project as part of the Hays County Road Bond Program and authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.

**36469 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 2 IN THE AMOUNT OF \$27,000 FOR THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND PAPE-DAWSON ENGINEERS, INC. RELATED TO THE FISCHER STORE ROAD SAFETY IMPROVEMENTS PROJECT AS PART OF THE HAYS COUNTY ROAD BOND PROGRAM AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

Commissioner Shell stated this project is close to final review and that this item is necessary because of comments by TXDOT. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order No. 2 in the amount of \$27,000 for the Professional Services Agreement between Hays County and Pape-Dawson Engineers, Inc. related to the Fischer Store Road Safety Improvements project as part of the Hays County Road Bond Program and authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.



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- 36470      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND COBB, FENDLEY & ASSOCIATES, INC. TO PROVIDE RIGHT-OF-WAY ACQUISITION SERVICES FOR THE RM 3237 SAFETY IMPROVEMENTS PROJECT AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.024(A)(4) AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Shell stated this is the contract that has been brought back for approval by the court. A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement between Hays County and Cobb, Fendley & Associates, Inc. to provide right-of-way acquisition services for the RM 3237 Safety Improvements project and authorize a discretionary exemption pursuant to Texas Local Government Code Section 262.024(a)(4) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36471      CALL FOR A PUBLIC HEARING ON JUNE 15, 2021 TO ESTABLISH A "NO PARKING" ZONE ON SUNRISE DRIVE IN THE WESTERN ROW NORTH OF SUNRISE CIRCLE.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to call for a public hearing on June 15, 2021 to establish a "No Parking" zone on Sunrise Drive in the western ROW north of Sunrise Circle. All present voted "Aye." MOTION PASSED.

- 36472      GRANT A VARIANCE FROM CHAPTER 721.5.05 (B) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS; PLN-1649-NP; SUNFIELD LIGHT INDUSTRIAL, PRELIMINARY PLAN.**

Commissioner Jones stated this is needed to have a flag lot due to the detention the City of Buda is requiring. Colby Machacek, County Planner of Development Services, stated the Sunfield Light Industrial, Preliminary Plan is a 6-lot subdivision. Water utility service will be provided by Goforth Special Utility District and Wastewater treatment will be provided by Sunfield Municipal Utility District #1. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to grant a variance from Chapter 721.5.05 (B) of the Hays County Development Regulations; PLN-1649-NP; Sunfield Light Industrial, Preliminary Plan. All present voted "Aye." MOTION PASSED.

- 36473      APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR STREET AND DRAINAGE IMPROVEMENTS. SUB-1219; ANTHEM, PHASE 1B SUBDIVISION (34 LOTS).**

Commissioner Jones stated this item is going to cost less than the original amount. Marcus Pacheco, Director of Development Services, stated the overall land development has been reduced. He noted there will be more Anthem Developments brought to court. A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve final plat and accept fiscal surety for street and drainage improvements. SUB-1219; Anthem, Phase 1B Subdivision (34 Lots). All present voted "Aye." MOTION PASSED.

- 36474      GRANT A VARIANCE REQUEST FROM OUR HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVAL OF THE FINAL PLAT; PLN-1619-PN; PRICE ADDITION, PHASE 2, LOTS 1 AND 2, REPLAT. HOLD A PUBLIC HEARING.**

Judge Becerra opened a public hearing at 11:16a.m. No comments were made. Judge Becerra closed the public hearing at 11:16 a.m. Colby Machacek, County Planner of Development Services, gave the court an explanation regarding the variance request to upgrade of the sewage system and drainage. Discussion was had regarding the environmental requirements and the needs of the growing business. A motion was made by Commissioner Shell, seconded by Judge Becerra to grant a variance request from our Hays County Rules for On-Site Sewage Facilities and approval of the final plat; PLN-1619-PN; Price Addition, Phase 2, Lots 1 and 2, Replat. Hold a Public Hearing. All present voted "Aye." MOTION PASSED.

- 36475      REJECT ALL PROPOSALS RELATED TO RFP 2021-P02 EMERGENCY RENTAL ASSISTANCE PROGRAM - ADMINISTRATIVE SERVICES.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to reject all proposals related to RFP 2021-P02 Emergency Rental Assistance Program - Administrative Services. All present voted "Aye." MOTION PASSED.





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**36476 ACCEPT THE RESIGNATION OF JAVIER MALDONADO EFFECTIVE AS OF JULY 30TH, 2021; AND TO DISCUSS THE PROCESS OF CHOOSING A NEW CHAPLAIN AND THE POLICY AND PROCEDURES REGARDING INVOCATIONS TO BE HELD IN THE HAYS COUNTY COMMISSIONERS COURTROOM, ADOPTED ON OR ABOUT OCTOBER 16, 2012.**

Judge Becerra stated this is typically an item that is usually managed by the Judge's office. Mark Kennedy, General Counsel, stated this policy was created to have a Chaplain that would reach out to the community and create a schedule of differing candidates to provide prayer to the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the resignation of Javier Maldonado effective as of July 30th, 2021; and to discuss the process of choosing a new chaplain and the Policy and Procedures Regarding Invocations to be Held in the Hays County Commissioners Courtroom, adopted on or about October 16, 2012. All present voted "Aye." MOTION PASSED.**

**36477 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO THE CAPE'S DAM COMPLEX.**

Commissioner Ingalsbe stated this is an interlocal agreement between the City of San Marcos and Hays County. She stated due diligence will be done in the decision making or keeping or removing the Capes Dam. Mark Kennedy, General counsel, explained some of the terms of the agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement and Memorandum of Understanding between Hays County and the City of San Marcos related to the Cape's Dam Complex. All present voted "Aye." MOTION PASSED.**

**36478 CONVERT TEN (10) BUDGETED POSITIONS WITHIN THE SHERIFF'S OFFICE TO CIVILIAN CADET POSITIONS EFFECTIVE AUGUST 23, 2021 TO MARCH 24, 2022 FOR THE UPCOMING HAYS COUNTY SHERIFF'S OFFICE BASIC PEACE OFFICER TRAINING ACADEMY.**

Captain Mark Cumberland, Hays County Sheriff's Office, stated the public can attend the academy and then continue to their career with the Sheriff's office. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to convert ten (10) budgeted positions within the Sheriff's office to Civilian Cadet positions effective August 23, 2021 to March 24, 2022 for the upcoming Hays County Sheriff's Office Basic Peace Officer Training Academy. All present voted "Aye." MOTION PASSED.**

**36479 AUTHORIZE ADDITIONAL HOURS FOR THE HUMAN RESOURCES PART-TIME COMMUNICATIONS INTERN POSITION EFFECTIVE JUNE 1 THROUGH SEPTEMBER 30, 2021 AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Smith stated this is a readdressing of issue from a few weeks ago. Shari Miller, Human Resources Director, stated this is a continuance of a current intern. They are asking for the continuation and funds would come from General Counsel's budget. Kim Hilsenbeck, Communication Director, spoke to the court regarding the workload for the part-time intern. **A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize additional hours for the Human Resources Part-time Communications Intern position effective June 1 through September 30, 2021 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

**36480 AUTHORIZE THE HUMAN RESOURCES OFFICE TO ACCEPT A PROPOSAL FROM SHI GOVERNMENT SOLUTIONS FOR THE NEOGOV INSIGHT ENTERPRISE APPLICANT TRACKING PLATFORM AND AMEND THE BUDGET ACCORDINGLY.**

Shari Miller, Human Resources Director, stated the Human Resources department manually enters many of the job postings. The NeoGov system is not just a job posting platform, although is it the primary purpose but it also stores job descriptions which helps when conducting salary or market analysis. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Human Resources Office to accept a proposal from SHI Government Solutions for the NeoGov Insight Enterprise Applicant Tracking platform and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

**DISCUSSION AND POSSIBLE ACTION TO FORM A CITIZENS ADVISORY COMMISSION ON REDISTRICTING.**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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Rodrigo Amaya made a public comment against this item. Shannon Fitzpatrick made a public comment regarding a fair and inclusive commission. Dr. Linda Calvert made a public comment regarding the commission having both chairs of political parties. She called for a bipartisan committee. Discussion was had regarding the types of candidates the court would like to appoint to the commission. No action was taken.

**36481 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY AT THE INTERSECTION OF US290 AND MARTIN ROAD IN PCT 4. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize execution of Possession in Use Agreement between Hays County and Daniel and Estella Garcia related to the Possession in Use and eventual acquisition of approximately 0.099 acres of right of way and 0.093 acres of permanent construction easement at the intersection of US Hwy 290 and Martin Rd. in Dripping Springs as presented in Executive Session. All present voted "Aye." MOTION PASSED.

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG DACY LANE IN PCT 2. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

No action was taken.

**36482 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG FM 621 IN PCT 1. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and the Estate of Mary Jackson Davis Alexander, related to the acquisition of 1.388 acres of Right of Way along FM 621 in Precinct 1, as presented in Executive Session. All present voted "Aye." MOTION PASSED.

**36483 EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE, DELIBERATION REGARDING THE APPOINTMENT OF A CANDIDATE TO FILL THE VACANCY OF COUNTY COURT AT LAW #3 JUDGE UNTIL THE NEXT GENERAL ELECTION. FURTHER DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.**

Shannon Fitzpatrick made a public comment regarding Judge Linda Rodriguez. The Commissioners thanked all the applicants for their submissions. A motion was made by Commissioner Smith, seconded by Commissioner Shell to appoint Daniel O'Brian to the position of County Court at Law #3. Commissioner Jones, Commissioner Shell, and Commissioner Smith voted "Aye." Commissioner Ingalsbe and Judge Becerra voted "No." MOTION PASSED.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE AUDITOR'S OFFICE RELATED TO THE U.S. DEPARTMENT OF TREASURY FUNDS PURSUANT TO SECTION 501 (A) OF DIVISION N OF THE CONSOLIDATED APPROPRIATIONS ACT AND THE COVID-19 LOCAL DISASTER DECLARATION. POSSIBLE DISCUSSION AND/OR ACTION TO FOLLOW IN OPEN COURT.**

No action was taken.

**36484 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING CLAIMS FOR WORK PERFORMED ON COUNTY-OWNED FACILITIES.**

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Mark Kennedy, General Counsel, stated this item includes consultation with counsel and relates to a contract. He announced that a motion and action of court would need to be made by the court. After Executive Session Mark Kennedy clarified the motion made by Commissioner Ingalsbe was made under Texas Government Code 551.0725. He stated there was no reliance of the 551.0725 government code since this posting was specifically for 551.071. He stated no action on that item. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones regarding a contract between Hays County and Hudson Gallagher Inc. for architectural services as we negotiate interpretation of that contract, move that discussions for that agreement with our General Counsel if held in open court would be detrimental to Hays County's position as a party to that contract. All present voted "Aye." MOTION PASSED.**

**Clerk's Note Agenda Item #61 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 \$46,215.00. The number of arrests made by agency are as follows; Buda Police Department - 7, Department of Public Safety - 1, Hays County Sheriff's Department - 70, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Constable Precinct 1 – 2, San Marcos Police Department - 42, Texas State Police Department - 2. No action was taken.

**Clerk's Note Agenda Item #63 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.**


**Clerk's Note Agenda Item #64 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.**

**ADJOURNMENT**

A motion was made by Commissioner Jones, seconded by Judge Becerra to adjourn court at 2:30 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 June 1, 2021.



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

