

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 27, 2022

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27th DAY OF SEPTEMBER A.D., 2022, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

RUBEN BECERRA
DEBBIE GONZALES INGALSBE
MARK JONES
LON A. SHELL
WALT SMITH
ELAINE H. CÁRDENAS

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

Clerk's Note: For complete transcript go to Hays County Website
<https://hayscountytexas.com/commissioners-court/court-video/>
Transcript can be translated into any language through Google.com.

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Darius Todd, 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

Enrique Ospina made a public comment concerning election integrity. Esther Schneider made a public comment concerning election integrity. Stacy Carruth made a public comment concerning election integrity. Susan Cook made a public comment concerning road extension projects. David Patterson made a public comment concerning campaign contributions, population growth, and water availability. Jeff Kaufmann made a public comment concerning Commissioner Smith and Commissioner Jones. Dan Lyon made a public comment concerning public decency. David Lemke made a public comment concerning identity theft and election integrity. Joe Krohn made a public comment concerning election integrity. Jordan Buckley made a public comment concerning Commissioner Smith and Commissioner Jones. Karen Munoz made a public comment concerning the trial of Cyrus Gray III. Elaine Cardenas, County Clerk, read the following emailed public comments: Alex Villalobos emailed a public comment concerning Commissioner Jones and Commissioner Smith. Antonio Palacios emailed a public comment concerning the SH45 extension project and Commissioner Jones and Commissioner Smith's involvement. Eric Randolph emailed a public comment concerning the SH45 extension project and Commissioner Jones and Commissioner Smith's involvement. Rene Martinez emailed a public comment concerning inmate outsourcing with private corporations. Connor and Marie Jones emailed a public comment concerning road quality and traffic in Precinct 2.

38071 Adopt a Proclamation declaring October 2022 as Breast Cancer Awareness Month.

Ellen Richards, United Way of Greater Austin, thanked the court for the Proclamation. Daniel Guerrero spoke on the item and thanked the court. Commissioner Ingalsbe and Commissioner Smith spoke about the mobile units and the importance of early detection. Judge Becerra spoke about the importance of this item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a Proclamation declaring October 2022 as Breast Cancer Awareness Month.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38072 Approve payments of County invoices.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve payments of County invoices.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38073 Approve the payment of Juror checks.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of Juror checks.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38074 Approve the payment of United Healthcare claims.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of United Healthcare claims.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38075 Approve Commissioners Court Minutes of August 23, 2022, August 30, 2022 and September 13, 2022.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Commissioners Court Minutes of August 23, 2022, August 30, 2022 and September 13, 2022.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38076 Approve the payment of the September 30, 2022 payroll disbursements in an amount not to exceed \$4,400,000.00 effective September 30, 2022 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of the September 30, 2022 payroll disbursements in an amount not to exceed \$4,400,000.00 effective September 30, 2022 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38077 Approve Utility Permits.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Utility Permits.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38078 Authorize the Office of Emergency Services and Hays County Community Emergency Response Team (CERT) to accept a donation of 4 HEARTSTART Automated External Defibrillators (AED's) valued at \$3,200.00 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Office of Emergency Services and Hays County Community Emergency Response Team (CERT) to accept a donation of 4 HEARTSTART Automated External Defibrillators (AED's) valued at \$3,200.00 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38079 Authorize the submission of a grant application to the United States Department of Agriculture, Community Wildfire Defense Grant Program in the amount of \$250,000.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the submission of a grant application to the United States Department of Agriculture, Community Wildfire Defense Grant Program in the amount of \$250,000.00.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38080 Authorize the Commissioner Pct. 1 Office to support Mendez Elementary in the San Marcos Consolidated Independent School District (SMCISD) with Striker Innovation Hour, one of the many interest-based opportunities

Mendez provides for their students.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Commissioner Pct. 1 Office to support Mendez Elementary in the San Marcos Consolidated Independent School District (SMCISD) with Striker Innovation Hour, one of the many interest-based opportunities Mendez provides for their students.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38081 Authorize the County Judge to execute a renewal agreement for \$15,639.12 with West Thompson Reuters for online legal research services via Westlaw in the Hays County County Courts at Law and District Courts offices with funds budgeted for FY2023 in the Law Library fund.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a renewal agreement for \$15,639.12 with West Thompson Reuters for online legal research services via Westlaw in the Hays County County Courts at Law and District Courts offices with funds budgeted for FY2023 in the Law Library fund.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38082 Authorize the County Judge to execute a renewal agreement for \$36,460.80 with West Thompson Reuters for online legal research services via Westlaw in the Hays County Law Library with funds budgeted for FY2023 in the Law Library fund.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a renewal agreement for \$36,460.80 with West Thompson Reuters for online legal research services via Westlaw in the Hays County Law Library with funds budgeted for FY2023 in the Law Library fund.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38083 Authorize the County Judge to execute a Contract Amendment to the Professional Services Agreement with Water and Earth Technologies, Inc. valued at \$161,480.00 related to the FY2023 Annual Field Maintenance for Low Water Crossing equipment monitoring and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024 (a)(7)(D).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a Contract Amendment to the Professional Services Agreement with Water and Earth Technologies, Inc. valued at \$161,480.00 related to the FY2023 Annual Field Maintenance for Low Water Crossing equipment monitoring and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024 (a)(7)(D).

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38084 Authorize execution of an extension to RFP 2016-P06 Bank Depository with Sage Capital Bank, N.A. for a period not to exceed 92 days (December 31, 2022) for \$5,000 monthly, plus any additional Letter of Credit Fees and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(4).

Commissioner Smith spoke about the County's need for a long-term relationship with a banking institution. Marisol Villarreal-Alonzo, Hays County Auditor, stated they have been working with the Treasurer's Office on this item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize execution of an extension to RFP 2016-P06 Bank Depository with Sage Capital Bank, N.A. for a period not to exceed 92 days (December 31, 2022) for \$5,000 monthly, plus any additional Letter of Credit Fees and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(4).

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38085 Approve specifications for RFP 2022-P12 Pet Resource Center - Project Coordinator and authorize Purchasing to solicit for proposals and advertise.

Commissioner Ingalsbe stated she is happy to move forward with this. Commissioner Shell thanked Sharri Boyett and the Auditor's Office for their work on this. Commissioner Smith spoke about the need for services beyond the I-35 corridor. Judge Becerra thanked Sharri Boyett for her work. Commissioner Shell spoke about non-profit work in the eastern and western portions of the County that do not have animal services.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve specifications for RFP 2022-P12 Pet Resource Center - Project Coordinator and authorize Purchasing to solicit for proposals and advertise.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38086 Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bond #ES00010392 in the amount of \$1,777,719.40, and acceptance of the 2-year maintenance bond #800131743 in the amount of \$74,580.01 for Headwaters at Barton Creek subd., Phase 5, Section 2.

Commissioner Smith stated this is a standard release of bond and spoke about the need for the County to maintain its roads.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept road construction & surface drainage improvements, release the subdivision bond #ES00010392 in the amount of \$1,777,719.40, and accept the 2-year maintenance bond #800131743 in the amount of \$74,580.01 for Headwaters at Barton Creek subd., Phase 5, Section 2.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38087 Discussion and possible action to execute an Interlocal Agreement with the Texas Department of Transportation related to material inspection and testing services for various 2016 Road Bond construction projects.

Commissioner Shell stated this allows the County to use the Texas Department of Transportation for services in a cost-effective way.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to execute an Interlocal Agreement with the Texas Department of Transportation related to material inspection and testing services for various 2016 Road Bond construction projects.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38088 Discussion and possible action to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$2,200,902.44 for the Sunset Oaks, Section 4, Phase 3A, Final Subdivision (Bond # 30171067).

Commissioner Ingalsbe explained the item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$2,200,902.44 for the Sunset Oaks, Section 4, Phase 3A, Final Subdivision (Bond # 30171067).

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38089 Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bond #800132287 in the amount of \$660,477.10, acceptance of the 2-year maintenance bond #PB03016800782M1 in the amount of \$48,906.70, and acceptance of the 1-year revegetation bond #PB03016800782M2 in the amount of \$101,642.75 for Caliterra subd., Phase 4, Section 12.

Commissioner Smith explained the item.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept road construction & surface drainage improvements, release the subdivision bond #800132287 in the amount of \$660,477.10, accept the 2-year maintenance bond #PB03016800782M1 in the amount of \$48,906.70, and accept the 1-year revegetation bond #PB03016800782M2 in the amount of \$101,642.75 for Caliterra subd., Phase 4, Section 12.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38090 PLN-2001-PC; Hold a Public Hearing with possible action to approve the Replat of Lot 37, Stagecoach Ranch, Section One.

Judge Becerra opened the Public Hearing at 11:15 a.m. No comments were made. Judge Becerra closed the Public Hearing at 11:15 a.m. Colby Machacek, Development Services Planning Department, provided background on the item and stated it has full staff recommendation. Judge Becerra asked about the number of private wells in the County. Commissioner Shell explained that Groundwater Conservation Districts should have those numbers. Commissioner Smith spoke about the use of private wells and the difficulty in identifying them.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Replat of Lot 37, Stagecoach Ranch, Section One.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38091 Discussion and possible action to authorize the execution of a \$12,500.00 Master Agreement with Fifth Asset, Inc., dba DebtBook for Lease and Subscription Based Information Technology Arrangement (SBITA) Management Software for compliance services related to Government Accounting Standards Board (GASB) Statements 87 and 96.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the execution of a \$12,500.00 Master Agreement with Fifth Asset, Inc., dba DebtBook for Lease and Subscription Based Information Technology Arrangement (SBITA) Management Software for compliance services related to Government Accounting Standards Board (GASB) Statements 87 and 96.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38092 Discussion and possible action to authorize the County Clerk to hire the Deputy Clerk III position approved in the FY 2023 budget at the 50th percentile effective October 1, 2022.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Clerk to hire the Deputy Clerk III position approved in the FY 2023 budget at the 50th percentile effective October 1, 2022.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38093 Discussion and possible action to approve the Assessment and Collection Agreement for Kyle 57 Public Improvement District.

Jennifer O'Kane, Hays County Tax Assessor-Collector, explained the Contract should be edited to be between the City of Kyle acting as Board of Directors for the Public Improvement District and Hays County. Commissioner Shell amended his motion to include the edit.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Assessment and Collection Agreement for Kyle 57 Public Improvement District, and include an edit to the Contract from the Tax Assessor-Collector.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38094 Discussion and possible action to approve the Assessment and Collection Agreement for Plum Creek North Public Improvement District.

Jennifer O'Kane, Hays County Tax Assessor-Collector, requested the same edit from the previous item. Commissioner Jones amended his motion to include the edit.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the Assessment and Collection Agreement for Plum Creek North Public Improvement District, and include an edit to the Contract from the Tax Assessor-Collector.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

Discussion and possible action on the letter received from the Travis County Commissioners Court clarifying erroneous representations.

Elaine Cardenas, County Clerk, read a letter from the Travis County Commissioners Court. Dan Lyon made a public comment concerning the letter from Travis County. The court discussed the letter, their relationship with the Travis County Commissioners Court, and the SH45 extension project's future. No action taken.

38095 Discussion and possible action to approve events sponsored by San Marcos Main Street Program which shall include commercial vendors on the Courthouse grounds.

Anita Collins, Office of the County Judge, and Mark Kennedy, General Counsel, explained the item. Josie Falletta, City of San Marcos Downtown Manager, spoke about the events hosted on The Square and asked for permission to have vendors present during the events. Commissioner Shell asked for clarification on the property use policy for the courthouse grounds. Kennedy elaborated on the application process for using the property. Commissioner Smith spoke about the deposit process for events and the Auditor's Office's involvement. Falletta spoke about the City's ability to provide cleaning services after events. Judge Becerra spoke about the importance of the Main Street Program.

A motion was made by Commissioner Ingalsbe, seconded by Judge Becerra to approve events sponsored by San Marcos Main Street Program which shall include commercial vendors on the Courthouse grounds.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

Clerk's Note: Executive Session began at 11:21 a.m. and resumed back into open court at 11:42 a.m.

38096 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 Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court.

Commissioner Shell stated the LOI should reflect terms and conditions that must be met before funding is transferred or committed. Commissioner Smith stated this should give clarification to project partners.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize General Counsel to issue letters of intent for Parks and Open Space Projects for which funding has been earmarked out of the County's current funds.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38097 Discussion and possible action related to the burn ban.

Mark Wobus, Hays County Fire Marshal, asked the court to reinstate the burn ban effective today, and provided an update on drought conditions and fires.

A motion was made by Commissioner Ingalsbe, seconded by Judge Becerra to put a 90-day burn ban in place as recommended by the Fire Marshal, effective September 27, 2022.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #M-2 RE: Discussion related to the Hays County inmate population, to include current population counts and costs. - **WAS PULLED.**

Clerk's Note Agenda Item #M-3 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 #M-4 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.**

ADJOURNMENT

A motion was made by Commissioner Jones, seconded by Judge Becerra to adjourn court at 11:44 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 SEPTEMBER 27, 2022.



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

