

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 27, 2021

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27th 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
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, 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

Rodrigo Amaya made a public comment regarding financial accountability. Dan Lyon made a public comment against paying higher taxes due to larger corporations and county disbursements.

36618 ADOPT A PROCLAMATION DECLARING THE MONTH OF AUGUST 2021 AS NATIONAL IMMUNIZATION AWARENESS MONTH.

Dan Lyon made a public comment urging caution against the COVID vaccine and and waiting to vaccinate children until after 2 years of age. Eric Schneider, Epidemiologists with the Local Health Department, spoke to the court regarding the importance of immunizing. He stated to assist the community, the Hays County Health Department has partnered with Live Oak Community Clinic to provide free vaccines to children who are under insured or uninsured from August 9th – August 13th. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a proclamation declaring the month of August 2021 as National Immunization Awareness Month. All present voted "Aye." MOTION PASSED.**

36619 APPROVE PAYMENTS OF COUNTY INVOICES.

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

36620 APPROVE PAYMENTS OF JUROR CHECKS.

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

Clerk's Note Agenda Item #4 RE: *APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.* - WAS PULLED.

36621 APPROVE COMMISSIONERS COURT MINUTES OF JULY 13, 2021.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of July 13, 2021. All present voted "Aye." MOTION PASSED.

36622 APPROVE THE PAYMENT OF THE JULY 31, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,975,000.00 EFFECTIVE JULY 30, 2021 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.



JULY 27, 2021

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the payment of the July 31, 2021 payroll disbursements in an amount not to exceed \$3,975,000.00 effective July 30, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

36623 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY21 LOCAL SOLICITATION IN THE AMOUNT OF \$28,989.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the submission of a grant application to the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) program FY21 Local Solicitation in the amount of \$28,989. All present voted "Aye." MOTION PASSED.

36624 APPROVE THE APPOINTMENT OF THEODORE L. "LARRY" COKER TO THE EMERGENCY SERVICES DISTRICT (ESD) NO. 4 BOARD OF EMERGENCY SERVICES COMMISSIONERS, TO FILL THE VACANCY CREATED BY THE RESIGNATION OF EDDIE GUMBERT, FOR A TERM ENDING DECEMBER 31, 2022.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the appointment of Theodore L. "Larry" Coker to the Emergency Services District (ESD) No. 4 Board of Emergency Services Commissioners, to fill the vacancy created by the resignation of Eddie Gumbert, for a term ending December 31, 2022. All present voted "Aye." MOTION PASSED.

36625 AUTHORIZE A BUDGET AMENDMENT BETWEEN COUNTYWIDE OPERATIONS AND THE PARKS DEPARTMENT IN THE AMOUNT OF \$20,000 TO COVER COSTS RELATED TO CONTRACT SERVICES FOR THE REMAINDER OF THE FISCAL YEAR.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize a budget amendment between Countywide Operations and the Parks Department in the amount of \$20,000 to cover costs related to Contract Services for the remainder of the fiscal year. All present voted "Aye." MOTION PASSED.

36626 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR THREE 1-BEDROOM COTTAGES LOCATED AT PIONEER TRAIL, SAN MARCOS, TX 78666.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility permit for three 1-bedroom cottages located at Pioneer Trail, San Marcos, TX 78666. All present voted "Aye." MOTION PASSED.

36627 AUTHORIZE A BUDGET AMENDMENT FOR THE TRANSFER OF \$10,000 IN CONTINUING EDUCATION FUNDS FROM THE SHERIFF'S OFFICE JAIL BUDGET TO THE SHERIFF'S OFFICE OPERATING DIVISION CONTINUING EDUCATION BUDGET.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize a budget amendment for the transfer of \$10,000 in continuing education funds from the Sheriff's Office Jail budget to the Sheriff's Office Operating division continuing education budget. All present voted "Aye." MOTION PASSED.

36628 APPROVE OUT OF STATE TRAVEL FOR RECORDS PROGRAM ADMINISTRATOR STEPHANIE ROBINSON TO ATTEND THE TYLER NEW WORLD ADVISORY BOARD MEETING ON SEPTEMBER 28-29, 2021 IN TROY, MICHIGAN.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve out of state travel for Records Program Administrator Stephanie Robinson to attend the Tyler New World

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 27, 2021

Advisory Board Meeting on September 28-29, 2021 in Troy, Michigan. All present voted "Aye." MOTION PASSED.

36629 APPROVE OUT OF STATE TRAVEL FOR SERGEANT MATT WASKO TO ATTEND THE NATIONAL TACTICAL OFFICERS ASSOCIATION CONFERENCE ON SEPTEMBER 12-17, 2021 IN KANSAS CITY, MISSOURI.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve out of state travel for Sergeant Matt Wasko to attend the National Tactical Officers Association Conference on September 12-17, 2021 in Kansas City, Missouri. All present voted "Aye." MOTION PASSED.

36630 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FOURTH AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN MARCOS, HAYS COUNTY, AND LAZY OAKS RANCH, LP IN CONNECTION WITH THE LA CIMA DEVELOPMENT TO CLARIFY THE NUMBER OF MULTI-FAMILY UNITS AUTHORIZED FOR CONSTRUCTION WITHIN THE FIRST PHASE TO BE BASED ON A NUMBER OF UNITS, RATHER THAN THE NUMBER OF ACRES.

Jordan Powell, Assistant General Counsel, stated this is a cleanup from the Third Amendment that was not noticed and that the City of San Marcos has passed this item unanimously. A motion was made by Commissioner Shell, seconded by Commissioner Smith to execute the Fourth Amended and Restated Development Agreement between the City of San Marcos, Hays County, and Lazy Oaks Ranch, LP in connection with the La Cima development to clarify the number of multi-family units authorized for construction within the first phase to be based on a number of units, rather than the number of acres. All present voted "Aye." MOTION PASSED.

36631 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEXAS WORKFORCE COMMISSION INFORMATION RELEASE CONTRACT AMENDMENT FOR THE HAYS COUNTY CONSTABLE'S OFFICE, PRECINCT #1.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Texas Workforce Commission Information Release Contract Amendment for the Hays County Constable's Office, Precinct #1. All present voted "Aye." MOTION PASSED.

36632 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO UTILIZE \$13,001 IN TRAINING SAVINGS TO PURCHASE HAZMAT TRAINING PROPS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to utilize \$13,001 in training savings to purchase Hazmat training props and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36633 APPROVE UTILITY PERMITS.

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

36634 APPROVE RENEWAL OF IFB 2018-B7 REGULATORY ROAD SIGNS WITH CENTERLINE SUPPLY, PATHMARK TRAFFIC EQUIPMENT, LLC. AND VULCAN, INC. FOR ONE (1) ADDITIONAL YEAR WITH PROPOSED PRICE CHANGES. THE COUNTY WILL UTILIZE THE PRICES ON THE BID TABULATION SHEET AND WILL ORDER FROM THE LOWEST BIDDER FIRST; IF MATERIALS ARE UNAVAILABLE THROUGH THE 1ST LOWEST BIDDER, THEN THE COUNTY MAY ORDER FROM THE 2ND LOWEST BIDDER.



JULY 27, 2021

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve renewal of IFB 2018-B7 Regulatory Road Signs with Centerline Supply, PathMark Traffic Equipment, LLC. and Vulcan, Inc. for one (1) additional year with proposed price changes. The County will utilize the prices on the bid tabulation sheet and will order from the lowest bidder first; if materials are unavailable through the 1st lowest bidder, then the County may order from the 2nd lowest bidder. All present voted "Aye." MOTION PASSED.

36635 AUTHORIZE THE SUBMISSION OF A RENEWAL AWARD FOR THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), FY22 TUBERCULOUS FEDERAL (TB-FED) IN THE AMOUNT OF \$22,297.00.

Commissioner Smith thanked the Health Department in everything they do related to this program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the submission of a renewal award for the Texas Department of State Health Services (DSHS), FY22 Tuberculous Federal (TB-FED) in the amount of \$22,297.00. All present voted "Aye." MOTION PASSED.

36636 AUTHORIZE THE DEVELOPMENT SERVICES DEPARTMENT TO PURCHASE ONE (1) MICROSOFT SURFACE PRO TABLET WITH ACCESSORIES VALUED AT \$2,232.07 AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Development Services Department to purchase one (1) Microsoft Surface Pro tablet with accessories valued at \$2,232.07 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36637 APPROVE SPECIFICATIONS FOR IFB 2021-B12 COUNTYWIDE DUMPSTERS 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-B12 Countywide Dumpsters and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

36638 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.

36639 APPROVE THE CONSENT TO ASSIGNMENT OF IFB 2019-B03 ROAD BUILDING MATERIALS - HOT MIX WITH CENTURY ASPHALT, LTD. TO TEXAS MATERIALS GROUP, INC.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the Consent to Assignment of IFB 2019-B03 Road Building Materials - Hot Mix with Century Asphalt, Ltd. to Texas Materials Group, Inc. All present voted "Aye." MOTION PASSED.

36640 DISCUSSION AND POSSIBLE ACTION TO CALL FOR A PUBLIC HEARING ON JULY 27, 2021 TO ESTABLISH A 4-WAY STOP AT THE INTERSECTION OF CENTERPOINT ROAD AND CR 266.

Commissioner Ingalsbe stated there is a correction to this motion for the date. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to call for a public hearing on August 10, 2021 to establish a 4-way stop at the intersection of Centerpoint Road and CR 266. All present voted "Aye." MOTION PASSED.



JULY 27, 2021

- 36641 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 3 IN THE AMOUNT OF \$16,650 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND PAPE DAWSON ENGINEERS, INC. FOR THE CENTERPOINT ROAD IMPROVEMENTS PROJECT AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).**

Commissioner Ingalsbe stated these are for additional services we are asking of Pape Dawson, including lowering a blind hill. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Change Order No. 3 in the amount of \$16,650 to the Professional Services Agreement between Hays County and Pape Dawson Engineers, Inc. for the CenterPoint Road Improvements project and authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.

- 36642 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE SUBDIVISION BOND #0722785 IN THE AMOUNT OF \$1,312,418.44, AND ACCEPT THE 2-YEAR MAINTENANCE BOND #EACX4002108 IN THE AMOUNT OF \$240,001.76 FOR SUNSET OAKS SUBD., SECTION 4, PHASE 1A.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept road construction & drainage improvements, release of the subdivision bond #0722785 in the amount of \$1,312,418.44, and accept the 2-year maintenance bond #EACX4002108 in the amount of \$240,001.76 for Sunset Oaks Subd., Section 4, Phase 1A. All present voted "Aye." MOTION PASSED.

- 36643 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE RELEASE OF THE MAINTENANCE BOND #70180287 IN THE AMOUNT OF \$49,078.96 AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR SHADOW CREEK SUBDIVISION, PHASE 8, SECTION 2.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the release of maintenance bond #70180287 in the amount of \$49,078.96 and the acceptance of roads into the county road maintenance system for Shadow Creek subdivision, Phase 8, Section 2. All present voted "Aye." MOTION PASSED.

- 36644 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH A NO PARKING ZONE ALONG BOTH SIDES OF BLISS SPILLAR ROAD BETWEEN SEPTEMBER SONG DRIVE AND THE TRAVIS COUNTY LINE.**

Judge Becerra opened the public hearing at 10:49 a.m. No comments were made. Judge Becerra closed the public hearing at 10:49 a.m. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe 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.

- 36645 DISCUSSION AND POSSIBLE ACTION TO CALL FOR A PUBLIC HEARING ON AUGUST 10, 2021 TO ESTABLISH A "NO THRU TRAFFIC" ZONE IN THE MEADOW WOODS SUBDIVISION WITH SIGNAGE POSTED ON SUNFLOWER DRIVE (AT FM 150) AND MEADOW WOODS DRIVE (AT FM 2770).**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on August 10, 2021 to establish a "No Thru Traffic" zone in the Meadow Woods subdivision with signage posted on Sunflower Drive (at FM 150) and Meadow Woods Drive (at FM 2770). All present voted "Aye." MOTION PASSED.

- 36646 DISCUSSION AND POSSIBLE ACTION TO CALL FOR A PUBLIC HEARING ON AUGUST 10, 2021 TO ESTABLISH A 4-WAY STOP AT THE INTERSECTION OF CROSSWINDS PARKWAY, WINDSWEPT WAY AND THE AMENITY CENTER ENTRANCE IN CROSSWINDS SUBDIVISION.**



JULY 27, 2021

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to call for a public hearing on August 10, 2021 to establish a 4-way stop at the intersection of Crosswinds Parkway, Windswept Way and the Amenity Center entrance in Crosswinds subdivision. All present voted "Aye." MOTION PASSED.

36647 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ADVANCE FUNDING AGREEMENT FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM (STBG) PROJECT OFF-SYSTEM (CENTER STREET RAIL SIDING PROJECT) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the Advance Funding Agreement for Surface Transportation Block Grant Program (STBG) Project Off-System (Center Street Rail Siding Project) and authorize the County Judge to execute the Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

36648 DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE PERFORMANCE BOND #CMS0344771 FOR STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$743,641.94 FOR 6 CREEKS PHASE 1 SECTION 8A SUBDIVISION.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept the Performance Bond #CMS0344771 for street and drainage improvements in the amount of \$743,641.94 for 6 Creeks Phase 1 Section 8A Subdivision. All present voted "Aye." MOTION PASSED.

36649 DISCUSSION AND POSSIBLE ACTION TO PAY HCISD FOR REPAIRS TO THEIR IRRIGATION SYSTEM AT CHAPA ELEMENTARY SCHOOL WHICH WAS CAUSED DURING THE DACY RECONSTRUCTION PROJECT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to pay HCISD for repairs to their irrigation system at Chapa Elementary School which was caused during the Dacy Reconstruction Project, not to exceed \$1,000.00. All present voted "Aye." MOTION PASSED.

36650 DISCUSSION AND POSSIBLE ACTION TO AWARD CONTRACT FOR IFB 2021-B11 ROAD IMPROVEMENTS: REMOVE & REPLACE HOT MIX TO ASPHALT INC. DBA LONE STAR PAVING.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to award contract for IFB 2021-B11 Road Improvements: Remove & Replace Hot Mix to Asphalt Inc. dba Lone Star Paving. All present voted "Aye." MOTION PASSED.

36651 DISCUSSION AND POSSIBLE ACTION TO AWARD THE CONTRACT FOR IFB 2021-B06 RM 3237 ROUNDABOUT TO COX COMMERCIAL CONSTRUCTION.

Rodrigo Amaya made a public comment against use of Cox Commercial Construction. Commissioner Shell stated he has no connection to Cox Commercial Construction. Jerry Borcharding, Transportation Director, stated this company just finished the state road 150 widening and has acceptable work. Marisol Alonzo, Auditor, stated that City of San Marcos gave a satisfactory reference check. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to award the contract for IFB 2021-B06 RM 3237 Roundabout to Cox Commercial Construction. All present voted "Aye." MOTION PASSED.**

36652 PLN-1549-PC; CALL FOR A PUBLIC HEARING ON AUGUST 10TH, 2021 TO DISCUSS APPROVAL OF THE FINAL PLAT OF THE PICO RANCH 1, TRACT 1R AND TRACT 3, REPLAT.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to call for a Public Hearing on August 10th, 2021 to discuss approval of the final plat of the Pico Ranch 1, Tract 1R and Tract 3, Replat. All present voted "Aye." MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 27, 2021

- 36653 PLN-1706-PC; CALL FOR A PUBLIC HEARING ON AUGUST 10TH, 2021 TO DISCUSS POSSIBLE ACTION REGARDING THE DOUGLAS ESTATES SUBDIVISION, LOT D-38, REPLAT.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to call for a Public Hearing on August 10th, 2021 to discuss possible action regarding the Douglas Estates Subdivision, Lot D-38, Replat. All present voted "Aye." MOTION PASSED.

- 36654 DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ORDER OF THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS ACCEPTING AND APPROVING THE 2021 ANNUAL SERVICE PLAN UPDATE TO THE SERVICE AND ASSESSMENT PLAN, INCLUDING AN UPDATED MAJOR IMPROVEMENT AREA ASSESSMENT ROLL, NEIGHBORHOOD IMPROVEMENT AREA #1 ASSESSMENT ROLL AND NEIGHBORHOOD IMPROVEMENT AREA #2 ASSESSMENT ROLL FOR THE LA CIMA PUBLIC IMPROVEMENT DISTRICT; MAKING AND ADOPTING FINDINGS; AND PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Jordan Powell, Assistant General Counsel, stated this is an annual update in relation to the La Cima Public Improvement District. Allison Snyder, P3 Works, reviewed the improvements included in the update. A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt an Order of the Commissioners Court of Hays County, Texas Accepting and Approving the 2021 Annual Service Plan Update to the Service and Assessment Plan, Including an Updated Major Improvement Area Assessment Roll, Neighborhood Improvement Area #1 Assessment Roll and Neighborhood Improvement Area #2 Assessment Roll for the La Cima Public Improvement District. All present voted "Aye." MOTION PASSED.

- 36655 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE TREASURER'S OFFICE TO DOUBLE FILL THE TREASURY ASSOCIATE POSITION, SLOT 0079-001, FOR A 2-MONTH PERIOD EFFECTIVE 08/01/2021 AND AMEND THE BUDGET ACCORDINGLY.**

Britney Richey, Treasurer, explained to the court the need to double fill the treasury associate position. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Treasurer's Office to double fill the Treasury Associate position, slot 0079-001, for a 2-month period effective 08/01/2021 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 36656 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CRIMINAL DISTRICT ATTORNEY TO RE-GRADE THE ATTORNEY II, SLOT 0787-006 (GRADE 118) TO AN ATTORNEY III (GRADE 119) EFFECTIVE 8/01/21 UTILIZING SALARY SAVINGS.**

Rodrigo Amaya made a public comment against department shifting of positions. Wes Mau, District Attorney, stated this position was occupied by an attorney that would have been promoted next year. The re-grade would advertise to more experienced attorneys to fill the position. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the Criminal District Attorney to re-grade the Attorney II, slot 0787-006 (grade 118) to an Attorney III (grade 119) effective 8/01/21 utilizing salary savings. All present voted "Aye." MOTION PASSED.

- 36657 DISCUSSION AND POSSIBLE ACTION TO REVIEW AND APPROVE A PRELIMINARY HAYS COUNTY BUDGET CALENDAR FOR FISCAL YEAR 2022.**

Vickie Dorsett, First Assistant County Auditor, stated the No New Revenue Rate calculations were not going to be available until later in the day or tomorrow. Due to Senate Bill 1357, they can take advantage of the time that the Judge is allowed. She stated there will now need to be a Special Meeting called for August 3, 2021, for the Judge to present his budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to review and approve the Revised Hays County budget calendar for Fiscal Year 2022. All present voted "Aye." MOTION PASSED.



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 stated he and Commissioner Ingalsbe recently met to keep moving forward to gain the support that is necessary. He stated the TIDC is in the funding stage and will meet in December which he hopes to take advantage of. He gave a brief update on recent arrests and the impact it has had on our Criminal Justice System and how we need to support everything we can to make incremental improvements across the spectrum of the Criminal Justice System. Commissioner Shell stated we have made changes to improve magistration and that Pre-Trial Services would be a tool that can be used to continue to make improvements. The Indigent Defense Coordinator has been making headway in producing improvements in how people are appointed counsel. A Mental Health court will be included in the budget to support that too. Commissioner Ingalsbe stated she appreciates all Commissioner Shell has done and she supports this effort. Commissioner Smith expressed his concern regarding the cost, how it has progressed and to keep in mind. No action was taken.

36658 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE SALARY SAVINGS TO PAY DOWN COMPENSATION ACCRUALS FOR A JAIL MAINTENANCE POSITION.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Sheriff's Office to utilize salary savings to pay down compensation accruals for a Jail maintenance position. All present voted "Aye." MOTION PASSED.

36659 DISCUSSION AND ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND RED RIVER COUNTY FOR JAIL SERVICES RELATED TO THE HOUSING AND CARE OF HAYS COUNTY INMATES.

Captain Julie Villalpando, Hays County Sheriff's Office, stated this agreement is to prepare for the future and have options when the time comes. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute an Interlocal Cooperation Agreement Between Hays County and Red River County for Jail Services related to the housing and care of Hays County inmates. All present voted "Aye." MOTION PASSED.

36660 DISCUSSION AND ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND SAN JACINTO COUNTY FOR JAIL SERVICES RELATED TO THE HOUSING AND CARE OF HAYS COUNTY INMATES.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Cooperation Agreement Between Hays County and San Jacinto County for Jail Services related to the housing and care of Hays County inmates. All present voted "Aye." MOTION PASSED.

36661 DISCUSSION AND POSSIBLE ACTION TO CREATE THE HAYS COUNTY EMPLOYEE GRIEVANCE COMMITTEE PURSUANT TO THE HAYS COUNTY PERSONNEL POLICY HANDBOOK.

Mark Kennedy, General Counsel, stated the previous model used to select the committee is a good starting point. Shari Miller, Human Resources Director, stated the last employee grievance committee was established in 2009 and that the participants were identified by Commissioners Court. Shari Miller stated she will remain on the committee as a representative per policy. A motion was made by Judge Becerra, seconded by Commissioner Shell to create the Hays County Employee Grievance Committee Pursuant to the Hays County Personnel Policy Handbook to consist of the following members: Laura Nava, Janice Weber, Vickie Dorsett, Emily Sierra and Yvette Faulkner. All present voted "Aye." MOTION PASSED.

36662 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE EXECUTION OF THE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE GREATER SAN MARCOS ECONOMIC DEVELOPMENT COUNCIL.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 27, 2021

Dan Lyon made public comment against paying for private businesses to come into Hays County. Commissioner Shell stated the private sector is funding half of the partnership. He understands the concerns but feels it is necessary to compete to bring businesses and job growth to Hays County. Commissioner Smith stated the cost of living continues to rise and its pursuant to us to get better higher paying jobs here. Commissioner Ingalsbe thanked Dan Lyon for voicing his concerns. She stated these companies must meet certain criteria they give. Commissioner Jones stated this is a net gain for the county and the job creation is one of the many things they look for. Jason Giulietti, President of GSMEDC, stated they do not bring any incentive forward for consideration, that is below the county average wage. He thanked the court for their partnership and explained the agreement, including higher paying jobs that will have an average wage of \$60,000.00. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of the Funding Agreement between Hays County and the Greater San Marcos Economic Development Council. All present voted "Aye." MOTION PASSED.**

36663 DISCUSSION AND POSSIBLE ACTION TO PRE-QUALIFY ALL RESPONDENTS RELATED TO RFQ 2021-Q02 RIGHT-OF-WAY ACQUISITION SERVICES AND DEVELOP A POOL OF QUALIFIED FIRMS FOR THE COUNTY TO SELECT FROM ON AN AS-NEEDED BASIS.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to pre-qualify all respondents related to RFQ 2021-Q02 Right-of-Way Acquisition Services and develop a pool of qualified firms for the County to select from on an as-needed basis. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session for Item # 49 began at 9:28 a.m. and resumed back into open court at 9:44 a.m.

36664 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT MUNCH AND PROJECT PACIFIC BLUE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute a Ch. 381 Economic Development Agreement between Hays County, Texas and Costco Wholesale Corporation, as presented in Executive Session. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session began at 11:34 a.m. and resumed back into open court at 12: 03 p.m. Item # 49 was reopened.

Commissioner Ingalsbe stated this would be a one-time waiver of the strict performance requirements contained in the 381 Agreement. She also stated this partial payment is being authorized because we wish to recognize that, although the company hasn't remained on schedule with its warehouse expansion, its progress has created new jobs and a significant positive impact on our local economy. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Hays County Auditor and the Hays County Treasurer to process a payment of \$68,985.77, payable to H.E.B. Grocery Company, L.P., in recognition of H.E.B.'s partial performance under the Ch. 381 Economic Development Agreement between Hays County and H.E.B. All present voted "Aye." MOTION PASSED.**

36665 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE AND/OR VALUE OF REAL PROPERTY LOCATED AT OR NEAR CR 266 (OLD BASTROP HWY), SAN MARCOS IN PCT. 1. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

Commissioner Ingalsbe stated we have already paid \$29,115.00 for a Possession and Use Agreement, which will be subtracted from the total amount paid for the right of way, easement, and relocation of the O.S.S.F. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute a Purchase and Sale Agreement, and to authorize General Counsel to execute all documents incidental to closing, for the purchase of approximately 0.0937 acres of right of way and approximately 0.1596 acres of utility easement from Roy and Maria Mendoza along CR 266 in Precinct 1, as presented in Executive Session. All present voted "Aye." MOTION PASSED.**



JULY 27, 2021

36666 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 40.15 ACRES IN FEE SIMPLE FROM PROPERTY LOCATED BETWEEN FM 1626 AND UNION PACIFIC RAILROAD, OWNED BY CENTEX MATERIALS LLC, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED ROBERT S. LIGHT BLVD. ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (PARCELS 1-3). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the use of the power of eminent domain to acquire parcels 1,2 and 3 owned by Centex Materials LLC to facilitate the safety and movement of traffic, and authorize the execution of a resolution in accordance therewith. All present voted "Aye." MOTION PASSED.

36667 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 12.915 ACRES IN FEE SIMPLE FROM PROPERTY LOCATED BETWEEN UNION PACIFIC RAILROAD AND RM 967, OWNED BY TEXAS CEMENT COMPANY, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED ROBERT S. LIGHT BLVD. ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (PARCEL 5). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

Commissioner Jones stated this motion concerns the Buda bypass from FM 967 to FM 1626. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the use of the power of eminent domain to acquire parcel 5 owned by Texas Cement Company to facilitate the safety and movement of traffic, and authorize the execution of a resolution in accordance therewith. All present voted "Aye." MOTION PASSED.

36668 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE ACQUISITION OF FLOOD PLAIN PROPERTY LOCATED ON OR NEAR SUNRISE DRIVE, KYLE IN PCT 1. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a buyout Agreement between Hays County and Laura Luterbach, as part of the CDBG Buyout program, as presented in Executive Session. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #54 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 \$66,850.00 for the week of July 18 – July 24, 2021. The number of outsourced males was 159 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 2, Department of Public Safety – 2, Hays County Sheriff's Department – 56, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 20, San Marcos Police Department - 35, Texas State Police Department – 1. No action taken.

Clerk's Note Agenda Item #56 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 #57 RE: UPDATE FROM THE COUNTY JUDGE AND STAFF REGARDING THE LOCAL DISASTER DECLARATION AND COVID-19. POSSIBLE DISCUSSION AND ACTION MAY FOLLOW. - WAS PULLED.

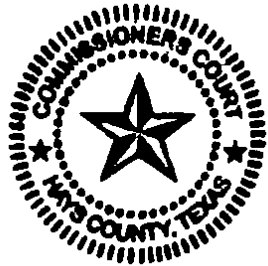


JULY 27, 2021

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Judge Becerra to adjourn court at 12:07 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 JULY 27, 2021.



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

