

HAYS COUNTY COMMISSIONERS' COURT MINUTES



April 12, 2022

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12th DAY OF APRIL 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
ROXANNE RODRIGUEZ	CHIEF DEPUTY 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 Darius Todd of Abundant Life Christian 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

No public comments were made.

SWEARING IN CEREMONY OF MARK WOBUS AS HAYS COUNTY FIRE MARSHAL.

Judge Becerra swore in Mark Wobus as Hays County Fire Marshal.

37471 ADOPT A PROCLAMATION RECOGNIZING APRIL 24 - MAY 1, 2022 AS SOIL AND WATER STEWARDSHIP WEEK.

Josh Storm, President of the Hays County Soil and Water Conservation District, thanked the Court for their consideration of this Proclamation. Storm said he looks forward to working with the County on this cause. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation recognizing April 24 - May 1, 2022 as Soil and Water Stewardship Week. All present voted "Aye." MOTION PASSED.**

37472 ADOPT A PROCLAMATION RECOGNIZING APRIL 2022 AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH.

Pearl Gonzalez, Sexual Assault Counselor, and Jennifer Moreno, Advocacy and Resources Director, represented Hays-Caldwell Women's Center and spoke on the services they provide. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing April 2022 as Sexual Assault Awareness and Prevention Month. All present voted "Aye." MOTION PASSED.**

37473 ADOPT A PROCLAMATION RECOGNIZING APRIL 2022 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH.

Pearl Gonzalez, Sexual Assault Counselor, and Jennifer Moreno, Advocacy and Resources Director, represented Hays-Caldwell Women's Center and spoke on the services they provide. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing April 2022 as Child Abuse Prevention and Awareness Month. All present voted "Aye." MOTION PASSED.**

37474 ADOPT A PROCLAMATION RECOGNIZING APRIL 10-16, 2022 AS NATIONAL TELECOMMUNICATORS WEEK.

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Commissioner Shell thanked emergency communicators, especially for overcoming low staffing levels, stress, and the Coronavirus pandemic. Commissioner Ingalsbe thanked emergency communicators for performing an important job. Judge Becerra said he is glad the county has a combined, efficient emergency communications effort. Sheriff Cutler spoke, thanking the Court for the Proclamation and praising our operators for their hard work. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing April 10-16, 2022 as National Telecommunicators Week. All present voted "Aye." MOTION PASSED.**

37475 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 10-16, 2022 AS NATIONAL ANIMAL CARE AND CONTROL APPRECIATION WEEK.

Commissioner Jones thanked the Animal Control staff. Lieutenant Dennis Gutierrez of the Sherriff's Office thanked the Court for the Proclamation and said that the Animal Control Staff performs a difficult job handling aggressive animals, a number that is growing as the County's population increases. Judge Becerra thanked the Animal Control staff. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of April 10-16, 2022 as National Animal Care and Control Appreciation Week. All present voted "Aye." MOTION PASSED.**

UPDATE BY DIRECTOR OF COUNTYWIDE OPERATIONS AND HAYS COUNTY STAFF ON THE EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP); POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW.

Tammy Crumley, Director of Countywide Operations, gave a report including disbursements and tickets to-date. County Auditor Marisol Villarreal-Alonzo said her office's processing time is more efficient now due to more casework being done before the tickets get to their office. Crumley said the program has seen a lot of repeat clients. Commissioner Ingalsbe and Judge Becerra said it would be helpful to know how many assistance-seekers are repeat clients. Commissioner Jones asked if the program is seeing applicants outside of the City of San Marcos. Crumley said she could come back with that information. Judge Becerra asked how working with Justices of the Peace has been. Crumley confirmed JPs have been asking if individuals on their dockets have applied for the program. Commissioner Smith asked where the program stands on overall allocation, warning that the amount is capped. Vickie Dorsett, Assistant County Auditor, said that \$2.3 million has been spent, leaving approximately \$1.4 million, not including costs for the contracted program management agency. Commissioner Smith estimated we will have 1 ½ months to run the program before costs are exhausted. Dorsett confirmed the program will likely run no later than June. No action taken.

Clerk's Note: This item was reopened during Executive Session.

37476 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.

37477 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.

37478 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.

37479 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 8, 2022 AND MARCH 22, 2022.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of March 8, 2022 and March 22, 2022. All present voted "Aye." MOTION PASSED.



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37480 APPROVE THE PAYMENT OF THE APRIL 15, 2022 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,120,000.00 EFFECTIVE APRIL 14, 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 April 15, 2022 payroll disbursements in an amount not to exceed \$3,120,000.00 effective April 14, 2022 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

37481 AUTHORIZE THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT TO UTILIZE INSURANCE PROCEEDS FOR HVAC REPAIRS LOCATED AT THE GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Hays County Building Maintenance Department to utilize insurance proceeds for HVAC repairs located at the Government Center and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

37482 AUTHORIZE THE EXECUTION OF A GRANT AWARD WITH TEXAS INDIGENT DEFENSE COMMISSION (TIDC) TO EXTEND THE TERM OF THE REGIONAL PADILLA COMPLIANCE PILOT PROJECT GRANT TO SEPTEMBER 30, 2024.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of a grant award with Texas Indigent Defense Commission (TIDC) to extend the term of the Regional Padilla Compliance Pilot Project grant to September 30, 2024. All present voted "Aye." MOTION PASSED.

37483 ADOPT A RESOLUTION OF SUPPORT TO FORMALLY RECOGNIZE THE TEXAS HISTORICAL COMMISSION'S UNDERTOLD HISTORICAL MARKER FOR THE VAQUEROS, RANCH HANDS AND STOCK RAISERS.

Gina Alba-Rogers, Chair of the Council for the Indigenous and Tejano Community, gave a brief history of the Veracruz family who was recently honored with an Undertold historical marker. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Resolution of support to formally recognize the Texas Historical Commission's Undertold Historical Marker for the Vaqueros, Ranch Hands and Stock Raisers. All present voted "Aye." MOTION PASSED.

37484 AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO PURCHASE TWO (2) NEW 2022 FORD EXPLORERS UTILIZING THE DA DISCRETIONARY FUNDS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the District Attorney's Office to purchase two (2) new 2022 Ford Explorers utilizing the DA Discretionary Funds and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

37485 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PADILLA CONSULTING AGREEMENT BETWEEN HAYS COUNTY AND CAPITAL AREA PRIVATE DEFENDER SERVICES, OTHERWISE KNOWN AS "MYPADILLA" REGARDING THE REGIONAL PADILLA COMPLIANCE PILOT PROJECT TO BE PAID FOR BY A TECHNICAL ASSISTANCE GRANT AWARDED BY THE TEXAS INDIGENT DEFENSE COMMISSION (TIDC) IN THE AMOUNT OF \$233,682.00.

Judge Becerra thanked Commissioners Shell and Ingalsbe for their work securing funding from the Texas Indigent Defense Commission (TIDC). A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute a Padilla Consulting Agreement between Hays County and Capital Area Private Defender Services, otherwise known as "myPadilla" regarding the Regional Padilla Compliance Pilot Project to be paid for by a Technical Assistance Grant awarded by the Texas Indigent Defense Commission (TIDC) in the amount of \$233,682.00. All present voted "Aye." MOTION PASSED.



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37486 ACCEPT THE DELIVERY OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT'S (CSCD) FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING ON AUGUST 31, 2021 FOR FILING WITH THE HAYS COUNTY COMMISSIONERS COURT PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 140.004(D) AND THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE-COMMUNITY JUSTICE ASSISTANCE DIVISIONS FINANCIAL MANAGEMENT MANUAL.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept the delivery of the Community Supervision and Corrections Department's (CSCD) Financial Statements for the Fiscal Year ending on August 31, 2021 for filing with the Hays County Commissioners Court pursuant to Local Government Code, Section 140.004(d) and the Texas Department of Criminal Justice-Community Justice Assistance Divisions Financial Management Manual. All present voted "Aye." MOTION PASSED.

37487 APPROVE UTILITY PERMITS.

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

37488 AMEND VARIOUS DEPARTMENTAL OPERATING, SPECIAL REVENUE AND CAPITAL PROJECT BUDGETS IN PREPARATION FOR FISCAL YEAR 2022 QUARTERLY FINANCIAL REPORTING.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to amend various departmental operating, special revenue and capital project budgets in preparation for Fiscal Year 2022 quarterly financial reporting. All present voted "Aye." MOTION PASSED.

37489 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ENROLLMENT AGREEMENT WITH THE PROFESSIONAL DEVELOPMENT ACADEMY FOR THE HAYS COUNTY CLERK'S OFFICE RELATED TO THE NACO HIGH PERFORMANCE ON-LINE TRAINING.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute an Enrollment Agreement with the Professional Development Academy for the Hays County Clerk's Office related to the NACo High Performance on-line training. All present voted "Aye." MOTION PASSED.

37490 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 2 TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) IDCU/COVID-19 GRANT PROGRAM - HHS000812700024.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the execution of Amendment No. 2 to the Department of State Health Services (DSHS) IDCU/COVID-19 Grant Program - HHS000812700024. All present voted "Aye." MOTION PASSED.

37491 AUTHORIZE THE ELECTIONS ADMINISTRATION OFFICE TO PURCHASE FORTY (40) CUSTOMIZED VOTE CENTER STORAGE UNITS UTILIZING HELP AMERICA VOTE ACT (HAVA) GRANT FUNDS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Elections Administration Office to purchase forty (40) customized vote center storage units utilizing Help America Vote Act (HAVA) grant funds and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

37492 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO PURCHASE A REPLACEMENT REFRIGERATOR FOR THE PRECINCT 5 BREAKROOM IN THE AMOUNT OF \$549.00 AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Building Maintenance Department to purchase a replacement refrigerator for the Precinct 5 breakroom in the amount of \$549.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



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- 37493 AUTHORIZE PAYMENT TO CTX FIELDHOUSE IN THE AMOUNT OF \$1,200.00 FOR THE ELECTIONS ADMINISTRATION OFFICE RELATED TO POLLING LOCATION FEES IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE HAYS COUNTY PURCHASING POLICY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize payment to CTX Fieldhouse in the amount of \$1,200.00 for the Elections Administration Office related to polling location fees in which no purchase order was issued as required per the Hays County Purchasing Policy. All present voted "Aye." MOTION PASSED.

- 37494 APPROVE THE REAPPOINTMENT OF SCOTT ROBERTS TO THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "WTCPUA"), TERM ENDING SEPTEMBER 2026.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to approve the reappointment of Scott Roberts to the Board of Directors of the West Travis County Public Utility Agency (the "WTCPUA"), term ending September 2026. All present voted "Aye." MOTION PASSED.

- 37495 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GENERAL AND CLOSING CERTIFICATE OF HAYS COUNTY, TEXAS, RELATED TO THE REFUNDING OF BONDS BY THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute a General and Closing Certificate Of Hays County, Texas, related to the refunding of bonds by the West Travis County Public Utility Agency. All present voted "Aye." MOTION PASSED.

- 37496 APPROVE SPECIFICATIONS FOR RFP 2022-P08 HVAC - MAINTENANCE AND REPAIR SERVICES, JAIL AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to approve specifications for RFP 2022-P08 HVAC - Maintenance and Repair Services, Jail and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

- 37497 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT WITH LAUREN CONCRETE, INC. RELATED TO THE COUNTY CONCRETE CONTRACT PURSUANT TO IFB 2020-B04, ADDING A FUEL SURCHARGE SCALE.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute a Contract Amendment with Lauren Concrete, Inc. related to the County Concrete contract pursuant to IFB 2020-B04, adding a fuel surcharge scale. All present voted "Aye." MOTION PASSED.

- 37498 APPROVE THE TRANSFER OF A 2015 HONDA MOTORCYCLE 2738-XY FROM THE SHERIFF'S OFFICE TO CONSTABLE PCT. 1.**

Judge Becerra said he is a supporter of motorcycles in law enforcement but is also a fiscal steward. Becerra said that he saw several older motorcycles in the fleet's maintenance lot and that he would prefer to purchase a new vehicle than move forward with one requiring excessive maintenance. Constable Peterson of Precinct 1 spoke, saying that the motorcycle is needed for training and that all vehicles require ongoing maintenance. Commissioner Smith said he is sure the fleet's maintenance team will have the motorcycle in good working order. Smith said motorcycles are a good choice for the County because of fuel prices. Peterson said complaints on County roads are growing, especially as more subdivisions are built and expanded upon. Becerra asked about markings on the motorcycle. Peterson confirmed they will have Constable Precinct 1 markings, clearly identifiable. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to approve the transfer of a 2015 Honda Motorcycle 2738-XY from the Sheriff's Office to Constable Pct. 1. All present voted "Aye." MOTION PASSED.**



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- 37499 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT WITH JM ENGINEERING, LLC. RELATED TO COUNTYWIDE HVAC SERVICES PURSUANT TO RFP 2020-P01, DECREASING OUR YEARLY CONTRACT TO \$153,923.59, (15% DECREASE).**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute a Contract Amendment with JM Engineering, LLC. related to Countywide HVAC Services pursuant to RFP 2020-P01, decreasing our yearly contract to \$153,923.59, (15% decrease). All present voted "Aye." MOTION PASSED.

- 37500 APPROVE SPECIFICATIONS FOR RFP 2022-P09 COMPREHENSIVE CLASSIFICATION AND COMPENSATION STUDY AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.**

Marisol Villarreal-Alonzo, County Auditor, asked the court to name 3 individuals to sit on the committee. Commissioner Ingalsbe suggested that a member of the Auditor's and Treasurer's offices should be on the committee. Shari Miller, HR Director, agreed with Commissioner Ingalsbe. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to approve specifications for RFP 2022-P09 Comprehensive Classification and Compensation Study and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to form a committee with Shari Miller, Human Resources Director, the Auditor or her designee, and the Treasurer or her designee. All present voted "Aye." MOTION PASSED.

- 37501 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH A 4-WAY STOP LOCATION ON MAIN STREET AT THE INTERSECTION WITH CAMPO DEL SOL PARKWAY NEAR SUNFIELD SUBDIVISION.**

Judge Becerra opened the Public Hearing at 9:44 a.m. No comments were made. Judge Becerra closed the Public Hearing at 9:44 a.m. Commissioner Jones provided background for the item. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to establish a 4-way stop location on Main Street at the intersection with Campo Del Sol Parkway near Sunfield subdivision. All present voted "Aye." MOTION PASSED.

- 37502 DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE VEGETATIVE COVERAGE OF ALL DISTURBED AREAS IN THE ROW, AND THE RELEASE OF THE 1-YEAR REVEGETATION BOND #PB03016800692 IN THE AMOUNT OF \$22,738.32 FOR GREAT HILLS SUBDIVISION, SECTION 7.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept the vegetative coverage of all disturbed areas in the ROW, and the release of the 1-year revegetation bond #PB03016800692 in the amount of \$22,738.32 for Great Hills subdivision, Section 7. All present voted "Aye." MOTION PASSED.

- 37503 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE RELEASE OF THE MAINTENANCE BOND #107170496 IN THE AMOUNT OF \$86,517.66, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR 6 CREEKS SUBDIVISION, PHASE 1, SECTION 3.**

Commissioner Smith commented that all 6 Creeks Subdivision items are now within Precinct 3 and asked that sponsorship requests be made to the Precinct 3 Commissioner moving forward. A motion was made by Commissioner Smith, seconded by Commissioner Shell to release the maintenance bond #107170496 in the amount of \$86,517.66, and to accept roads into the county road maintenance system for 6 Creeks subdivision, Phase 1, Section 3. All present voted "Aye." MOTION PASSED.

- 37504 DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE RELEASE OF THE MAINTENANCE BOND #75139761 IN THE AMOUNT OF \$142,029.00, AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR HEADWATERS AT BARTON CREEK SUBDIVISION, PHASE 1.**

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A motion was made by Commissioner Smith, seconded by Commissioner Shell to release the maintenance bond #75139761 in the amount of \$142,029.00, and to accept roads into the county road maintenance system for Headwaters at Barton Creek subdivision, Phase 1. All present voted "Aye." MOTION PASSED.

37505 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT AMENDMENT NO. 1 IN THE AMOUNT OF \$255,000.00 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND BGE, INC. FOR THE RM 967 PROJECT FROM UPRR TO IH-35 IN PRECINCT 4, AS PART OF THE 2016 ROAD BOND PROGRAM UTILIZING A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(4).

Commissioner Smith said the overall project scope has not changed, but the services required have due to situations out of the County's control. Commissioner Jones gave background on the reconstruction project and said it will fix a hazardous part of the road. Wesley Jasek, BGE Project Manager, stated additional costs are coming from utility changes. Commissioner Smith explained that many utilities in the area are old and cause delays. Commissioner Jones clarified that once the project is complete this section of road will become a City of Buda road. A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the County Judge to execute Contract Amendment No. 1 in the amount of \$255,000.00 to the Professional Services Agreement between Hays County and BGE, Inc. for the RM 967 project from UPRR to IH-35 in Precinct 4, as part of the 2016 Road Bond Program utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.

Clerk's Note: Judge Becerra called for a recess that began at 9:50 a.m. and resumed back into open court at 9:58 a.m.

37506 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND WIMBERLEY WATER SUPPLY CORPORATION (WSC) RELATING TO THE COUNTY'S RM 12 AT RM 3237 INTERSECTION IMPROVEMENT PROJECT AND AMEND THE BUDGET ACCORDINGLY.

Commissioner Shell provided background for the item. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Agreement between Hays County and Wimberley Water Supply Corporation (WSC) relating to the County's RM 12 at RM 3237 Intersection Improvement Project and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

37507 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 1, TIME EXTENSION AND BUDGET DEDUCTION, TO THE PROFESSIONAL SERVICES AGREEMENT WITH GARVER, LLC FOR CONSTRUCTION PHASE SERVICES RELATED TO LOW WATER CROSSINGS IN PCT. 1 AND 2 AS PART OF THE ROAD BOND PROGRAM.

Commissioner Ingalsbe detailed cost savings from this item. Ingalsbe said the County needs more coordination with cities due to the amount of growth happening in these areas. Commissioner Jones said in the long run, low water crossings are something developers could be taking care of, and Jerry Borcharding, Hays County Transportation Department Director, said the County does not want to build something that may be torn out in the next two or three years. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Change Order No. 1, time extension and budget deduction, to the Professional Services Agreement with Garver, LLC for construction phase services related to Low Water Crossings in Pct. 1 and 2 as part of the Road Bond Program. All present voted "Aye." MOTION PASSED.

37508 DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE SUBDIVISION AND SITE IMPROVEMENT BOND NO. ES00010392 IN THE AMOUNT OF \$1,777,719.40 FOR DRAINAGE, STREET, AND EROSION CONTROL IMPROVEMENTS IN THE HEADWATERS AT BARTON CREEK SUBDIVISION, PHASE 5, SECTION 2.



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A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the Subdivision and Site Improvement Bond No. ES00010392 in the amount of \$1,777,719.40 for drainage, street, and erosion control improvements in the Headwaters at Barton Creek Subdivision, Phase 5, Section 2. All present voted "Aye." MOTION PASSED.

37509 DISCUSSION AND POSSIBLE ACTION TO ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$694,608.94 FOR CROSSWINDS, PHASE 3B SUBDIVISION (BOND # K40280753).

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 \$694,608.94 for Crosswinds, Phase 3B Subdivision (Bond # K40280753). All present voted "Aye." MOTION PASSED.

37510 DISCUSSION AND POSSIBLE ACTION TO CONSIDER GRANTING A VARIANCE FROM CHAPTER 721.5.05(B) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS FOR THE LOS ENCINOS DE PAZ SUBDIVISION, FINAL PLAT.

Commissioner Smith said while he is not usually supportive of flag lot platting, this instance requires special consideration. Director of Development Services Marcus Pacheco provided background for the item. A motion was made by Commissioner Smith, seconded by Commissioner Shell to grant a variance from Chapter 721.5.05(B) of the Hays County Development Regulations for the Los Encinos De Paz Subdivision, Final Plat. All present voted "Aye." MOTION PASSED.

37511 PLN-1780-PC; CALL FOR A PUBLIC HEARING ON APRIL 26, 2022 TO DISCUSS POSSIBLE APPROVAL OF THE STAGECOACH RANCH, SEC 3, LOT 1, REPLAT.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to call for a Public Hearing on April 26, 2022 to discuss possible approval of the Stagecoach Ranch, Sec 3, Lot 1, Replat. All present voted "Aye." MOTION PASSED.

37512 PLN-1841-PC; CALL FOR A PUBLIC HEARING ON APRIL 26, 2022 TO DISCUSS POSSIBLE APPROVAL OF THE GLENN H. KOTHMANN PROPERTIES SUBDIVISION, LOT 14 REPLAT.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to call for a Public Hearing on April 26, 2022 to discuss possible approval of the Glenn H. Kothmann Properties Subdivision, Lot 14 Replat. All present voted "Aye." MOTION PASSED.

37513 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SELECTION OF HOK TO DELIVER SCHEMATIC DESIGNS FOR THE BUILDING RENOVATIONS OF BOTH THE ELECTIONS BUILDING LOCATED AT 120 STAGECOACH TRAIL, SAN MARCOS AND THE EQUIPMENT BUILDING LOCATED AT 1303 UHLAND ROAD, SAN MARCOS; AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.

Commissioner Shell provided background for the item. Commissioner Ingalsbe said there is plenty of space at these locations to provide services. Potential uses could include a Public Defender's Office (PDO) and flex space for meetings. Commissioner Shell said basic improvements are still needed. Ingalsbe said PDO was considered for the space, but input is needed from PDO management to be sure it's well-suited. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the selection of HOK to deliver schematic designs for the building renovations of both the Elections Building located at 120 Stagecoach Trail, San Marcos and the Equipment Building located at 1303 Uhland Road, San Marcos; and authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

37514 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE TASK ORDER #4 TO THE MASTER INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND TEXAS STATE UNIVERSITY EXECUTED ON OR ABOUT AUGUST 18, 2020.

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Commissioner Shell said this groundwater modeling project has been in the works for about five years with water conservation districts and Texas State University Meadows Center and that plans are moving well. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Task Order #4 to the Master Interlocal Agreement between Hays County and Texas State University executed on or about August 18, 2020. All present voted "Aye." MOTION PASSED.**

DISCUSSION AND POSSIBLE ACTION REGARDING THE CREATION OF THE HAYS COUNTY SEXUAL ASSAULT RESPONSE TEAM (SART) PURSUANT TO SECTION 351.252 OF THE TEXAS GOVERNMENT CODE.

Commissioner Smith said the County has a Sexual Assault Review Team and provided a complete list of current members that may wish to participate in the Sexual Assault Response Team (SART). Regarding SART, Smith said there are roles specified in the Statute that need to be filled, but there is no limit on the number of additional members who can serve. Judge Becerra suggested individuals who can serve. Smith clarified that in the Statute, there is not a process for the Court to make nominations, as particular seats must be filled by the department heads specified. He described his goals for filling the team. Mark Kennedy, General Counsel, stated that while there are members listed per Statute that are not flexible, there are other members that can be designated by the individuals listed. He said that the Statute allows for other individuals to serve that the SART Team deems necessary and that these individuals could be recommended by the Court for SART's approval. Becerra asked if any motion could be made today to move the item forward. Kennedy recommended members be named before the Resolution is passed. No action taken.

37515 DISCUSSION AND POSSIBLE ACTION TO EXECUTE AN ORDER AGREEMENT WITH RICOH USA, INC. FOR THE ELECTIONS OFFICE (\$75.00 MONTHLY) AND THE JUVENILE DETENTION CENTER (\$75.00 MONTHLY), EFFECTIVE JANUARY 1, 2022.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to execute an Order Agreement with Ricoh USA, Inc. for the Elections Office (\$75.00 Monthly) and the Juvenile Detention Center (\$75.00 monthly), effective January 1, 2022. All present voted "Aye." MOTION PASSED.

37516 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH TYLER TECHNOLOGIES RELATED TO REPLACEMENT TICKET WRITER PRINTERS FOR THE CONSTABLE PCT. 4 OFFICE AND AMEND THE BUDGET ACCORDINGLY.

Jeff McGill, Hays County IT Director, provided background on the transition of ticket writers. McGill said this item replaces Legacy ticket writers with devices that are IOS-compatible. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a contract with Tyler Technologies related to replacement ticket writer printers for the Constable Pct. 4 Office and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

37517 DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WIMBERLEY REGARDING FLOODPLAIN ADMINISTRATION AND ENVIRONMENTAL HEALTH SERVICES FOR A PERIOD NOT TO EXCEED 12 MONTHS.

Commissioner Shell provided a brief background on the item. Development Services Director Marcus Pacheco provided further background on floodplain administration for the City of Wimberley, noting that these services are not to exceed twelve months. Judge Becerra asked for details regarding the management of food-related inspections. Pacheco confirmed Hays County staff would be acting on behalf of the city, enforcing the city's regulations. Becerra said he does not want to overburden small business owners with layered bureaucracy. Shell said the city would ideally be enforcing their own ordinances, but because their contracted inspector left, they had no one to perform inspections; the county is a temporary enforcer, requiring an agreement and a fee. Mark Kennedy, General Counsel, said there is precedent for enforcing the most stringent rules, for example when members of the Constable's Office enforce local codes. Commissioner Jones asked if our assistance would include fining. Pacheco said the county would only be providing or withholding permits on behalf of the city. Ingalsbe noted that the item summary in the back-up should show \$5,000 a month to the county, not the city. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Wimberley regarding floodplain administration and environmental health services for a period not to exceed 12 months. All present voted "Aye." MOTION PASSED.**



Clerk's Note: Executive Session began at 10:41 a.m. and resumed back into open court at 11:37 a.m.

37518 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ESTABLISHMENT OF JOB FUNCTIONS FOR THE HAYS COUNTY BUDGET OFFICER AND ALL POSITIONS WITHIN THE HAYS COUNTY BUDGET OFFICE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Jones, seconded by Judge Becerra to establish the position of Hays County Budget Officer, pursuant to Texas Local Government Code, Chapter 111, Subchapter C, and to authorize advertising that position as a Grade 120, effective immediately. All present voted "Aye." MOTION PASSED.

37519 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 OWNED BY HAYS COUNTY LOCATED AT CLOVIS BARKER ROAD AND CIVIC CENTER LOOP, SAN MARCOS IN PCT.1. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

Commissioner Ingalsbe noted: the selection of Casey Development, LTD was made by the Court on February 15th, 2022; in preliminary discussions, the Parties have noted that significant diligence and feasibility is needed to produce the most mutually-beneficial arrangement between the Parties; feasibility will include programming, design, and legal arrangements, among other concerns; General Counsel anticipates that an MOU will be returned to Commissioners Court soon for consideration, and that will cover the obligations of each Party during feasibility. A motion was made by Commissioner Ingalsbe, seconded by Judge Becerra to authorize General Counsel to select and engage outside legal counsel for feasibility and negotiations related to RFP 2022-P01 and the future use of the former Civic Center property, owned Hays County and located on Clovis Barker Road in Precinct 1. All present voted "Aye." MOTION PASSED.

DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN.

Commissioner Smith said there was a series of fires in Dripping Springs following the last Commissioners Court meeting and a major fire in Wimberley last week. Smith said members of the Court read the Fire Marshal's report each week and advised residents to be careful. No action taken.

DISCUSSION RELATED TO THE HAYS COUNTY INMATE POPULATION, TO INCLUDE CURRENT POPULATION COUNTS AND COSTS.

Judge Becerra read the Sheriff's update of the inmate population. Current maximum jail capacity is 410 inmates. Jail Standards recommends holding 10% open, lowering current capacity to 368 inmates. The jail's daily average for the week of April 3rd, 2022, was 666, with a peak of 674 on April 4th, 2022. The estimated cost for outsourcing inmates this week was \$110,500. The average number of outsourced males is 213 and females is 22. This week's inmates were housed in the following counties: Atascosa, Blanco, Comal, Fort Bend, Grimes, Lee, Maverick and Red River. The number of "paper-ready" inmates who are now wardens of the state is 64. 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.*

Clerk's Note Agenda Item #56 RE: *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). – WAS PULLED.*



April 12, 2022

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Judge Becerra to adjourn court at 11:40 a.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 April 12, 2022.



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

