

HAYS COUNTY COMMISSIONERS' COURT MINUTES



FEBRUARY 1, 2022

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF FEBRUARY A.D., 2022, 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:

Commissioner Ingalsbe 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

Jeff Thompson from the Corridor Interfaith Alliance for Families made a public comment thanking the court for their support of the Capital Idea Scholarship Program and a Public Defender Office and urged the court to continue working on the Emergency Rental Assistance (ERA) Program. Nancy Heintz made a public comment about the ERA's low staff numbers and long application process and asked for an efficient use of funds. Sandra Londa made a public comment against the loss of ERA funds. Pam Zivley made a public comment inquiring about the ERA's process for distributing funds and the hiring of a new manager. Dan Lyon made a public comment against the Greater San Marcos Partnership and advocated for the County's homeless population. Elaine Cardenas, County Clerk, read a public comment emailed by Laura Ewing in favor of the ERA and assisting the homeless. Wesley Matthews, ERA Program Manager, made a public comment asking for more case workers and resources for the program. Will Webber made a public comment regarding the problem of homelessness and ERA program improvements. Elle Cross made a public comment in support of the ERA and asked for better management. Sam Benavides made a public comment against ERA inefficiency and asked for more staff and resources. Mindy Webber made a public comment in favor of extending the ERA program for 3 months to 1 year and shared an ERA success story.

37233 ADOPT A PROCLAMATION DECLARING HAYS COUNTY A PURPLE HEART COUNTY.

Commissioner Smith stated this is similar to what other counties do and will allow for designated parking for Purple Heart recipients at county facilities. A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Proclamation declaring Hays County a Purple Heart County. All present voted "Aye." MOTION PASSED.

37234 ADOPT A PROCLAMATION RECOGNIZING FEBRUARY 2022 AS DATING VIOLENCE AWARENESS AND PREVENTION MONTH.

Judge Becerra commented that this Proclamation should apply to all types of relationships. Melissa Rodriguez, Hays-Caldwell Women's Center (HCWC) Executive Director, spoke about the organization's work and invited the public to the Dating Violence Mock Trial in Dripping Springs on February 25th. Commissioner Smith spoke in support of the Mock Trial and the Adult Sexual Abuse Task Force. Commissioner Ingalsbe thanked the HCWC. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation recognizing February 2022 as Dating Violence Awareness and Prevention Month. All present voted "Aye." MOTION PASSED.

37235 ADOPT A PROCLAMATION RECOGNIZING FEBRUARY 2022 AS SPAY/NEUTER AWARENESS MONTH.

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Elaine Cardenas, County Clerk, read a public comment emailed by Nicola Ladkin thanking the court for the Proclamation and their support for the Hays County No-Kill Initiative. Sharri Boyett, the Court Appointed Animal Advocacy Advisor, discussed how spaying/neutering pets helps individuals who are homeless obtain housing and described the Trap Neuter Return strategy for cats. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation recognizing February 2022 as Spay/Neuter Awareness Month. All present voted "Aye." MOTION PASSED.**

37236 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF FEBRUARY 2022 AS BLACK HISTORY MONTH IN HAYS COUNTY.

Pastor Jonafa Banbury, Dunbar Heritage Association Secretary, spoke about the Black History Month events occurring this month. Sandra Bryant spoke about the Buda Black History Celebration on February 19th and its focus on health and wellness. Dex Ellison, City of Kyle Councilman, spoke about the 5th edition of the Dialogue for Peace and Progress occurring on February 4th. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Proclamation recognizing the month of February 2022 as Black History Month in Hays County. All present voted "Aye." MOTION PASSED.**

PRESENTATION BY TOLL BROTHERS REPRESENTATIVES REGARDING THE SAVANNAH ESTATES SUBDIVISION, WHICH IS THE NEXT PLANNED PHASE OF THE WATERRIDGE DEVELOPMENT NEAR STAGECOACH ROAD IN KYLE, TEXAS (PRECINCT 3).

Mike Boswell, Vice President of Land and Development at Toll Brothers, gave a presentation on the Savannah Estates Subdivision. No action taken.

37237 APPROVE PAYMENTS OF COUNTY INVOICES.

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

37238 APPROVE PAYMENTS OF JUROR CHECKS.

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

37239 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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

37240 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 4, 2022.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of January 4, 2022. All present voted "Aye." MOTION PASSED.

37241 APPROVE THE PAYMENT OF THE FEBRUARY 15, 2022 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,155,000.00 EFFECTIVE FEBRUARY 15, 2022 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the payment of the February 15, 2022 payroll disbursements in an amount not to exceed \$3,155,000.00 effective February 15, 2022 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.



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37242 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE TEXAS HISTORICAL COMMISSION ANTIQUITIES PERMIT APPLICATION FOR HISTORIC BUILDINGS AND STRUCTURES AS PART OF THE CAMERA/SECURITY UPGRADE BEING PERFORMED ON THE HAYS COUNTY HISTORICAL COURTHOUSE.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Texas Historical Commission Antiquities Permit Application for Historic Buildings and Structures as part of the camera/security upgrade being performed on the Hays County Historical Courthouse. All present voted "Aye." MOTION PASSED.

37243 AUTHORIZE PAYMENT TO WALDRIP INSURANCE AGENCY FOR \$875.00 RELATED TO BOND RENEWAL FEE FOR ELAINE CARDENAS, COUNTY CLERK, IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment to Waldrup Insurance Agency for \$875.00 related to Bond Renewal Fee for Elaine Cardenas, County Clerk, in which no purchase order was issued as required per County Purchasing Policy. All present voted "Aye." MOTION PASSED.

37244 AUTHORIZE THE ACCEPTANCE OF A NO-COST TIME EXTENSION FOR THE DEPARTMENT OF STATE HEALTH SERVICES COVID-19 COOPERATIVE AGREEMENT GRANT.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the acceptance of a no-cost time extension for the Department of State Health Services COVID-19 Cooperative Agreement Grant. All present voted "Aye." MOTION PASSED.

37245 AUTHORIZE PAYMENT TO WALDRIP INSURANCE AGENCY FOR \$875.00 RELATED TO THE BOND RENEWAL FEE FOR THE COUNTY JUDGE IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment to Waldrup Insurance Agency for \$875.00 related to the Bond Renewal Fee for the County Judge in which no purchase order was issued as required per County Purchasing Policy. All present voted "Aye." MOTION PASSED.

37246 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ANNUAL AGREEMENT BETWEEN PLATEAU LAND & WILDLIFE MANAGEMENT AND HAYS COUNTY IN THE AMOUNT OF \$3,188.24 FOR ANNUAL WILDLIFE MANAGEMENT SERVICES FOR THE DAHLSTROM PUBLIC ACCESS AREA.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the annual agreement between Plateau Land & Wildlife Management and Hays County in the amount of \$3,188.24 for annual wildlife management services for the Dahlstrom Public Access Area. All present voted "Aye." MOTION PASSED.

37247 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 MISSION TRAIL AT EL CAMINO REAL APARTMENTS, SAN MARCOS, HAYS COUNTY, TEXAS.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe 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 Mission Trail at El Camino Real Apartments, San Marcos, Hays County, Texas. All present voted "Aye." MOTION PASSED.



- 37248 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 LAKELINE APARTMENTS PROJECT, LOCATED IN LEANDER, WILLIAMSON COUNTY, TEXAS.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell 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 Lakeline Apartments Project, located in Leander, Williamson County, Texas. All present voted "Aye." MOTION PASSED.

- 37249 AMEND VARIOUS DEPARTMENTAL OPERATING, SPECIAL REVENUE AND CAPITAL PROJECT BUDGETS IN PREPARATION FOR THE COUNTY'S FY 2021 YEAR-END PROCESS.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to amend various departmental operating, special revenue and capital project budgets in preparation for the County's FY 2021 year-end process. All present voted "Aye." MOTION PASSED.

- 37250 AUTHORIZE THE EXTENSION OFFICE TO PURCHASE ONE (1) REPLACEMENT OPTIPLEX 7090 DESKTOP COMPUTER VALUED AT \$1,022.00 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Extension Office to purchase one (1) replacement OptiPlex 7090 Desktop Computer valued at \$1,022.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 37251 AMEND THE TRANSPORTATION DEPARTMENT'S BUDGET FOR ROAD-BUILDING MATERIALS VALUED AT \$33,544.00 TO RECEIVE APPROXIMATELY 400 TONS OF LIMESTONE ROCK ASPHALT, TYPE II, GRADE DS MATERIAL FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THEIR 2022 COUNTY ASSIST SURPLUS PROGRAM, AND ADD TO THE DEPARTMENT'S INVENTORY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to amend the Transportation Department's budget for road-building materials valued at \$33,544.00 to receive approximately 400 tons of Limestone Rock Asphalt, Type II, Grade DS material from the Texas Department of Transportation through their 2022 County Assist Surplus Program, and add to the department's inventory. All present voted "Aye." MOTION PASSED.

- 37252 APPROVE UTILITY PERMITS.**

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

- 37253 AUTHORIZE THE TRANSPORTATION DEPARTMENT TO ADD A \$45.00 MONTHLY TELEPHONE ALLOWANCE FOR THE ROAD MAINTENANCE LEAD, SLOT NUMBER 1055-007 EFFECTIVE FEBRUARY 1, 2022 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Transportation Department to add a \$45.00 monthly telephone allowance for the Road Maintenance Lead, slot number 1055-007 effective February 1, 2022 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 37254 AUTHORIZE THE EXECUTION OF A RESOLUTION FOR THE OFFICE OF THE GOVERNOR, STATE CRIMINAL JUSTICE PLANNING FUNDS - SPECIALTY COURTS PROGRAM.**

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A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of a resolution for the Office of the Governor, State Criminal Justice Planning Funds - Specialty Courts Program. All present voted "Aye." MOTION PASSED.

37255 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE LOWER COLORADO RIVER AUTHORITY (LCRA) COMMUNITY DEVELOPMENT PARTNERSHIP PROGRAM (CDPP) IN THE AMOUNT OF \$4,526.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the submission of a grant application to the Lower Colorado River Authority (LCRA) Community Development Partnership Program (CDPP) in the amount of \$4,526.00. All present voted "Aye." MOTION PASSED.

37256 AUTHORIZE PAYMENT FOR PROFESSIONAL SERVICES PROVIDED BY DR. ANTHONY TZOUMAS, PH. D IN THE AMOUNT OF \$545.00, WHERE NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE COUNTY PURCHASING POLICY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment for professional services provided by Dr. Anthony Tzoumas, Ph. D in the amount of \$545.00, where no purchase order was issued as required per the County Purchasing Policy. All present voted "Aye." MOTION PASSED.

37257 AUTHORIZE THE SHERIFF'S OFFICE TO USE SALARY SAVINGS TO ORDER TRAINING AMMUNITION AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon made a public comment against the cost and amount of ammunition. Commissioner Smith clarified that military-grade ammunition is used. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Sheriff's Office to use salary savings to order training ammunition and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

37258 AUTHORIZE THE EXECUTION OF A RESOLUTION AND THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, FY23 VICTIM ASSISTANCE, FIRST RESPONDER MENTAL HEALTH PROGRAM IN THE AMOUNT OF \$10,650.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, FY23 Victim Assistance, First Responder Mental Health Program in the amount of \$10,650.00. All present voted "Aye." MOTION PASSED.

37259 AUTHORIZE PAYMENT TO TUFF MATE GLOVES IN THE AMOUNT OF \$503.40 FOR THE TRANSPORTATION DEPARTMENT RELATED TO THE PURCHASE OF WORK GLOVES WHERE NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE HAYS COUNTY PURCHASING POLICY.

Dan Lyon made a public comment against the cost and use of gloves made from animal products. Judge Becerra clarified that anything that costs more than \$500 must go to court for approval even if it is allocated for in the County budget. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize payment to Tuff Mate Gloves in the amount of \$503.40 for the Transportation Department related to the purchase of work gloves where no purchase order was issued as required per the Hays County Purchasing Policy. All present voted "Aye." MOTION PASSED.

37260 APPROVE SPECIFICATIONS FOR IFB 2022-B04 CEMETERY MAINTENANCE AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve specifications for IFB 2022-B04 Cemetery Maintenance and authorize Purchasing to solicit for bids and advertise. All present voted "Aye." MOTION PASSED.



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- 37261 AUTHORIZE THE COUNTY JUDGE TO EXECUTE FIRST AMENDMENT TO A CONTRACT BETWEEN HAYS COUNTY AND LONE STAR SITEWORK, LLC. PURSUANT TO IFB 2021-B09 US 290 W - HENLY LOOP.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute First Amendment to a Contract between Hays County and Lone Star Sitework, LLC. pursuant to IFB 2021-B09 US 290 W - Henly Loop. All present voted "Aye." MOTION PASSED.

- 37262 AUTHORIZE THE SUBMISSION OF A RENEWAL INTERLOCAL APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE IMMUNIZATION/LOCALS PROGRAM FOR FY2023, IN THE AMOUNT OF \$192,341.00.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the submission of a Renewal Interlocal Application to the Department of State Health Services (DSHS) for the Immunization/Locals Program for FY2023, in the amount of \$192,341.00. All present voted "Aye." MOTION PASSED.

- 37263 AUTHORIZE PAYMENT TO WATER & EARTH TECHNOLOGIES, INC FOR \$1,610.00 FOR REPAIRS MADE TO THE LOW WATER CROSSING AT 50040 CREEK ROAD AT ONION CREEK WHERE NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY, AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CH. 262.024(A)(7)(D).**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize payment to Water & Earth Technologies, Inc for \$1,610.00 for repairs made to the low water crossing at 50040 Creek Road at Onion Creek where no purchase order was issued as required per County Purchasing Policy, and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(7)(D). All present voted "Aye." MOTION PASSED.

- 37264 AUTHORIZE THE HUMAN RESOURCES OFFICE TO RE-GRADE ALL ASSOCIATE JUDGE POSITIONS WITHIN THE DISTRICT COURTS FROM GRADE 119 TO 120 EFFECTIVE FEBRUARY 1, 2022.**

Shari Miller, Human Resources Director, explained that this item will have no fiscal impact. Commissioner Shell clarified that this item will not affect the pay of any judges. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Human Resources Office to re-grade all Associate Judge positions within the District Courts from grade 119 to 120 effective February 1, 2022. All present voted "Aye." MOTION PASSED.

- 37265 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SECOND AMENDMENT 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, ORIGINALLY EXECUTED ON OR ABOUT NOVEMBER 22, 2016 AND 1ST AMENDED ON OR ABOUT JULY 12, 2021.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute the Second Amendment 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, originally executed on or about November 22, 2016 and 1st amended on or about July 12, 2021. All present voted "Aye." MOTION PASSED.

- 37266 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO TIA CONTRIBUTION AGREEMENTS WITH LENNAR HOMES LAND & CONSTRUCTION FOR OFF-SITE ROAD IMPROVEMENTS RELATED TO SUNSET OAKS PHASE 1A (144 RESIDENTIAL LOTS), AND SUNSET OAKS PHASE 1B (123 RESIDENTIAL LOTS) IN PRECINCT 1.**

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Commissioner Ingalsbe stated this item will help achieve needed safety improvements. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the county judge to execute two TIA Contribution Agreements with Lennar Homes Land & Construction for off-site road improvements related to Sunset Oaks Phase 1A (144 residential lots), and Sunset Oaks Phase 1B (123 residential lots) in Precinct 1. All present voted "Aye." MOTION PASSED.

37267 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TIA CONTRIBUTION AGREEMENT WITH ARROYO CAP11-1, LLC FOR OFF-SITE ROAD IMPROVEMENTS RELATED TO HYMEADOW SECTION 2 PHASE 1 (81 RESIDENTIAL LOTS), AND HYMEADOW SECTION 2 PHASE 2 (87 RESIDENTIAL LOTS) IN PRECINCT 1.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the county judge to execute a TIA Contribution Agreement with Arroyo Cap11-1, LLC for off-site road improvements related to Hymeadow Section 2 Phase 1 (81 residential lots), and Hymeadow Section 2 Phase 2 (87 residential lots) in Precinct 1. All present voted "Aye." MOTION PASSED.

37268 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO SIGN A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND WSB AND ASSOCIATES FOR ENGINEERING SERVICES RELATED TO THE HIGHWAY SAFETY IMPROVEMENT (HSIP) GRANT FOR WINTERS MILL PARKWAY (ILLUMINATION AND PAVEMENT MARKINGS) IN PRECINCT 3.

Commissioner Shell provided details for the item. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to sign a Professional Services Agreement between Hays County and WSB and Associates for engineering services related to the Highway Safety Improvement (HSIP) Grant for Winters Mill Parkway (illumination and pavement markings) in Precinct 3. All present voted "Aye." MOTION PASSED.

37269 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE RELEASE OF THE MAINTENANCE BOND #050104Y IN THE AMOUNT OF \$28,303.26, RELEASE OF THE REVEGETATION BOND #064816P IN THE AMOUNT OF \$14,571.85, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR REUNION RANCH SUBDIVISION, PHASE 3, SECTION 3.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the release of maintenance bond #050104Y in the amount of \$28,303.26, release of the revegetation bond #064816P in the amount of \$14,571.85, and the acceptance of roads into the county road maintenance system for Reunion Ranch subdivision, Phase 3, Section 3. All present voted "Aye." MOTION PASSED.

37270 DISCUSSION AND POSSIBLE ACTION TO CALL FOR A PUBLIC HEARING ON FEBRUARY 15, 2022 TO ESTABLISH A 3-WAY STOP LOCATION ON PURGATORY ROAD AT THE INTERSECTION WITH HUGO ROAD.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to call for a public hearing on February 15, 2022 to establish a 3-way stop location on Purgatory Road at the intersection with Hugo Road. All present voted "Aye." MOTION PASSED.

37271 DISCUSSION AND POSSIBLE ACTION TO ACCEPT FISCAL SURETY FOR THE STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,973,434.14 FOR SUNSET OAKS, SECTION 4, PHASE 2B SUBDIVISION (BOND NO. 30142525).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept fiscal surety for the street and drainage improvements in the amount of \$1,973,434.14 for Sunset Oaks, Section 4, Phase 2B Subdivision (Bond No. 30142525). All present voted "Aye." MOTION PASSED.



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- 37272 PLN-1658-PC; CALL FOR A PUBLIC HEARING ON FEBRUARY 15, 2022 TO DISCUSS FINAL ACTION REGARDING THE BOOKY T SUBDIVISION, LOT 1, REPLAT.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to call for a Public Hearing on February 15, 2022 to discuss final action regarding the Booky T Subdivision, Lot 1, Replat. All present voted "Aye." MOTION PASSED.

- 37273 DISCUSSION AND POSSIBLE ACTION TO ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$3,506,205.95 FOR CROSSWINDS, PHASE 3-A SUBDIVISION (BOND# 800132235).**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept fiscal surety for the construction of street and drainage improvements in the amount of \$3,506,205.95 for Crosswinds, Phase 3-A Subdivision (Bond # 800132235). All present voted "Aye." MOTION PASSED.

- 37274 PLN-1787-PC; CALL FOR A PUBLIC HEARING ON FEBRUARY 15, 2022 TO DISCUSS APPROVAL OF THE FINAL PLAT OF THE ROLLING OAKS, SECTION 4, LOT 55, REPLAT.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to call for a Public Hearing on February 15, 2022 to discuss approval of the final plat of the Rolling Oaks, Section 4, Lot 55, Replat. All present voted "Aye." MOTION PASSED.

- 37275 DISCUSSION AND POSSIBLE ACTION TO EXECUTE A MASTER SERVICE AGREEMENT AND LEASE PRODUCT SCHEDULE WITH RICOH USA, INC. FOR COUNTY WIDE COPIERS.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to execute a Master Service Agreement and Lease Product Schedule with Ricoh USA, Inc. for County Wide Copiers. All present voted "Aye." MOTION PASSED.

- 37276 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE COLLECTION AGREEMENT WITH THE CITY OF SAN MARCOS, ACTING AS BOARD OF DIRECTORS FOR THE WHISPER SOUTH PUBLIC IMPROVEMENT DISTRICT.**

Jennifer O'Kane, Tax Assessor-Collector, explained the item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the Collection Agreement with the City of San Marcos, acting as Board of Directors for the Whisper South Public Improvement District. All present voted "Aye." MOTION PASSED.

- 37277 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR THE PURPOSES OF A HAYS COUNTY CITIZEN REPORTING SYSTEM AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Ingalsbe stated this is an online portal for emergencies and will help limit the spread of COVID-19. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Funding Agreement Between Hays County and the City of Kyle for the purposes of a Hays County Citizen Reporting System and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 37278 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TRAFFIC SIGNAL FUNDING AGREEMENT BETWEEN HAYS COUNTY AND HEB, LP REGARDING THE INSTALLATION OF A TRAFFIC CONTROL DEVICE TO ENHANCE SAFETY AND MOBILITY WHERE THE NORTHERNMOST HEB DRIVEWAY INTERSECTS NUTTY BROWN ROAD (NEAR US 290 AND NUTTY BROWN ROAD).**

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Judge Becerra commented that there is also potential for this in Precinct 1. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Traffic Signal Funding Agreement between Hays County and HEB, LP regarding the installation of a traffic control device to enhance safety and mobility where the northernmost HEB driveway intersects Nutty Brown Road (near US 290 and Nutty Brown Road). All present voted "Aye." MOTION PASSED.

37279 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND CALDWELL COUNTY FOR THE 2022-2023 SOLID WASTE PROGRAM GRANT APPLICATION THROUGH THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Memorandum of Understanding between Hays County and Caldwell County for the 2022-2023 Solid Waste Program Grant application through the Capital Area Council of Governments (CAPCOG). All present voted "Aye." MOTION PASSED.

37280 DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION RELATED TO HAYS COUNTY'S USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDING.

Dan Lyon made a public comment asking for clarification on the Resolution. Mark Kennedy, General Counsel, stated there is an error in the backup and spoke on dividing the funds between precincts. Commissioner Smith explained the Resolution. A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Resolution related to Hays County's use of American Rescue Plan Act (ARPA) funding. All present voted "Aye." MOTION PASSED.

37281 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL FUNDING AGREEMENT FOR TESTING OF SEIZED DRUG EVIDENCE BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS, THE CITY OF KYLE, AND THE CITY OF BUDA REGARDING A REIMBURSEMENT OF FUNDS PAID TO THE DEPARTMENT OF PUBLIC SAFETY FOR TESTING OF SEIZED DRUG EVIDENCE.

Commissioner Shell explained this item allows cities to reimburse the County. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute an Interlocal Funding Agreement for Testing of Seized Drug Evidence between Hays County, the City of San Marcos, the City of Kyle, and the City of Buda regarding a reimbursement of funds paid to the Department of Public Safety for testing of seized drug evidence. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session began at 11:31 AM and resumed back into open court at 12:15 PM.

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. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE AUDITOR'S OFFICE REGARDING THE EMERGENCY RENTAL ASSISTANCE PROGRAM AND THE EMPLOYMENT AND INDIVIDUAL DUTIES OF ALL POSITIONS CREATED IN RELATION TO THE PROGRAM. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action taken.



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37282 DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Gib Watt, Fire Marshal, spoke about the need for a burn ban. A motion was made by Judge Becerra, seconded by Commissioner Shell to put a burn ban in place as recommended by the Fire Marshal. All present voted "Aye." MOTION PASSED.

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 current capacity to 368 inmates. The jail's daily average was 632, with a peak of 641 on January 28th, 2022. The estimated cost for outsourcing inmates this week was \$91,999. The average number of outsourced males is 180 and females is 15. This week's inmates were housed in the following counties: Atascosa, Blanco, Comal, Fort Bend, Maverick and Red River. The number of "paper-ready" inmates who are now wardens of the state is 16. The number of arrests made by agency are as follows; Buda Police Department - 3, Hays County Sheriff's Department - 52, Constable Precinct 1 - 9, Kyle Police Department - 12, San Marcos Police Department - 33, Texas State Police Department - 5. No action taken.

Clerk's Note Agenda Item #55 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.*

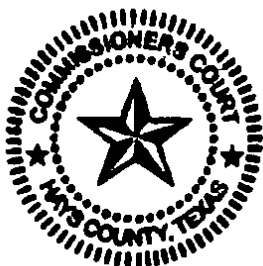
DISCUSSION AND POSSIBLE ACTION REGARDING HAYS COUNTY'S USE OF FEDERAL OR OTHER GRANT FUNDING RELATED TO COVID-19 RESPONSE INCLUDING BUT NOT LIMITED TO THE AMERICAN RESCUE PLAN ACT (ARPA) AND THE EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP).

The court had a discussion over whether a presentation about a broadband project should be included with this item. The presentation was postponed until the February 15th court meeting. The Commissioners discussed projects they hope to use ARPA funds for. Commissioner Ingalsbe suggested funding ambulances and ESDs, the Against Cancer Together Initiative, a Kyle Senior Zone, a Health Department expansion, and a Willow Creek drainage project. Commissioner Jones suggested funding an East Kyle fire station, spaces for voting in ESDs and senior zones, the Hays County Food Bank, and mobile trailers for vaccines. Commissioner Shell suggested funding ESDs, the Child Protective Board, the youth shelter, and water supply generators. Commissioner Smith suggested funding water, wastewater, and broadband improvements, a revolving loan fund for wells/septic systems, Fire and EMS, the Hays-Caldwell Women's Center, and breast cancer outreach. No action taken.

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Judge Becerra to adjourn court at 12:15 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 February 1, 2022.



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

