

HAYS COUNTY COMMISSIONERS' COURT MINUTES



DECEMBER 6, 2022

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6th DAY OF DECEMBER 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 gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Becerra called the meeting to order.

PUBLIC COMMENTS

Rodrigo Amaya made a public comment about lack of accountability. Amy Kamp made a public comment about jail outsourcing. Elaine Cardenas, County Clerk, read aloud an emailed public comment from Jeanette Kinard against the replat of Burnet Ranch, Section 3, Lot 55.

38320 Adopt a proclamation declaring December 5-9, 2022 as National Influenza Vaccination Week.

Juli Barksdale, Epidemiologist, spoke on the importance of getting vaccinated. Commissioner Ingalsbe thanked her and the Health Department for their work.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a proclamation declaring December 5-9, 2022 as National Influenza Vaccination Week.

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

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for the Wimberley Emergency Medical Services Systems, Inc.

Eric Boehning, Senior Manager for Ardurra, stated this is a grant for \$242,157 to be used for a remount of a chassis on an out of service ambulance.

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for Friends of the Pound House.

Eric Boehning, Senior Manager for Ardurra, stated this is a grant award for loss of revenue in the amount of \$50,000 to Friends of the Pound House.

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for the Maxwell Special Utility District.

Eric Boehning, Senior Manager for Ardurra, stated this is a subrecipient agreement to allow the purchase of a 200 KW Generator by Maxwell Special Utility District. The cost of the generator is \$134,000.00 to be purchased with an award of \$50,000 from Hays County, \$50,000 from Caldwell County and Maxwell SUD covering the difference. Judge Becerra asked about funding more. Commissioner Ingalsbe stated Maxwell SUD has expressed the \$50,000 will be enough.

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for Hays County Food Bank.

Eric Boehning, Senior Manager for Ardurra, stated this is another subrecipient agreement for \$1.188 Million. \$88,000 has been earmarked towards a feasibility study and \$1.1 Million for construction and expansion of the Hays County Food Bank. Judge Becerra asked for an explanation on the location. Commissioner Jones stated the plan is to move out to the Village. Jamie Lee Case, President of Hays County Food Bank, stated they will not stop mobile distributions. She stated they currently operate out of a 2,200 square foot capacity, they do not have room for large donations, and they remain at capacity year-round. Eleanor Owen, Executive Director of Hays County Food Bank, stated they feel this is a strong location because of the Village and other health services next to them. She stated the land is close to the Interstate, and it was a donation which was a factor in their decision as well.

38321 Approve payments of County invoices.

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

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

38322 Approve the payment of Juror checks.

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

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

38323 Approve the payment of United Healthcare claims.

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

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

38324 Approve the payment of the December 15, 2022 payroll disbursements in an amount not to exceed \$3,350,000.00 effective December 15, 2022 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the payment of the December 15, 2022 payroll disbursements in an amount not to exceed \$3,350,000.00 effective December 15, 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

38325 Authorize the County Judge to accept the Annual 2022 Wildlife Management Activities Report for the Gay Ruby Dahlstrom Nature Preserve.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to accept the Annual 2022 Wildlife Management Activities Report for the Gay Ruby Dahlstrom Nature Preserve.

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

38326 Approve the reappointment of Eric Holen and Susan Meckel to the Board of Emergency Services District #5, a two-year term ending December 31, 2024.

Judge Becerra asked for a centralized list to be made available to the court of board members on each of the ESDs. Commissioner Smith stated that Janice Jones, Office of General Counsel, currently maintains a list with all ESDs. Commissioner Shell stated he just sent the list to Judge Becerra.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the reappointment of Eric Holen and Susan Meckel to the Board of Emergency Services District #5, a two-year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38327 Approve the reappointment of Jennifer Rodriguez and Kenneth Eshelman to the Board of Emergency Services District #6, a two year term ending December 31, 2024.

Judge Becerra asked for a centralized list to be made available to the court of board members on each of the ESDs. Commissioner Smith stated that Janice Jones, Office of General Counsel, currently maintains a list with all ESDs. Commissioner Shell stated he just sent the list to Judge Becerra.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the reappointment of Jennifer Rodriguez and Kenneth Eshelman to the Board of Emergency Services District #6, a two year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38328 Approve the reappointment of Dennis Lane and Robert Luddy to the Board of Emergency Services District #1, a two year term ending December 31, 2024.

Judge Becerra asked for a centralized list to be made available to the court of board members on each of the ESDs. Commissioner Smith stated that Janice Jones, Office of General Counsel, currently maintains a list with all ESDs. Commissioner Shell stated he just sent the list to Judge Becerra.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the reappointment of Dennis Lane and Robert Luddy to the Board of Emergency Services District #1, a two year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38329 Approve the reappointment of Joshua Harper and Stacey Morgan to the Board of Emergency Services District #2, a two year term ending December 31, 2024.

Judge Becerra asked for a centralized list to be made available to the court of board members on each of the ESDs. Commissioner Smith stated that Janice Jones, Office of General Counsel, currently maintains a list with all ESDs. Commissioner Shell stated he just sent the list to Judge Becerra.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the reappointment of Joshua Harper and Stacey Morgan to the Board of Emergency Services District #2, a two year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38330 Approve the reappointment of Scott Stevens, Jim Weatherford and Paul Kaskie to the Board of Emergency Services District #8, a two year term ending December 31, 2024.

Judge Becerra asked for a centralized list to be made available to the court of board members on each of the ESDs. Commissioner Smith stated that Janice Jones, Office of General Counsel, currently maintains a list with all ESDs. Commissioner Shell stated he just sent the list to Judge Becerra.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the reappointment of Scott Stevens, Jim Weatherford and Paul Kaskie to the Board of Emergency Services District #8, a two year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38331 Receive and Ratify the finalized Parks Bond Agreements: the Conservation Easement with LCSM West, LP (Purgatory Creek Nature Preserve); the Interlocal Agreement between the City of San Marcos, Texas and Hays County, Texas for Funding the Purchase of Public Municipal Parkland (Quail Creek Eastside Regional Park); Access, Public Access and Conservation Easement Agreements with Byrdnest Ventures, LLC (Presa Grande Sink Creek Preserve) and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to Receive and Ratify the finalized Parks Bond Agreements: the Conservation Easement with LCSM West, LP (Purgatory Creek Nature Preserve); the Interlocal Agreement between the City of San Marcos, Texas and Hays County, Texas for Funding the Purchase of Public Municipal Parkland (Quail Creek Eastside Regional Park); Access, Public Access and Conservation Easement Agreements with Byrdnest Ventures, LLC (Presa Grande Sink Creek Preserve) and amend the budget accordingly.

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

38332 Approve the cancelation of the Hays County Commissioners Court on the following dates in 2023: January 10 and 24, February 7 and 21, March 7 and 21, April 4 and 18, May 2, 16, and 30, June 13 and 27. Also, approve the cancelation of July 4 and December 26 which are approved County Holidays.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the cancelation of the Hays County Commissioners Court on the following dates in 2023: January 10 and 24, February 7 and 21, March 7 and 21, April 4 and 18, May 2, 16, and 30, June 13 and 27. Also, approve the cancelation of July 4 and December 26 which are approved County Holidays.

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

38333 Approve Utility Permits.

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

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

38334 Authorize the County Judge to execute an addendum to the State Plan of Operation Agreement with the State of Texas to receive certain excess Department of Defense (DOD) property under the Law Enforcement Support Office (1033/LESO) Program administered by the Defense Logistics Agency (DLA).

Rodrigo Amaya made a public comment against the court supporting purchases for items they may not have complete knowledge of. Commissioner Smith stated he was not sure what this request was for but this item allows requests in the upcoming year. Commissioner Ingalsbe suggested receiving a list of what the items are for in the future, which would be helpful.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute an addendum to the State Plan of Operation Agreement with the State of Texas to receive certain excess Department of Defense (DOD) property under the Law Enforcement Support Office (1033/LESO) Program administered by the Defense Logistics Agency (DLA).

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

38335 Authorize the Sheriff's Office to add a \$45.00 monthly telephone allowance for the LE Corporal/Detective slot number 0485-001 effective 12/01/2022.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Sheriff's Office to add a \$45.00 monthly telephone allowance for the LE Corporal/Detective slot number 0485-001 effective 12/01/2022

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

38336 Approve a price increase of \$20.00 to \$25.00 per screening with Personnel Evaluation, Inc., utilized by the Sheriff's Office for pre-employment purposes.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve a price increase of \$20.00 to \$25.00 per screening with Personnel Evaluation, Inc., utilized by the Sheriff's Office for pre-employment purposes.

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

38337 Authorize the County Judge to execute a Subscriber Agreement with GPS International Technologies Inc. for investigative purposes; and authorize a purchasing waiver to the Hays County Purchasing Policy.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute a Subscriber Agreement with GPS International Technologies Inc. for investigative purposes; and authorize a purchasing waiver to the Hays County Purchasing Policy.

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

38338 Authorize the County Judge to execute an addendum and Participation Agreement with AllPaid, Inc. in relation to the County's Genesis eBonds Agreement.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute an addendum and Participation Agreement with AllPaid, Inc. in relation to the County's Genesis eBonds Agreement.

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

38339 Authorize the County Judge to execute a Second Amendment to the Interlocal Cooperation Agreement between Hays County and Comal County for Jail Services, effective January 1, 2023.

Judge Becerra stated this item makes sense to renew with Comal County being our neighbor. He hopes with renewing this, we can have the Sheriff's Office bring inmates closer to home. Commissioner Smith stated we are 30% below the national average of county jail capacity for a county population of 250K. Judge Becerra stated he would like to focus on the County as a whole instead of using national averages.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute a Second Amendment to the Interlocal Cooperation Agreement between Hays County and Comal County for Jail Services, effective January 1, 2023.

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

38340 Approve specifications of IFB 2023-B10 Culverts and authorize Purchasing to solicit for bids and advertise.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve specifications of IFB 2023-B10 Culverts and authorize Purchasing to solicit for bids and advertise.

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

38341 Authorize the Office of Emergency Services CERT Division to accept a \$500.00 contribution from the Buda Lions Club and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Office of Emergency Services CERT Division to accept a \$500.00 contribution from the Buda Lions Club and amend the budget accordingly.

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

38342 Ratify the submission of a renewal grant award to the Texas Veterans Commission, Veterans Treatment Court grant program in the amount of \$300,000.00.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to ratify the submission of a renewal grant award to the Texas Veterans Commission, Veterans Treatment Court grant program in the amount of \$300,000.00.

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

38343 Approve renewal of the Equipment Calibration & Maintenance Program Agreement with FarrWest, in the amount of \$10,659.57 annually, effective October 1, 2022.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve renewal of the Equipment Calibration & Maintenance Program Agreement with FarrWest, in the amount of \$10,659.57 annually, effective October 1, 2022.

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

38344 Authorize a waiver to the purchasing policy for the Constable Pct. 4 Office to purchase one replacement Freedom Helmet Kit and Speaker Mic valued at \$1,233 from PVP Communications and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize a waiver to the purchasing policy for the Constable Pct. 4 Office to purchase one replacement Freedom Helmet Kit and Speaker Mic valued at \$1,233 from PVP Communications and amend the budget accordingly.

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

38345 Authorize the Information Technology Department to purchase one replacement Troy MICR Secure Printer valued at \$1,950.20 for the Auditor's Office and amend the budget accordingly.

Marisol Villarreal-Alonzo, Hays County Auditor, stated they received an updated quote in the amount of \$2,171.12, which is an additional \$221.00 they are requesting. This is for a replacement printer for the new Treasurer. Commissioner Shell asked for the use of Countywide Contingencies for this purchase.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Information Technology Department to purchase one replacement Troy MICR Secure Printer valued at \$1,950.20 for the Auditor's Office and authorize use of Countywide contingencies and amend the budget accordingly.

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

38346 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 1 in the amount of \$20,000.00 to the Professional Services Agreement between Hays County and Cobb, Fendley & Associates, Inc. for bid and construction phase services on the SH 80 at Military Drive intersection improvements project in Precinct 1, as part of the Hays County Road Bond Program and amend the budget accordingly.

Commissioner Ingalsbe stated this is for work obtaining and coordinating bids they would like help with from Cobb, Fendley & Associates.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Contract Amendment No. 1 in the amount of \$20,000.00 to the Professional Services Agreement between Hays County and Cobb, Fendley & Associates, Inc. for bid and construction phase services on the SH 80 at Military Drive intersection improvements project in Precinct 1, as part of the Hays County Road Bond Program and amend the budget accordingly.

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

38347 Discussion and possible action to authorize the County Judge to execute an Advance Funding Agreement between Hays County and the Texas Department of Transportation relating to the County's RM 3237 Phase 2 project between RM 12 and RM 150 and amend the budget accordingly.

Commissioner Shell gave clarification on this item.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute an Advance Funding Agreement between Hays County and the Texas Department of Transportation relating to the County's RM 3237 Phase 2 project between RM 12 and RM 150 and amend the budget accordingly.

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

38348 Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the performance bond #800054920 in the amount of \$1,064,632.25, and acceptance of the 2-year maintenance bond #258320F in the amount of \$127,972.05 for Trails at Windy Hill subd., Phase 8.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept road construction & surface drainage improvements, release of the performance bond #800054920 in the amount of \$1,064,632.25, and acceptance of the 2-year maintenance bond #258320F in the amount of \$127,972.05 for Trails at Windy Hill subd., Phase 8.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38349 Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bond #SU1180136 in the amount of \$646,815.41, acceptance of the 2-year maintenance bond #PB03016800924 in the amount of \$70,015.57, and acceptance of the 1-year revegetation bond #PB03016800925 in the amount of \$16,695.34 for 6 Creeks subd., Phase 1, Section 13A.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept road construction & surface drainage improvements, release of the subdivision bond #SU1180136 in the amount of \$646,815.41, acceptance of the 2-year maintenance bond #PB03016800924 in the amount of \$70,015.57, and acceptance of the 1-year revegetation bond #PB03016800925 in the amount of \$16,695.34 for 6 Creeks subd., Phase 1, Section 13A.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38350 Hold a public hearing with possible action to establish a "No Parking" zone along the west side (school side) of Sunbright Blvd. between Vista Gardens Drive and the entrance-only drive for Sunfield Elementary School.

Judge Becerra opened the Public Hearing at 10:22 am. No comments were made. Judge Becerra closed the Public Hearing at 10:22 am.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to establish a "No Parking" zone along the west side (school side) of Sunbright Blvd. between Vista Gardens Drive and the entrance-only drive for Sunfield Elementary School.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38351 Hold a public hearing with possible action to establish a 3-way stop location on Longbow Lane at the intersection with Indian Princess in the Woodcreek North subdivision.

Judge Becerra opened the Public Hearing at 10:22 am. No comments were made. Judge Becerra closed the Public Hearing at 10:22 am.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to establish a 3-way stop location on Longbow Lane at the intersection with Indian Princess in the Woodcreek North subdivision.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38352 Hold a public hearing with possible action to establish a 3-way stop location on High Mesa Drive at the intersection with Cowpoke Circle in the Cedar Oaks Mesa subdivision.

Judge Becerra opened the Public Hearing at 10:22 am. No comments were made. Judge Becerra closed the Public Hearing at 10:22 am.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to establish a 3-way stop location on High Mesa Drive at the intersection with Cowpoke Circle in the Cedar Oaks Mesa subdivision.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38353 Discussion and possible action to approve the selection of B2Z Engineering, LLC to provide construction, engineering & inspection (CE&I) services on an On-Call bases related to road improvement projects in Hays County; and authorize staff and counsel to negotiate a contract, as well as a Work Authorization #1 for CE&I services on the Darden Hill at Sawyer Ranch Road Roundabout project as part of the Road Bond Program.

Commissioner Smith stated they hope to start bidding in January with construction to start once school ends. This selection was a recommendation from the Transportation Department. This is being built by request of the school district and is supported by the community. This was moved over to allow them to go around a 200 year-old tree for preservation purposes.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the selection of B2Z Engineering, LLC to provide construction, engineering & inspection (CE&I) services on an On-Call bases related to road improvement projects in Hays County; and authorize staff and counsel to negotiate a contract, as well as a Work Authorization #1 for CE&I services on the Darden Hill at Sawyer Ranch Road Roundabout project as part of the Road Bond Program.

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

38354 PLN-1954-PC; Hold a Public Hearing followed by discussion and possible action regarding the Burnett Ranch, Sec 3, Lot 55, Replat.

Judge Becerra opened the Public Hearing at 10:26 am. Harvey Jenkins made a public comment asking where this is located and what this cost to the County is. Commissioner Shell stated the cost is the staff time spent on a replat of a property. Commission Smith pointed out there is a charge for replat services to the customer. Marcus Pacheco, Director of Development Services, stated there is an application fee that will offset staff time and labor. Harvey Jenkins asked how many lots will come out of this replat. Commissioner Shell stated this is the subdivision of one lot into two. Rodrigo Amaya made a public comment asking if the costs paid to employees will be made using the salary study findings or the current salary. Judge Becerra stated the costs and fees for services are reviewed yearly for budget purposes. Commissioner Shell stated subdivisions oversee deed restrictions and that the court is not able to enforce or use those for approval of replats. Commissioner Smith stated there is a possibility with the new legislature of the removal of ETJ from municipalities which would result in more requests for approval. Judge Becerra closed the public hearing at 10:22 am. Colby Machacek, County Planner, stated staff recommends approval on condition that the deficiencies are addressed by applicants and owners.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve PLN-1954-PC regarding the Burnett Ranch, Sec 3, Lot 55, Replat.

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

38355 PLN-1917-PC; Hold a Public Hearing followed by discussion and possible action regarding the Rolling Oaks, Sec 3, Lot 4A, Replat.

Judge Becerra opened the Public Hearing at 10:37 am. No comments were made. Judge Becerra closed the Public Hearing at 10:37 am. Colby Machacek, County Planner, stated staff recommends approval on condition that the deficiencies are addressed by applicants and owners.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve upon staff recommendations, PLN-1917-PC regarding the Rolling Oaks, Sec 3, Lot 4A, Replat.

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

38356 PLN-2112-PC Call for a Public Hearing on December 20th, 2022, followed by discussion and possible action regarding the High View Ranch, Lot 5, Replat.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to call for a Public Hearing on December 20th, 2022, followed by discussion and possible action regarding the High View Ranch, Lot 5, Replat.

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

Discussion and briefing from Specialized Public Finance Inc. and FMSbonds, Inc. regarding the pricing summary for the Hays County, Texas, Special Assessment Revenue Bonds, Series 2022 (La Cima Public Improvement District Neighborhood Improvement Area #3 Project).

Dan Wegmiller, Specialized Public Finance Inc., provided an update on the sale of the special assessment revenue bonds that were priced yesterday for the La Cima special assessment revenue project. He stated the amount was 20.8 Million and are non-rated. The interest rate set was 5.9007% for 30 a year obligation and is scheduled to close December 22, 2023. Judge Becerra asked why we do not have the backing of our tax base. Wegmiller stated the reason is to keep this assessment-based, not tax-based.

38357 Discussion and possible action to adopt an Order authorizing the issuance of the "Hays County, Texas, Special Assessment Revenue Bonds, Series 2022 (La Cima Public Improvement District Neighborhood Improvement Area #3 Project)"; approving and authorizing an indenture of trust, a bond purchase agreement, a limited offering memorandum, a continuing disclosure agreement, a service and assessment plan, and other documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.

Julie Houston, Bond Counsel with the Orrick Law Firm, spoke on the bond order and what is covered with the item.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt an Order authorizing the issuance of the "Hays County, Texas, Special Assessment Revenue Bonds, Series 2022 (La Cima Public Improvement District Neighborhood Improvement Area #3 Project)"; approving and authorizing an indenture of trust, a bond purchase agreement, a limited offering memorandum, a continuing disclosure agreement, a service and assessment plan, and other documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.

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

38358 Discussion and possible action to authorize the County Judge to execute a Service Order Agreement with Astound Business Solutions related to Dark Fiber needed for technology infrastructure at the new Elections/IT Building located at 120 Stagecoach Trail in San Marcos; authorize a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a) (7) (D).

Jeff McGill, Director of Information Technology, stated during the process it was determined that a dark fiber solution would be a better solution and ends up costing less.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute a Service Order Agreement with Astound Business Solutions related to Dark Fiber needed for technology infrastructure at the new Elections/IT Building located at 120 Stagecoach Trail in San Marcos; authorize a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a) (7) (D).

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

38359 Discussion and possible action authorizing the County Judge to execute a Service Agreement between Hays County and Text My Gov, Inc., in the amount of \$15,000.00 per year for three (3) years, for text messaging services allowing the public to communicate with the County Clerk's Office and amend the budget accordingly.

Commissioner Ingalsbe thanked Elaine Cardenas, County Clerk, for offering another service to better help the public.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a Service Agreement between Hays County and Text My Gov, Inc., in the amount of \$15,000.00 per year for three (3) years, for text messaging services allowing the public to communicate with the County Clerk's Office and amend the budget accordingly.

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

38360 Discussion and possible action related to use of office space within the Historical Hays County Courthouse located at 111 E. San Antonio, San Marcos.

Rodrigo Amaya made a public comment about transparency and not having the backup to this item. Commissioner Shell stated he will be moving to a smaller office, the old Grants office, and will be giving Vickie Dorsett, Budget Officer, use of his current larger space. Commissioner Shell stated he did not know if this needed to be on the agenda, but he wanted the court to know. Vickie Dorsett, Budget Officer, stated she recently hired a staff member, and they are in two separate offices.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to allow the Precinct 3 Commissioner to occupy the old Grants office on the third floor and the Budget Office to occupy the previous Commissioner Precinct 3 office in the courthouse.

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

38361 Discussion and possible action to award a contract for IFB 2023-B08 Emulsion Oils with Ergon Asphalt & Emulsions, Inc.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to award a contract for IFB 2023-B08 Emulsion Oils with Ergon Asphalt & Emulsions, Inc.

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

38362 Discussion and possible action to appoint Commissioner Debbie Gonzales Ingalsbe to the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

Rodrigo Amaya made a public comment about the HERO program and asked who he can talk to that authorizes assistance on the side of the road. Judge Becerra reviewed past appointed members and stated he would like to keep a Commissioner in this position. Commissioner Jones stated TXDOT oversees the HERO program. Commissioner Ingalsbe thanked her colleagues for giving her this opportunity.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to appoint Commissioner Debbie Gonzales Ingalsbe to the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board.

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

38363 Discussion and possible action to award a contract for IFB 2023-B05 Road Building Materials - Cold Mix to Brauntex Materials, Inc., Texas Materials Group and Colorado Materials, Ltd.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to award a contract for IFB 2023-B05 Road Building Materials - Cold Mix to Brauntex Materials, Inc., Texas Materials Group and Colorado Materials, Ltd.

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

38364 Discussion and possible action to award a contract for IFB 2023-B04 Road Building Materials - Hot Mix to Brauntex Materials, Inc., Colorado Materials, Ltd., Lone Star Paving, and Texas Materials Group.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to award a contract for IFB 2023-B04 Road Building Materials - Hot Mix to Brauntex Materials, Inc., Colorado Materials, Ltd., Lone Star Paving, and Texas Materials Group.

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

38365 Discussion and possible action to award a contract for IFB 2023-B01 FM 110 South Grading Project with Capital Excavation Company in the amount of \$1,569,440.91 and amend the budget accordingly.

Commissioner Ingalsbe gave background on this item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to award a contract for IFB 2023-B01 FM 110 South Grading Project with Capital Excavation Company in the amount of \$1,569,440.91 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38366 Discussion and possible action to authorize a salary exception at the 12th percentile for the Environmental Health Specialist I, slot 0235-004 in the Development Services Department effective December 12, 2022.

Rodrigo Amaya made a public comment about employee turnover and asked if anyone is keeping track of this and the money lost. He asked about a letter of commitment to employment when individuals are hired. Commissioner Shell stated the County does not have a commitment policy. He stated it is a very competitive market, and he feels this request is well within order. Marcus Pacheco, Director of Development Services, spoke about coming up with other ways to incentivize employees, including progression plans, obtaining certifications within a certain timeframe, etc.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize a salary exception at the 12th percentile for the Environmental Health Specialist I, slot 0235-004 in the Development Services Department effective December 12, 2022.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38367 Discussion and possible action to authorize the Juvenile Detention Center Director to hire the Transitional Coordinator position slot 0970-002 at the 25th percentile effective January 3, 2023.

Brett Littlejohn, Director of Hays County Juvenile Center, reviewed the qualifications of the applicant. Shari Miller, Director of Human Resources, spoke on the salary increase request. Judge Becerra asked for an update on the salary study. Miller stated she expects to receive an update any day now. Commissioner Smith asked about the impact of the salary results for newly hired employees at a higher rate. Judge Becerra he hopes to use the study to guide them to make those decisions.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Juvenile Detention Center Director to hire the Transitional Coordinator position slot 0970-002 at the 25th percentile effective January 3, 2023.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38368 Discussion and possible action to authorize the renaming of a portion of Old FM 2001 to Ray Romero Drive.

Commissioner Jones gave background on this item. He stated this man and his family have been a part of the community for many years. He was a custodian and bus driver for Buda Elementary and the high school. He stated there is currently no timeline but asked they have a small ceremony for the unveiling of the street sign for the family.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the renaming of a portion of Old FM 2001 to Ray Romero Drive.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerks Note: Judge Becerra called for a recess that began at 10:39 a.m and resumed back into open court at 10:44 a.m.

38369 Discussion and possible action to authorize the County Judge to execute a Professional Services Agreement with HDR Architecture, Inc. to develop schematics for accessibility ramps and other improvements to the Hays County Government Center.

Rodrigo Amaya made a public comment asking for the status of the water at the Government Center. Tammy Crumley, Director of Countywide Operations, stated this is for the new Judge coming into office. They will make internal, temporary modifications until the changes are made. Commissioner Ingalsbe asked for a timeline to which Crumley replied about 45 days followed by bid and construction.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a Professional Services Agreement with HDR Architecture, Inc. to develop schematics for accessibility ramps and other improvements to the Hays County Government Center.

AYE: Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38370 Discussion and possible action to authorize the County Judge to execute a professional services agreement between Hays County and Brailsford and Dunlavey, Inc., related to market analysis and possible development of County-owned property at 3005 Clovis Barker Road in San Marcos, Texas; authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4) and amend the budget accordingly.

Commissioner Ingalsbe stated this will be for someone to look out for the County's best interest. The amount is up to \$100,000 to come out of the infrastructure fund which is a special revenue fund. Mark Kennedy, General Counsel, stated we are in feasibility and diligence at this stage, and we need to now do a market study. He stated he did add language with a "not to exceed" clause. Commissioner Ingalsbe stated they asked that the public have access to this project.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a professional services agreement between Hays County and Brailsford and Dunlavey, Inc., related to market analysis and possible development of County-owned property at 3005 Clovis Barker Road in San Marcos, Texas; authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4) and amend the budget accordingly.

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

Clerks Note: Executive Session began at 11:18 am and resumed back into open court at 2:05 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 Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court.

No action taken.

38371 Executive Session pursuant to Sections 551.071 and 551.074 of the Texas Government Code deliberation regarding employment and duties of for all positions funded for the Pre-trial Services Department. Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to utilize American Rescue Plan Act (ARPA) funding to regrade the Pre-trial Services Director from a great 116 to 117 at the 69.61% effective December 12th, 2022 and establish one Assistant Pre-trial Services Director grade 114 and 3 Pre-trial Services Officers grade 112. All of those effective January 3rd, 2023 and authorize the Budget Officer to establish an operating budget to include necessary equipment as discussed in Executive Session.

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

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of real property located at 2400 N IH 35, San Marcos. Possible discussion and/or action may follow in open court.

No action taken.

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of real property located at 101 Thermon Drive, San Marcos. Possible discussion and/or action may follow in open court.

No action taken.

38372 Executive Session pursuant to Section 551.071 of the Texas Government Code: consultation with counsel regarding pending and/or contemplated litigation involving Hays County. Possible action may follow in open court.

Commissioner Smith stated Contractor's final payment demand on October 14, 2021 was \$8,133,934. At the time the parties discussed the elements of Contractor's claim but could not agree on a method for finalizing payment and capturing the fiscal impacts of delays on the project. Hays County feels that \$2,200,000, which includes all pending payment applications on the project, is reflective of the costs of work by contractor on the project.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to Ratify General Counsel's execution of a Mediated Settlement Agreement between Hays County and Sterling Delaware Holding Company, related to delay claims on the FM 1626 South project; to authorize General Council's negotiation of and execution of a Final Settlement Agreement that agrees with the terms of the Mediated Settlement Agreement; to authorize execution of Change Order Number 12 for the project, which will result in final payment of \$2,200,000 to contractor for work performed on the project from pass through road bonds and to amend the budget accordingly.

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

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to waive privilege associated with Attorney/Client communications and deliberation within item 35258 of the Hays County Commissioners Court Agenda, related to the duties of the Administrative Assistant position with Hays County Judges Office, which was held on March 30, 2021; and to authorize staff and counsel to utilize that information to provide a response to the Equal Employment Opportunity Commission (EEOC).

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

38373 Executive Session pursuant to Sections 551.071 and 551.074 of the Texas Government Code: consultation with counsel and deliberation regarding duties of all individual positions of the Hays County Auditor's Office. Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to create one new Senior Internal Auditor position, Grade 117 within the County Auditor's Office effective January 1, 2023; amending the budget from Countywide salary adjustment and authorize the County Auditor and Information Technology Director to update internal control processes pursuant to Texas Local Government Code 112.001 as presented in Executive Session.

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

Executive Session pursuant to Sections 551.071 and 551.074 of the Texas Government Code deliberation regarding employment and duties of the Hays County Treasurer. Possible discussion and/or action may follow in open court.

No action taken.

Clerks Note Agenda Item #M-1 RE: Discussion and possible action related to the burn ban. - WAS PULLED.

Clerks 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 2:08 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 DECEMBER 6, 2022.




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

