

HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 2, 2021

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF NOVEMBER 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:

Commissioner Mark Jones 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

Dan Lyon made a public comment regarding concerns about county spending. James Clark made a public comment regarding concerns about COVID-19. Carl Hass made a public comment regarding concerns about COVID-19 restrictions.

36935 ADOPT A PROCLAMATION OBSERVING THE FIRST SATURDAY OF EVERY NOVEMBER AS HARVEY E. MILLER DAY OF SERVICE.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation observing the first Saturday of every November as Harvey E. Miller Day of Service. All present voted "Aye." MOTION PASSED.

PRESENTATION BY THE REDISTRICTING ADVISORY COMMISSION REGARDING PROPOSALS FOR REDISTRICTING OF COMMISSIONERS' PRECINCTS WITHIN HAYS COUNTY.

Dr. Linda Calvert made a public comment in support of the Redistricting Advisory Commission (RAC) and the maps they made. Larry Calvert made a public comment in support of the RAC. Mark Trahan, Hays County Democratic Party Chair, presented a map (M9) proposed by the RAC, and emphasized the growth in the county along I-35. Bob Parks, Hays County Republican Party Chair, presented a map (SM2) proposed by the RAC, and spoke about how demographic areas and communities of interest are defined. The court had a lengthy discussion regarding the university, majority-minority precincts, Justice of the Peace and Constable precincts, and county growth. Steve Meyer, RAC member, spoke about the significant growth in "multi-minority" groups and the SM2 map. The court discussed voter precinct districts and census blocks. No action taken.

Clerk's Note: Judge Becerra called for a break that began at 10:53 a.m. and resumed back into open court at 11:04 a.m.

36936 APPROVE PAYMENTS OF COUNTY INVOICES.

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

36937 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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



Clerk's Note Agenda Item #5 RE: *APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 24, 2021 AND AUGUST 27, 2021. – WAS PULLED.*

36938 APPROVE THE APPOINTMENT OF KENNETH ESHELMAN TO SERVE ON THE BOARD OF EMERGENCY SERVICES DISTRICT #6 TO REPLACE BRAD RUOFF, FOR A TERM ENDING DECEMBER 31, 2022.

Commissioner Smith thanked Brad Ruoff for serving. A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the appointment of Kenneth Eshelman to serve on the board of Emergency Services District #6 to replace Brad Ruoff, for a term ending December 31, 2022. All present voted "Aye." MOTION PASSED.

36939 RATIFY THE EXECUTION OF A CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) IN THE AMOUNT OF \$26,756.00 FOR ACTIVITIES IN RELATION TO THE TUBERCULOSIS PREVENTION AND CONTROL - FEDERAL GRANT PROGRAM.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to ratify the execution of a contract with the Department of State Health Services (DSHS) in the amount of \$26,756.00 for activities in relation to the Tuberculosis Prevention and Control - Federal Grant Program. All present voted "Aye." MOTION PASSED.

36940 AUTHORIZE THE PURCHASE OF ITEMS FROM BJ'S TEES FOR \$1,793.96 FOR THE CONTINUING EDUCATION SAFETY PROGRAM FOR THE TRANSPORTATION DEPARTMENT.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the purchase of items from BJ's Tees for \$1,793.96 for the continuing education safety program for the Transportation Department. All present voted "Aye." MOTION PASSED.

36941 AUTHORIZE THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS A&M AGRILIFE EXTENSION SERVICE FOR THE FERAL HOG ABATEMENT PROGRAM IN THE AMOUNT OF \$7,500 AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon made a public comment requesting that the bounty system be reinstated. Commissioner Jones clarified that there is a bounty, and Judge Becerra stated that the reward is \$5 per tail turned in. A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the execution of an Interlocal Agreement with the Texas A&M AgriLife Extension Service for the Feral Hog Abatement Program in the amount of \$7,500 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36942 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SERVICE AGREEMENT WITH PERSONNEL EVALUATION, INC. FOR THE SHERIFF'S OFFICE TO PERFORM PRE-EMPLOYMENT SCREENINGS.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a service agreement with Personnel Evaluation, Inc. for the Sheriff's Office to perform pre-employment screenings. All present voted "Aye." MOTION PASSED.

36943 AUTHORIZE A PURCHASING WAIVER FOR THE SHERIFF'S OFFICE TO UTILIZE THE WRAP BY SAFE RESTRAINTS, INC. FOR FY22 APPROVED SAFETY RESTRAINTS.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize a purchasing waiver for the Sheriff's Office to utilize The Wrap by Safe Restraints, Inc. for FY22 approved safety restraints. All present voted "Aye." MOTION PASSED.

36944 APPROVE AND CONFIRM THE APPOINTMENTS OF LEIA BOGGS AS RESERVE DEPUTY CONSTABLE AND TRAVIS BERTRAM AS DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 1 OFFICE, EFFECTIVE DATE NOVEMBER 2, 2021.

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Mark Kennedy, General Counsel, stated that an error in the agenda would be corrected. Constable David Peterson, Precinct 1, presented the new appointments. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve and confirm the appointments of Leia Boggs as Reserve Deputy Constable and Travis Bertram as Deputy Constable in the Hays County Constable Precinct 1 Office, effective date November 2, 2021. All present voted "Aye." MOTION PASSED.**

36945 APPROVE SPECIFICATIONS FOR IFB 2022-B03 COTTON GIN ROAD - LOW WATER CROSSING AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve specifications for IFB 2022-B03 Cotton Gin Road - Low Water Crossing and authorize Purchasing to solicit for bids and advertise. All present voted "Aye." MOTION PASSED.

36946 APPROVE SPECIFICATIONS FOR RFP 2022-P02 CONSULTING SERVICES - ANIMAL SHELTER AND ANIMAL SERVICES FEASIBILITY STUDY AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve specifications for RFP 2022-P02 Consulting Services - Animal Shelter and Animal Services Feasibility Study and authorize Purchasing to solicit for bids and advertise. All present voted "Aye." MOTION PASSED.

36947 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) FOR THE HAZARD MITIGATION GRANT PROGRAM (HMGP) IN THE AMOUNT OF \$159,228.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the submission of a grant application to the Texas Division of Emergency Management (TDEM) for the Hazard Mitigation Grant Program (HMGP) in the amount of \$159,228.00. All present voted "Aye." MOTION PASSED.

36948 ACCEPT A PROPOSAL FROM BECKWITH ELECTRONIC SYSTEMS, LLC IN THE AMOUNT OF \$8,390 FOR REPAIRS NEEDED TO THE CRESTRON SYSTEM IN DISTRICT COURTROOM #7 OF THE GOVERNMENT CENTER; AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 262.024A (7) (D) AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept a proposal from Beckwith Electronic Systems, LLC in the amount of \$8,390 for repairs needed to the Crestron System in District Courtroom #7 of the Government Center; authorize a discretionary exemption pursuant to Texas Local Government Code 262.024A (7) (D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36949 AUTHORIZE PAYMENT TO AUSTIN EXTREME GRAPHICS IN THE AMOUNT OF \$998.22 FOR THE CONSTABLE PCT. 2 OFFICE IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE HAYS COUNTY PURCHASING POLICY.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize payment to Austin Extreme Graphics in the amount of \$998.22 for the Constable Pct. 2 Office in which no purchase order was issued as required per the Hays County Purchasing Policy. All present voted "Aye." MOTION PASSED.

36950 APPROVE RENEWAL OF IFB 2020-B02 HAULING SOLID WASTE WITH CENTRAL WASTE & RECYCLING AND TEXAS DISPOSAL SYSTEMS FOR ONE (1) ADDITIONAL YEAR AS STATED IN THE ORIGINAL BID, EFFECTIVE NOVEMBER 5, 2021.

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A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve renewal of IFB 2020-B02 Hauling Solid Waste with Central Waste & Recycling and Texas Disposal Systems for one (1) additional year as stated in the original bid, effective November 5, 2021. All present voted "Aye." MOTION PASSED.

36951 CALL FOR A PUBLIC HEARING AT THE REGULAR SESSION OF COMMISSIONERS COURT ON NOVEMBER 9, 2021 STARTING AT 9 A.M., RELATED TO THE REDISTRICTING OF JUSTICE OF THE PEACE (AND CONSTABLE) AND COMMISSIONERS PRECINCTS WITHIN HAYS COUNTY, TEXAS.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to call for a Public Hearing at the regular session of Commissioners Court on November 9, 2021 starting at 9 a.m., related to the redistricting of justice of the peace (and constable) and commissioners precincts within Hays County, Texas. All present voted "Aye." MOTION PASSED.

36952 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH 3-WAY STOP LOCATIONS ON OLD BASTROP HIGHWAY AT THE INTERSECTIONS OF POSEY ROAD AND FRANCIS HARRIS LANE.

Judge Becerra opened the public hearing at 11:52 a.m. No comments were made. Judge Becerra closed the public hearing at 11:53 a.m. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to establish 3-way stop locations on Old Bastrop Highway at the intersections of Posey Road and Francis Harris Lane. All present voted "Aye." MOTION PASSED.

36953 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE RELEASE OF THE MAINTENANCE BOND #58S211340-001 IN THE AMOUNT OF \$174,546.55, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR CROSSWINDS SUBDIVISION, PHASE 2.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the release of the maintenance bond #58S211340-001 in the amount of \$174,546.55, and the acceptance of roads into the county road maintenance system for Crosswinds subdivision, Phase 2. All present voted "Aye." MOTION PASSED.

36954 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE OF THE PERFORMANCE BOND #9933969 IN THE AMOUNT OF \$345,571.00, AND ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #146805D IN THE AMOUNT OF \$29,557.10 FOR NORTHRIDGE SUBD., PHASE 3.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the acceptance of road construction & drainage improvements, release of the performance bond #9933969 in the amount of \$345,571.00, and acceptance of the 2-year maintenance bond #146805D in the amount of \$29,557.10 for Northridge subd., Phase 3. All present voted "Aye." MOTION PASSED.

36955 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE ACCEPTANCE OF ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, ACCEPTANCE OF THE 2-YEAR MAINTENANCE BOND #PB03016800693M IN THE AMOUNT OF \$49,235.54, AND ACCEPTANCE OF THE 1-YEAR REVEGETATION BOND #PB03016800693M IN THE AMOUNT OF \$19,781.95 FOR 6 CREEKS SUBD., PHASE 1, SECTION 4A.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the acceptance of road construction & drainage improvements, acceptance of the 2-year maintenance bond #PB03016800693M in the amount of \$49,235.54, and acceptance of the 1-year revegetation bond #PB03016800693M in the amount of \$19,781.95 for 6 Creeks subd., Phase 1, Section 4A. All present voted "Aye." MOTION PASSED.



- 36956 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 3 IN THE AMOUNT OF \$58,577.04 TO THE CONSTRUCTION CONTRACT BETWEEN HAYS COUNTY AND COX COMMERCIAL CONSTRUCTION FOR THE RM 3237 AT RM 150 ROUNDABOUT (IFB-2021-B06) PROJECT AS PART OF THE HAYS COUNTY ROAD BOND PROGRAM.**

Commissioner Shell stated that this will reduce light pollution in the area. A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute Change Order No. 3 in the amount of \$58,577.04 to the Construction Contract between Hays County and Cox Commercial Construction for the RM 3237 at RM 150 Roundabout (IFB-2021-B06) project as part of the Hays County Road Bond Program. All present voted "Aye." MOTION PASSED.

- 36957 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (CONTRACT) BETWEEN HAYS COUNTY AND COBB FENDLEY & ASSOCIATES, INC. TO PROVIDE UTILITY COORDINATION SERVICES FOR THE LOW WATER CROSSING PROJECTS IN PRECINCT 4.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Professional Services Agreement (Contract) between Hays County and Cobb Fendley & Associates, Inc. to provide utility coordination services for the low water crossing projects in Precinct 4. All present voted "Aye." MOTION PASSED.

- 36958 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND LJA ENGINEERING, INC. TO PROVIDE RIGHT-OF-WAY ACQUISITION SERVICES FOR THE FM 2001 WEST PROJECT IN PRECINCT 2.**

Mark Kennedy, General Counsel, stated that the template will be modified from "Engineering Services" to "Right of Way Services". A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute a Professional Services Agreement between Hays County and LJA Engineering, Inc. to provide right-of-way acquisition services for the FM 2001 West project in Precinct 2. All present voted "Aye." MOTION PASSED.

- 36959 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL NO. 10 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND HNTB CORPORATION FOR THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM GENERAL ENGINEERING CONSULTANT (GEC)/PROGRAM MANAGEMENT SERVICES IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$336,800.00 FROM \$7,205,491.30 TO \$7,542,291.30 AND EXTENDING THE TERMINATION DATE OF THE CONTRACT TO SEPTEMBER 30, 2022.**

Mark Kennedy, General Counsel, requested that a Discretionary Exemption under Section 262.024(a)(4) of the Texas Local Government Code be included in the motion. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Supplemental No. 10 to the Professional Services Agreement between Hays County and HNTB Corporation for the Hays County/TxDOT Partnership Program General Engineering Consultant (GEC)/Program Management services in Hays County, increasing the Compensation Cap by \$336,800.00 from \$7,205,491.30 to \$7,542,291.30 and extending the termination date of the contract to September 30, 2022; authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(4). All present voted "Aye." MOTION PASSED.

- 36960 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 8 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND HNTB CORPORATION FOR THE PASS-THROUGH FINANCE PROGRAM MANAGEMENT EFFORT IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$62,022.00 FROM \$7,715,500.00 TO \$7,777,522.00 AND EXTENDING THE TERMINATION DATE OF THE CONTRACT TO SEPTEMBER 30, 2022.**



Mark Kennedy, General Counsel, requested that a Discretionary Exemption under Section 262.024(a)(4) of the Texas Local Government Code be included in the motion. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Supplemental Agreement No. 8 to the Professional Services Agreement between Hays County and HNTB Corporation for the Pass-Through Finance Program Management effort in Hays County, increasing the Compensation Cap by \$62,022.00 from \$7,715,500.00 to \$7,777,522.00 and extending the termination date of the contract to September 30, 2022; authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(4). All present voted "Aye." MOTION PASSED.**

36961 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (TIME & MATERIALS CONTRACT) BETWEEN HAYS COUNTY AND HNTB CORPORATION FOR FISCAL YEAR WORK AUTHORIZATIONS IN THE TOTAL AMOUNT OF \$2,635,006.00 TO CONTINUE PROVIDING GENERAL ENGINEERING CONSULTANT (GEC)/PROGRAM MANAGEMENT SERVICES FOR THE HAYS COUNTY 2016 ROAD BOND PROGRAM PROJECTS.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Professional Services Agreement (time & materials contract) between Hays County and HNTB Corporation for Fiscal Year Work Authorizations in the total amount of \$2,635,006.00 to continue providing General Engineering Consultant (GEC)/Program Management services for the Hays County 2016 Road Bond Program projects. All present voted "Aye." MOTION PASSED.

36962 DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE IRREVOCABLE LETTER OF CREDIT NO. SBP702741 FOR STREET AND DRAINAGE IMPROVEMENTS FOR PARTEN RANCH, PHASE 2B, FINAL PLAT IN THE AMOUNT OF \$808,725.50.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the Irrevocable Letter of Credit No. SBP702741 for street and drainage improvements for Parten Ranch, Phase 2B, Final Plat in the amount of \$808,725.50. All present voted "Aye." MOTION PASSED.

36963 DISCUSSION AND POSSIBLE ACTION TO APPROVE ADVANCE FUNDING AGREEMENT FOR PREVENTATIVE MAINTENANCE AND REHABILITATION PROGRAM ON-SYSTEM PROJECT (RM 967 MAINTENANCE) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve Advance Funding Agreement for Preventative Maintenance and Rehabilitation Program On-System Project (RM 967 Maintenance) and authorize the County Judge to execute Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

36964 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE RELATING TO THE CENTER STREET UNION PACIFIC RAILROAD (UPRR) SIDING RELOCATION PROJECT AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Kyle relating to the Center Street Union Pacific Railroad (UPRR) Siding Relocation Project and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36965 PLN-1736-PC; HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO APPROVE THE FINAL PLAT OF THE REPLAT OF LOTS 13 AND 14, OUT OF THE RESUBDIVISION OF LOTS 45 THROUGH 53 AND LOT 58, ROLLING OAKS SUBDIVISION, SECTION 3.

Judge Becerra opened the public hearing at 11:41 a.m. No comments were made. Judge Becerra closed the public hearing at 11:41 a.m. Colby Machacek, Hays County Planner, stated this item has full staff recommendation. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the final plat of the Replat of Lots 13 and 14, Out of the Resubdivision of Lots 45 through 53 and Lot 58, Rolling Oaks Subdivision, Section 3. All present voted "Aye." MOTION PASSED.**



36966 PLN-1689-NP; HENLY CREEK SUBDIVISION (1 LOT). DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT.

Colby Machacek, Hays County Planner, stated this item has full staff recommendation. A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the final plat of Henly Creek Subdivision (1 Lot). All present voted "Aye." MOTION PASSED.

36967 PLN-1756-PC; CALL FOR A PUBLIC HEARING ON NOVEMBER 23, 2021 TO DISCUSS POSSIBLE ACTION REGARDING THE DOUGLAS ESTATES SUBDIVISION, LOT D-40, REPLAT.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to call for a Public Hearing on November 23, 2021 to discuss possible action regarding the Douglas Estates Subdivision, Lot D-40, Replat. All present voted "Aye." MOTION PASSED.

36968 DISCUSSION AND POSSIBLE ACTION TO APPROVE CHANGES TO THE FY 2021 HEALTHCARE PLAN AS RECOMMENDED BY THE INSURANCE COMMITTEE.

Shari Miller, HR Director, explained the proposal to increase premiums by 10% in two out of three employee plans. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve changes to the FY 2021 healthcare plan as recommended by the Insurance Committee. All present voted "Aye." MOTION PASSED.

36969 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT BETWEEN HAYS COUNTY AND HDR ARCHITECTURE, INC. TO PROVIDE ARCHITECTURAL DESIGNS AND SERVICES RELATED TO THE UPGRADE OF THE GOVERNMENT CENTER SECURITY, CAMERA AND BADGE READER SYSTEM, AND THE INSTALLATION OF A SURVEILLANCE SYSTEM FOR THE HISTORIC COURTHOUSE IN THE AMOUNT OF \$184,100 AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS GOVERNMENT CODE CHAPTER 2254.

Tammy Crumley, Director of Countywide Operations, stated that assessments and designs will be done for each county building. Mark Kennedy, General Counsel, stated that the item is redacted in the agenda to not disclose camera locations. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute an Agreement between Hays County and HDR Architecture, Inc. to provide architectural designs and services related to the upgrade of the Government Center security, camera and badge reader system, and the installation of a surveillance system for the Historic Courthouse in the amount of \$184,100 and authorize a discretionary exemption pursuant to Texas Government Code Chapter 2254. All present voted "Aye." MOTION PASSED.

36970 DISCUSS AND POSSIBLE ACTION TO AUTHORIZE THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT- LOCAL HAZARD MITIGATION PLANS PROGRAM APPLICATION TO THE GENERAL LAND OFFICE; AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MANNERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT -MITIGATION PROGRAM.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the submission of a Community Development Block Grant- Local Hazard Mitigation Plans Program Application to the General Land Office; and authorizing the County Judge to act as the County's Executive Officer and Authorized representative in all manners pertaining to the County's participation in the Community Development Block Grant -Mitigation Program. All present voted "Aye." MOTION PASSED.



- 36971 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR ACCESS TO DRILL AND COMPLETE A GROUNDWATER MONITOR WELL AND TO CONDUCT GROUNDWATER MONITORING BETWEEN HAYS COUNTY, TEXAS AND BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT.**

Brian Smith, Principal Hydrogeologist of the Barton Springs Edwards Aquifer Conservation District, stated this will help studies of the aquifer. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute an Interlocal Agreement for Access to Drill and Complete a Groundwater Monitor Well and to Conduct Groundwater Monitoring Between Hays County, Texas and Barton Springs/Edwards Aquifer Conservation District. All present voted "Aye." MOTION PASSED.**

- 36972 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A STATEMENT OF WORK AND PARTICIPATING ADDENDUM WITH 8 X 8, INC. UTILIZING THE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) VALUEPOINT MASTER AGREEMENT RELATED TO A NEW COUNTYWIDE PHONE/COMMUNICATIONS SYSTEM.**

Jack McGill, IT Director, stated that recent weather events and COVID-19 revealed the need for system updates. Roll out will depend on availability and will most likely happen in the next 2-3 months. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a Statement of Work and Participating Addendum with 8 x 8, Inc. utilizing the National Association of State Procurement Officials (NASPO) ValuePoint Master Agreement related to a new Countywide Phone/Communications System. All present voted "Aye." MOTION PASSED.**

- 36973 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL SERVICE ORDER WITH GRANDE COMMUNICATIONS RELATED TO THE COUNTYWIDE FIBER CONTRACT.**

Jack McGill, IT Director, stated that this will save the county money. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute a renewal Service Order with Grande Communications related to the Countywide Fiber contract. All present voted "Aye." MOTION PASSED.**

- 36974 DISCUSSION AND POSSIBLE ACTION RELATED TO FIRE CODE REGULATION OF PROPERTIES UNDER A DEVELOPMENT AGREEMENT WITH THE CITY OF DRIPPING SPRINGS.**

Commissioner Smith stated for the safety of citizens, this proclamation will ensure public safety. He stated this is for projects with existing Development Agreements. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Resolution related to enforcement of Fire Code in certain subdivisions. All present voted "Aye." MOTION PASSED.**

- 36975 1:00 P.M. – WORKSHOP REGARDING A NEEDS ASSESSMENT ROADMAP AND FUNDING FOR A MENTAL HEALTH HOSPITAL. POSSIBLE ACTION MAY FOLLOW.**

Judge Becerra opened the workshop at 1:04 p.m. Elaine Cardenas, County Clerk, read emailed public comments from Dr. Toni Watt, Melissa Derrick, Erica Gallardo, and Ed Kuny in support of a mental health facility in Hays County. Charles Campise, Hays County representative for the Board of the Hill Country Mental Health and Developmental Disabilities, spoke about the savings the county will have if it has its own mental facility, and asked the court to vote yes for funding a needs assessment. Tod Citron, CEO of Hill Country Mental Health and Developmental Disabilities, joined via Teams and emphasized the need for a mental health facility. Andrea Richardson, Executive Director of Bluebonnet Trails Community Services, and Landon Sturdivant, Deputy CEO of Hill Country Mental Health and Developmental Disabilities, joined via Teams and expressed support for a mental health facility. Jack Pryor, retired Army Colonel, spoke about the need for mental health services in the area for veterans that have PTSD and traumatic brain injuries. Anita Collins, Office of the Hays County Judge, gave a presentation on the mental health crisis and lack of mental health professionals in Hays County. The court had a discussion regarding the costs involved in a needs assessment and the benefits of opening a mental health facility with a Veterans Affairs wing. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to fund the research for the RFQ process with a budget not to exceed \$250,000. All present voted "Aye." MOTION PASSED.**

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NOVEMBER 2, 2021

Clerk's Note: Executive Session began at 12:22 p.m. and resumed back into open court at 1:04 p.m.

36976 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE POSITIONS OF THE HAYS COUNTY FIRE MARSHAL AND THE HAYS COUNTY OFFICE OF EMERGENCY SERVICES DIRECTOR; AND REGARDING STATE STATUTES ON FIRE CODE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the resignation of Nathan Mendenhall as the Hays County Fire Marshal. All present voted "Aye." MOTION PASSED.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to appoint Gib Watt as the interim Fire Marshal for Hays County, effective immediately; and to authorize the Director of Human Resources to implement a compensation package that places the interim Fire Marshal at the minimum of the grade for the Fire Marshal pay range. 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, LEASE AND/OR VALUE OF REAL PROPERTY ASSOCIATED WITH THE POSAC-RECOMMENDED 2020 PARKS AND OPEN SPACE BOND PROJECTS; AND REGARDING POSAC REVIEWING CRITERIA. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action taken.

36977 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 ON OR NEAR STAGECOACH TRAIL IN SAN MARCOS, TEXAS AND WITHIN PRECINCT 3. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

Commissioner Shell stated this is to be paid from infrastructure fund. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize General Counsel to make an offer and execute a Purchase and Sale Agreement for Acquisition of property located at 120 Stagecoach Trail San Marcos, TX as discussed in Executive Session; And to authorize General Counsel to retain appraisal services during the diligence period of the contract. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #47 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. Current maximum jail capacity is 410 inmates. Jail Standards recommends holding 10% open, lowering actual capacity to 368 inmates. The jail's daily average was 629, with a peak of 636 on October 24, 2021. The estimated cost for outsourcing inmates this week was \$71,839. The average number of outsourced males is 162 and females is 11. This week's inmates were housed in the following counties: Atascosa, Blanco, Comal, Fort Bend, Guadalupe, and Red River. Judge Becerra clarified that the outsourcing of inmates is not tied to the Sheriff's job. No action taken.

Clerk's Note Agenda Item #49 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO PROPOSED BILLS IN THE 87TH SPECIAL 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.



NOVEMBER 2, 2021

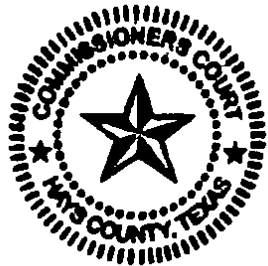
Clerk's Note Agenda Item #50 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY. POSSIBLE ACTION MAY FOLLOW. - WAS PULLED.*

Clerk's Note Agenda Item #51 RE: *DISCUSSION AND POSSIBLE ACTION REGARDING FUNDING RECEIVED OR TO BE RECEIVED BY HAYS COUNTY UNDER THE AMERICAN RESCUE PLAN ACT (ARPA). - WAS PULLED.*

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Judge Becerra to adjourn court at 1:46 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 November 12, 2021.



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

