

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 13, 2021

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 13<sup>th</sup> DAY OF JULY 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	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
LON A. SHELL	COMMISSIONER, PCT. 3
WALT SMITH	COMMISSIONER, PCT. 4
ELAINE H. CÁRDENAS	COUNTY CLERK

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, 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**

Wesley Matthews, Program Manager of Hays County Emergency Rental Assistance Program, spoke. Laura Nunn made public comment regarding the language on a form received from Hays County Appraisal District. Dan Lyon made a public comment regarding a resolution passed last month and county disbursements. Jordan Buckley made a public comment regarding the site and divert program and that it has yet to begin.

**36556 APPROVE PAYMENTS OF COUNTY INVOICES.**

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

**36557 APPROVE PAYMENTS OF JUROR CHECKS.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to approve payments of Juror Checks. All present voted "Aye." MOTION PASSED

**36558 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.**

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

**36559 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 15, 2021 AND JUNE 22, 2021.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to approve Commissioners Court minutes of June 15, 2021 and June 22, 2021. All present voted "Aye." MOTION PASSED.

**36560 APPROVE THE PAYMENT OF THE JULY 15, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,100,000.00 EFFECTIVE JULY 15, 2021 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.**



A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to approve the payment of the July 15, 2021 payroll disbursements in an amount not to exceed \$3,100,000.00 effective July 15, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

**36561 UTILITY PERMITS.**

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

**36562 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR FOUR RV SPACES AND A REMOTE BEDROOM/ SHOP LOCATED AT 3940 MT. SHARP ROAD, WIMBERLEY, TX, 78676.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to Authorize On-Site Sewage Facility Permit for four RV spaces and a remote bedroom/ shop located at 3940 Mt. Sharp Road, Wimberley, TX, 78676. All present voted "Aye." MOTION PASSED.

**36563 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO LIVING UNITS LOCATED AT 10701 REGAL OAKS, AUSTIN, TEXAS 78737.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for two living units located at 10701 Regal Oaks, Austin, Texas 78737. All present voted "Aye." MOTION PASSED.

**36564 APPROVE EXTENSION OF RFP 2016-P06 BANK DEPOSITORY WITH SAGE CAPITAL BANK, N.A. FOR A PERIOD NOT TO EXCEED 92 DAYS (SEPTEMBER 30, 2021) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to approve extension of RFP 2016-P06 Bank Depository with Sage Capital Bank, N.A. for a period not to exceed 92 days (September 30, 2021) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36565 APPROVE THE REJECTION OF THE PROPOSAL RELATED TO RFP 2020-P10 BANK DEPOSITORY.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to approve the rejection of the proposal related to RFP 2020-P10 Bank Depository. All present voted "Aye." MOTION PASSED.

**36566 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES PUBLIC HEALTH WORKFORCE PROGRAM IN THE AMOUNT OF \$320,000.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the submission of a grant application to the Department of State Health Services Public Health Workforce Program in the amount of \$320,000. All present voted "Aye." MOTION PASSED.

**36567 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE HAYS COUNTY LOCAL HEALTH DEPARTMENT (LHD) AND THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR MEDICATIONS RECEIVED THROUGH THE INVENTORY TRACKING ELECTRONIC ASSET MANAGEMENT SYSTEM (ITEAMS) PLATFORM.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute an amended Memorandum of Understanding (MOU) between the Hays County Local Health Department (LHD) and the Department of State Health Services (DSHS) for medications received through the Inventory Tracking Electronic Asset Management System (ITEAMS) platform. All present voted "Aye." MOTION PASSED.



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**36568        AUTHORIZE THE ACCEPTANCE OF A GRANT AWARD FROM THE TEXAS VETERANS COMMISSION FOR FUNDING OF THE HAYS COUNTY VETERANS SERVICES - VETERANS TREATMENT COURT IN THE AMOUNT OF \$300,000.**

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

**36569        AUTHORIZE PAYMENT OF \$179.99 TO LIMITLESS MOBILE FOR EXTERIOR AND INTERIOR DETAILING SERVICES RELATED TO A VEHICLE IN THE CONSTABLE PRECINCT 5 FLEET.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize payment of \$179.99 to Limitless Mobile for exterior and interior detailing services related to a vehicle in the Constable Precinct 5 fleet. All present voted "Aye." MOTION PASSED.

**36570        ACCEPT THE FISCAL YEAR 2020 HAYS COUNTY EMERGENCY SERVICES DISTRICT #3 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the Fiscal Year 2020 Hays County Emergency Services District #3 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

**36571        RATIFY THE EXECUTION OF A \$1,015 PROPOSAL FROM BECKWITH ELECTRONIC SYSTEMS, LLC FOR REPAIRS NEEDED TO THE AUDIO/VISUAL SYSTEM LOCATED IN COURTROOM 7 OF THE HAYS COUNTY GOVERNMENT CENTER.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to ratify the execution of a \$1,015 proposal from Beckwith Electronic Systems, LLC for repairs needed to the Audio/Visual system located in Courtroom 7 of the Hays County Government Center. All present voted "Aye." MOTION PASSED.

**36572        AUTHORIZE THE CONSTABLE PCT. 4 OFFICE TO UTILIZE SALARY SAVINGS TO PURCHASE THE SET-UP AND CONFIGURATION FOR THE ANDROID AND IOS HARDWARE PLATFORM FROM TYLER TECHNOLOGIES, INC. VALUED AT \$2,000; AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(7)(D) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Constable Pct. 4 Office to utilize salary savings to purchase the Set-Up and Configuration for the Android and IOS Hardware Platform from Tyler Technologies, Inc. valued at \$2,000; authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(7)(D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36573        AUTHORIZE THE ACCEPTANCE OF A GRANT AWARD FROM THE OFFICE OF THE ATTORNEY GENERAL TO THE SHERIFF'S OFFICE CRIMINAL INVESTIGATION DIVISION FOR THE INVESTIGATIONS OF INTERNET CRIMES AGAINST CHILDREN (ICAC) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the acceptance of a grant award from The Office of the Attorney General to the Sheriff's Office Criminal Investigation Division for the investigations of Internet Crimes Against Children (ICAC) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



**36574        AUTHORIZE THE SHERIFF'S OFFICE TO USE SALARY SAVINGS TO PURCHASE 38 REPLACEMENT SURFACE PRO LAPTOPS VALUED AT \$54,588 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Sheriff's Office to use salary savings to purchase 38 replacement Surface Pro Laptops valued at \$54,588 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36575        AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO TEXAS WORKFORCE COMMISSION INFORMATION RELEASE CONTRACT AMENDMENTS FOR THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE AND THE HAYS COUNTY SHERIFF'S OFFICE.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute two Texas Workforce Commission Information Release Contract Amendments for the Hays County Criminal District Attorney's Office and the Hays County Sheriff's Office. All present voted "Aye." MOTION PASSED.

**36576        AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FIRST AMENDMENT FOR A TIME EXTENSION TO THE DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND GATEWAY TX DS, LLC FOR SUBDIVISION AND DEVELOPMENT OF A PARCEL LOCATED OFF HAYS COUNTRY ACRES ROAD IN PRECINCT 4 EXECUTED ON OR ABOUT NOVEMBER 22, 2016.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute the First Amendment for a time extension to the Development Agreement between Hays County and Gateway TX DS, LLC for subdivision and development of a parcel located off Hays Country Acres Road in Precinct 4 executed on or about November 22, 2016. All present voted "Aye." MOTION PASSED.

**36577        AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE SALARY SAVINGS TO ORDER ADDITIONAL DUTY & TRAINING AMMUNITION AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Sheriff's Office to utilize salary savings to order additional Duty & Training Ammunition and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**36578        APPROVE RENEWAL OF IFB 2020-B11 CULVERTS WITH TEXAS CORRUGATORS AND CONTECH ENGINEERED SOLUTIONS.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve renewal of IFB 2020-B11 Culverts with Texas Corrugators and Contech Engineered Solutions. All present voted "Aye." MOTION PASSED.

**36579        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 GRAND AVENUE FLATS, LOCATED IN AUSTIN, WILLIAMSON COUNTY, TEXAS.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to 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 Grand Avenue Flats, located in Austin, Williamson County, Texas. All present voted "Aye." MOTION PASSED.



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- 36580      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT AMENDMENT NO. 3 IN THE AMOUNT OF \$60,399.00 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND WSB & ASSOCIATES, INC. FOR THE RM 967 (WEST OF FM 1626) SAFETY IMPROVEMENTS PROJECT AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute Contract Amendment No. 3 in the amount of \$60,399.00 to the Professional Services Agreement between Hays County and WSB & Associates, Inc. for the RM 967 (West of FM 1626) Safety Improvements project and authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.

- 36581      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GARVER USA FOR LOW WATER CROSSINGS IN PRECINCT'S 1 & 2 AS PART OF THE 2016 ROAD BOND PROGRAM; AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

Dan Lyon made a public comment against the prolonged completion of this project. Laura Friello, Garver, clarified the purpose of the change order. Jerry Borcharding, Transportation Director, stated this is most reasonable to be approved by the court. Commissioner Smith stated with the growth and change, he feels more comfortable with this change order. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order #5 to the Professional Services Agreement with Garver USA for Low Water Crossings in Precinct's 1 & 2 as part of the 2016 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.

- 36582      DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION TO ACCEPT THE HIGHWAY SAFETY IMPROVEMENT (HSIP) GRANT FOR WINTERS MILL PARKWAY (ILLUMINATION AND PAVEMENT MARKINGS); AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCED FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve a Resolution to accept the Highway Safety Improvement (HSIP) Grant for Winters Mill Parkway (illumination and pavement markings); authorize the County Judge to execute an Advanced Funding Agreement between Hays County and the Texas Department of Transportation (TxDOT) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36583      HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH A 4-WAY STOP AT THE INTERSECTION OF DARDEN HILL ROAD, SAWYER RANCH ROAD, AND THE ENTRANCE FOR THE NEW CYPRESS SPRINGS ELEMENTARY SCHOOL OPENING FALL 2021. SMITH/BORCHERDING**

Judge Becerra opened the public hearing at 10:56 a.m. No comments were made. Judge Becerra closed the public hearing at 10:56 a.m. A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to establish a 4-way stop at the intersection of Darden Hill Road, Sawyer Ranch Road, and the entrance for the new Cypress Springs Elementary School opening Fall 2021. All present voted "Aye." MOTION PASSED.

- 36584      HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH A ONE-WAY TRAFFIC ZONE (EASTBOUND ONLY) FOR THE EASTERN SEGMENT OF TIGER LANE AS A RESULT OF NEW SCHOOL TRAFFIC ROUTES FOR THE DRIPPING SPRINGS MIDDLE SCHOOL FOR FALL 2021.**



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Judge Becerra opened the public hearing at 10:58 a.m. No comments were made. Judge Becerra closed the public hearing at 10:58 a.m. A motion was made by Commissioner Smith, seconded by Commissioner Shell to establish a One-Way traffic zone (eastbound only) for the eastern segment of Tiger Lane as a result of new school traffic routes for the Dripping Springs Middle School for Fall 2021. All present voted "Aye." MOTION PASSED.

**36585 DISCUSSION AND POSSIBLE ACTION TO CALL FOR A PUBLIC HEARING ON JULY 27, 2021 TO ESTABLISH A "NO PARKING" ZONE ALONG BOTH SIDES OF BLISS SPILLAR ROAD BETWEEN SEPTEMBER SONG DRIVE AND THE TRAVIS COUNTY LINE.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to call for a public hearing on July 27, 2021 to establish a "No Parking" zone along both sides of Bliss Spillar Road between September Song Drive and the Travis County line. All present voted "Aye." MOTION PASSED.

**36586 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, ACCEPT THE 2-YEAR MAINTENANCE BOND #800103506 IN THE AMOUNT OF \$185,072.41, AND ACCEPT THE 5-YEAR PAVEMENT MAINTENANCE BOND #30114351 IN THE AMOUNT OF \$36,316.62 FOR ANTHEM SUBD., PHASE 1A.**

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to accept road construction & drainage improvements, accept the 2-year maintenance bond #800103506 in the amount of \$185,072.41, and accept the 5-year pavement maintenance bond #30114351 in the amount of \$36,316.62 for Anthem subd., Phase 1A. All present voted "Aye." MOTION PASSED.

**36587 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 2021 HAYS COUNTY TRANSPORTATION PLAN REPORT, MAP, AND ROADWAY TABLE.**

Joe Cantalupo, K Friese + Associates, gave a presentation to the court. The court agreed this process should be reviewed annually. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the 2021 Hays County Transportation Plan report, map, and roadway table. All present voted "Aye." MOTION PASSED.

**Clerk's Note:** Ray Don Tilley submitted for public comment regarding item # 32. He was called upon after the item was closed and was not present.

**36588 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION BOND #LICX1204150 IN THE AMOUNT OF \$618,972.50 AND ACCEPT THE 2-YEAR MAINTENANCE BOND #146807W IN THE AMOUNT OF \$106,492.53 FOR HYMEADOW SUBD., PHASE 1, SECTION 3.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept road construction & drainage improvements, release of the subdivision bond #LICX1204150 in the amount of \$618,972.50 and accept the 2-year maintenance bond #146807W in the amount of \$106,492.53 for Hymeadow subd., Phase 1, Section 3. All present voted "Aye." MOTION PASSED.

**36589 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION BOND #LICX1204149 IN THE AMOUNT OF \$476,054.42 AND ACCEPT THE 2-YEAR MAINTENANCE BOND #146807X IN THE AMOUNT OF \$86,942.60 FOR HYMEADOW SUBD., PHASE 2, SECTION 3.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept road construction & drainage improvements, release of the subdivision bond #LICX1204149 in the amount of \$476,054.42 and accept the 2-year maintenance bond #146807X in the amount of \$86,942.60 for Hymeadow subd., Phase 2, Section 3. All present voted "Aye." MOTION PASSED.



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**36590      DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #1060750 IN THE AMOUNT OF \$188,961.00 UNTIL DECEMBER 3, 2021 FOR SUNFIELD SUBD., PHASE 2, SECTION 8.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #1060750 in the amount of \$188,961.00 until December 3, 2021 for Sunfield subd., Phase 2, Section 8. All present voted "Aye." MOTION PASSED.

**36591      DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #1060751 IN THE AMOUNT OF \$231,755.60 UNTIL DECEMBER 3, 2021 FOR SUNFIELD SUBD., PHASE 2, SECTION 11.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #1060751 in the amount of \$231,755.60 until December 3, 2021 for Sunfield subd., Phase 2, Section 11. All present voted "Aye." MOTION PASSED.

**36592      DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #PB03016800210 IN THE AMOUNT OF \$30,350.00 UNTIL DECEMBER 3, 2021 FOR SUNFIELD SUBD., PHASE 3 "ROADWAY EXTENSION". JONES/BORCHERDING**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #PB03016800210 in the amount of \$30,350.00 until December 3, 2021 for Sunfield subd., Phase 3 "Roadway Extension". All present voted "Aye." MOTION PASSED.

**36593      DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #1848963 IN THE AMOUNT OF \$180,609.38 UNTIL DECEMBER 3, 2021 FOR SHADOW CREEK SUBD., PHASE 9, SECTION 2.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #1848963 in the amount of \$180,609.38 until December 3, 2021 for Shadow Creek Subd., Phase 9, Section 2. All present voted "Aye." MOTION PASSED.

**36594      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 2, TIME EXTENSION, TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND COBB, FENDLEY & ASSOCIATES, INC. FOR RIGHT-OF-WAY SERVICES ON THE RM 967 SAFETY IMPROVEMENTS PROJECT IN PRECINCT 2 AS PART OF THE ROAD BOND PROGRAM.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute Change Order No. 2, time extension, to the Professional Services Agreement between Hays County and Cobb, Fendley & Associates, Inc. for Right-of-Way services on the RM 967 Safety Improvements project in Precinct 2 as part of the Road Bond Program. All present voted "Aye." MOTION PASSED.

**36595      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL #6 TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND JOHNSON, MIRMIRAN, AND THOMPSON, INC. (JMT) FOR FM 110 (SH80 TO FM621) MIDDLE PROJECT AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Supplemental #6 to the Professional Services Agreement (PSA) between Hays County and Johnson, Mirmiran, and Thompson, Inc. (JMT) for FM 110 (SH80 to FM621) Middle project 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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**36596 DISCUSSION AND POSSIBLE ACTION TO ACCEPT LETTER OF CREDIT NO. 20214349 FOR STREET AND DRAINAGE IMPROVEMENTS FOR 6 CREEKS PHASE 1 SECTION 4B IN THE AMOUNT OF \$556,380.37.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept Letter of Credit No. 20214349 for street and drainage improvements for 6 Creeks Phase 1 Section 4B in the amount of \$556,380.37. All present voted "Aye." MOTION PASSED.

**36597 PLN-1674-PC; HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVAL THE FINAL PLAT OF THE CAROL OAKS SUBDIVISION, REPLAT OF LOT 14.**

Judge Becerra opened the public hearing at 11:31 a.m. No comments were made. Judge Becerra closed the public hearing at 11:31 a.m. A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the final plat of the Carol Oaks subdivision, Replat of Lot 14. All present voted "Aye." MOTION PASSED.

**36598 PLN-1611-NP; DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT FOR OAK TERRACE ESTATES SUBDIVISION.**

A motion was made by Commissioner Smith, seconded by Commissioner Jones to approve the final plat for Oak Terrace Estates subdivision. All present voted "Aye." MOTION PASSED.

**36599 PLN-1679-PC; HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE FINAL PLAT OF THE ROLLING OAKS, SECTION 1, LOT 6, REPLAT.**

Judge Becerra opened the public hearing at 10:54 a.m. No comments were made. Judge Becerra closed the public hearing at 10:55 a.m. A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve final plat of the Rolling Oaks, Section 1, Lot 6, Replat. All present voted "Aye." MOTION PASSED.

**36600 PLN-1620-NP; DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT FOR MCGREGOR LANE ACRES SUBDIVISION.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the final plat for McGregor Lane Acres Subdivision. All present voted "Aye." MOTION PASSED.

**36601 SUB-962; EL DORADO SUBDIVISION (12 LOTS). DISCUSSION AND POSSIBLE ACTION TO APPROVE FINAL PLAT.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe. Discussion and possible action to approve final plat. All present voted "Aye." MOTION PASSED.

**PLN-1549-PC; HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE THE FINAL PLAT FOR PICO RANCH 1, REPLAT OF LOT 1R.**

Judge Becerra opened the public hearing at 11:13 a.m. No comments were made. Judge Becerra closed the public hearing at 11:14 a.m. Colby Machacek, Development Services, stated due to an error pertaining to the full scope of the project and the item calling for the public hearing, staff requests to halt further action and recall for the public hearing on July 27<sup>th</sup> and then hold another public hearing on August 10<sup>th</sup>. **No Action Taken.**

**36602 PLN-1635-NP; DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT FOR PAVO SPRINGS RANCH SUBDIVISION.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the final plat for Pavo Springs Ranch Subdivision. All present voted "Aye." MOTION PASSED.





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**36603      DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ASSESSMENT AND COLLECTION AGREEMENT WITH BUDA MUNICIPAL UTILITY DISTRICT #1.**

Jennifer O'Kane, Tax Assessor-Collector, stated this is a standard agreement. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the Assessment and Collection Agreement with Buda Municipal Utility District #1. All present voted "Aye." MOTION PASSED.

**36604      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE TASK ORDER #2 TO THE MASTER INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND TEXAS STATE UNIVERSITY EXECUTED ON OR ABOUT AUGUST 18, 2020.**

A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the County Judge to execute Task Order #2 to the Master Interlocal Agreement between Hays County and Texas State University executed on or about August 18, 2020. All present voted "Aye." MOTION PASSED.

**36605      DISCUSSION AND POSSIBLE ACTION TO AWARD THE CONTRACT FOR RFQ 2021-Q07 GENERAL ENGINEERING CONSULTANT - ROAD BOND TO HNTB CORPORATION.**

Commissioner Jones stated he would like to revisit in two years. A motion was made by Commissioner Jones, seconded by Commissioner Shell to negotiate the contract for RFQ 2021-Q07 General Engineering Consultant - Road Bond to HNTB Corporation. All present voted "Aye." MOTION PASSED.

**36606      DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE HAYS COUNTY ASSISTANCE TO VETERANS GRANT AWARD IN THE AMOUNT OF \$100,000 FROM THE TEXAS VETERANS COMMISSION.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the Hays County Assistance to Veterans grant award in the amount of \$100,000 from the Texas Veterans Commission. All present voted "Aye." MOTION PASSED.

**36607      DISCUSSION AND POSSIBLE ACTION TO PROVIDE DIRECTION TO STAFF AND CONSULTANTS REGARDING THE ISSUANCE OF PARKS AND OPEN SPACE BONDS PURSUANT TO AUTHORIZATION OF HAYS COUNTY PROPOSITION A IN THE 2020 GENERAL ELECTION.**

Mark Kennedy, General Counsel, stated this item was left off with Dan Wegmiller indicating he would prepare the necessary paperwork and move forward with some issuance of Park Bond funding. The only determination remaining is the court needs to give him a number for what the first tranch of bonds would be. A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to move forward with requesting \$50,000,000 of Parks and Open Space bonds pursuant to authorization of Hays County Proposition A in the 2020 General Election. All present voted "Aye." MOTION PASSED.

**36608      DISCUSSION AND POSSIBLE ACTION TO CONSIDER A CONTINUATION OF THE LOCAL DISASTER DECLARATION ORIGINALLY PROCLAIMED BY THE COUNTY JUDGE ON OR ABOUT MARCH 15, 2020, CONTINUED BY RESOLUTION OF COMMISSIONERS COURT ON MARCH 16, 2020 AND EXTENDED BY THE COURT ON JULY 14, 2020, SEPTEMBER 15, 2020, DECEMBER 8, 2020, FEBRUARY 16, 2021, AND APRIL 27, 2021.**

Mark Kennedy, General Counsel, stated the declaration is not necessary to continue to receive funding. Commissioner Shell stated we are one of the few that have continued a declaration at this point. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to allow the local disaster declaration to expire. All present voted "Aye." MOTION PASSED.

**36609      DISCUSSION AND POSSIBLE ACTION RELATED TO THE HAYS COUNTY CITIZENS ADVISORY COMMISSION ON REDISTRICTING, INCLUDING BUT NOT LIMITED TO THE APPOINTMENT OF MEMBERS AND ADOPTION OF A CHARTER FOR THE COMMISSION.**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 13, 2021

Larry Calvert made a public comment. Linda Calvert, League of Women Voters and Chair of Redistricting Committee, made a public comment. The Charter was read out loud by Elaine H. Cardenas, County Clerk. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to change his appointee from John Ambrose to Dr. Michelle Lopez on the redistricting committee Precinct 2 and Commissioner Shell added that he will nominate Ken Strange as his appointee for Precinct 3.**

Mark Kennedy, General Counsel, stated he will add to the Charter regarding both co-chairs to meet with the program manager and GIS. Commissioner Shell stated this will be a long process. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to amend and approve the Hays County Citizens Advisory Commission on Redistricting, including but not limited to the appointment of members and adoption of a Charter for The Commission. All present voted "Aye." MOTION PASSED.**

**36610 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT 1 TO AN INTERLOCAL AGREEMENT (ILA) BETWEEN HAYS COUNTY AND THE BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT (BSEACD) ORIGINALLY EXECUTED ON OR ABOUT OCTOBER 10, 2019 FOR THE CONSTRUCTION AND DRILLING OF MONITORING WELLS LOCATED IN THE JACOB'S WELL NATURAL AREA. THIS AMENDMENT WILL EXTEND THE AGREEMENT END DATE FOR ONE CALENDAR YEAR GIVING A NEW END DATE OF AUGUST 31, 2022.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute Amendment 1 to an Interlocal Agreement (ILA) between Hays County and the Barton Springs Edwards Aquifer Conservation District (BSEACD) originally executed on or about October 10, 2019 for the construction and drilling of monitoring wells located in the Jacob's Well Natural Area. This amendment will extend the agreement end date for one calendar year giving a new end date of August 31, 2022. All present voted "Aye." MOTION PASSED.

**36611 DISCUSSION AND POSSIBLE ACTION TO ACCEPT A PROPOSAL FROM HELLMUTH, OBATA & KASSABAUM, LP (HOK) FOR ADDITIONAL SERVICES RELATED TO ATTORNEY VISITATION AREAS FOR THE JAIL FACILITY RENOVATION PROJECT.**

Captain Julie Villapando, Sheriff's Office, gave background to the court regarding this item and asked the court to approve the additional booths to provide more space for visitation and efficiency. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a proposal from Hellmuth, Obata & Kassabaum, LP (HOK) for additional services related to attorney visitation areas for the Jail Facility renovation project. All present voted "Aye." MOTION PASSED.**

**36612 DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION IN SUPPORT OF THE PRESERVATION OF THE AFRICAN AMERICAN HOME ECONOMICS SCHOOL BUILDING IN SAN MARCOS, HAYS COUNTY, TEXAS.**

Ryan Patrick Perkins made a public comment in support of the resolution. Robin Blackburn, Gina Alba-Rogers, Chair of Council for the Indigenous & Tejano community, Ralph Merriweather, Ginger Salone, Brent Salone, Deborah E Giles Webster, Ann Dupont, Linda Kelsey-Jones emailed public comments in support of the resolution, which were read aloud in court by Elaine H. Cardenas, County Clerk. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve a resolution in support of the preservation of the African American home economics school building in San Marcos, Hays County, Texas. All present voted "Aye." MOTION PASSED.**

**Clerk's Note:** Mittie Miller submitted for public comment regarding item #58 & 59. She did not want to be called upon to speak.

**36613 DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION IN SUPPORT OF THE PRESERVATION OF THE NAOMI CEPHAS WADE HOUSE IN SAN MARCOS, HAYS COUNTY, TEXAS.**

Lila Knight made a public comment. Ginger Salone, Deborah E Giles Webster and Lisa Marie Coppoletta emailed public comments which were read aloud in court by Elaine H. Cardenas, County Clerk. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve a resolution in support of the preservation of the Naomi Cephas Wade House in San Marcos, Hays County, Texas. All present voted "Aye." MOTION PASSED.**



JULY 13, 2021

- 36614      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A WASTEWATER SERVICE AGREEMENT WITH DRIFTWOOD GOLF CLUB DEVELOPMENT, INC. RELATED TO CONSTRUCTION OF A TEMPORARY WASTEWATER COLLECTION SYSTEM FOR THE REAL PROPERTY DESCRIBED IN THE AGREEMENT AS THE "CREEK TRACT" AND "RANCH TRACT".**

Marcus Pacheco, Director of Development Services, stated this would allow 2 holding tanks for a longer timeframe. Tommy Lawton, Driftwood Golf and Ranch Club, stated there is currently a wastewater service agreement with Dripping Springs and that there is a gap transporting water from their development to the City of Dripping Springs. He stated 2 years is adequate to allow the tanks to be permitted on-site instead of 6 months. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Wastewater Service Agreement with Driftwood Golf Club Development, Inc. related to construction of a temporary wastewater collection system for the real property described in the agreement as the "Creek Tract" and "Ranch Tract". All present voted "Aye." MOTION PASSED.**

- 36615      DISCUSSION AND POSSIBLE ACTION REGARDING HAYS COUNTY'S MULTI-YEAR IMPROVEMENT GRANT PROGRAM APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION (TIDC) FOR PUBLIC DEFENDER SERVICES.**

Commissioner Shell gave an update to the court. He stated we have currently not been awarded funds but there are funds that can still be allocated. The goal would be, if they were going to ask for any changes that would give us a better chance of success, to submit them to T.I.D.C. by August 1. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to continue to work on Hays County's multi-year Improvement Grant Program application to the Texas Indigent Defense Commission (TIDC) for Public Defender Services.**

- 36616      DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN HAYS COUNTY AND HALF-TON, LLC.**

Mark Kennedy, General Counsel, stated this is a new kind of development agreement and gave insight on the past procedures regarding condo regimes. He mentioned they can take many forms and can look like a subdivision; however, some regimes are not. Marcus Pacheco, Director of Development Services, stated this will exempt certain regimes from the platting process but they will still need to meet. Mark Kennedy stated by taking action to exempt certain regimes, we are preserving our right to enforce our regulations against other entities that are trying to circumvent our rules. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Development Agreement between Hays County and Half-Ton, LLC.**

- 36617      DISCUSSION AND POSSIBLE ACTION RELATED TO FIRE CODE REGULATION OF PROPERTIES UNDER A DEVELOPMENT AGREEMENT WITH THE CITY OF DRIPPING SPRINGS.**

Nathan Mendenhall, County Fire Marshall, explained the development agreement that was in place needed some changes. He feels this resolution will help clear any confusion. Mark Kennedy, General Counsel, stated under chapter 233, the Commissioners Court may contract with the municipality for the administration and enforcement of the fire code. Nathan Mendenhall added that in addition to initial of enforcement for new construction, he hopes the agreement has wording that states this remains in their jurisdiction of enforcement after the project finishes. Mark Kennedy stated that is implied but will add specific language in the resolution. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a resolution related to enforcement of the fire code in certain subdivisions.**

**Clerk's Note:** Executive Session began at 11:57 a.m. and resumed back into open court at 12:16 p.m.

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF ALL POSITIONS WITHIN THE HAYS COUNTY TRANSPORTATION DEPARTMENT. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.**

No action was taken.



JULY 13, 2021

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

No action was taken.

**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 \$62,035.00 for the week of July 4 – July 10, 2021. The number of outsourced males was 149 inmates and females were 0 inmates. The number of arrest made by agency are as follows; Buda Police Department - 3, Department of Public Safety – 1, Hays County Sheriff's Department – 53, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 30, San Marcos Police Department - 44, Texas State Police Department – 3. No action taken.

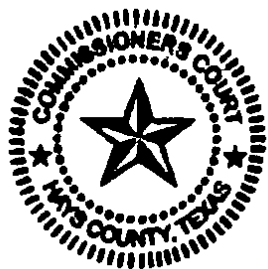
**Clerk's Note Agenda Item #67 RE:** *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY. POSSIBLE ACTION MAY FOLLOW. – WAS PULLED.*

**Clerk's Note Agenda Item #68 RE:** *UPDATE FROM THE COUNTY JUDGE AND STAFF REGARDING THE LOCAL DISASTER DECLARATION AND COVID-19. POSSIBLE DISCUSSION AND ACTION MAY FOLLOW. – WAS PULLED.*

**ADJOURNMENT**

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 12:55 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 JULY 13, 2021.



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

