

HAYS COUNTY COMMISSIONERS' COURT MINUTES



DECEMBER 22, 2020

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 22<sup>nd</sup> DAY OF DECEMBER A.D., 2020, 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:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
LON A. SHELL	COMMISSIONER, PCT. 3
WALT SMITH	COMMISSIONER, PCT. 4
ELAINE H. CÁRDENAS	COUNTY CLERK

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

**WITH JUDGE BECERRA BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Chaplain Javier Maldonado of the Christus Hospice Central Texas gave the invocation. Commissioner Ingalsbe led the court in the Pledge of Allegiance to the United States and Texas flags. Commissioner Ingalsbe called the meeting to order.

**PUBLIC COMMENTS**

Dan Lyon made a public comment regarding the Hays County Appraisal District.

**UPDATE FROM THE COUNTY JUDGE AND STAFF REGARDING THE LOCAL DISASTER DECLARATION AND COVID-19. POSSIBLE DISCUSSION AND ACTION MAY FOLLOW.**

Alex Villalobos, Chief of Staff and Emergency Management Coordinator, stated the county is anticipating a surge in numbers of positive COVID-19 cases after the holidays. He noted county staff is preparing to receive deliveries of vaccinations for COVID-19. No action was taken.

**35913 APPROVE PAYMENTS OF COUNTY INVOICES.**

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

**35914 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.

**35915 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 8, 2020.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of December 8, 2020. All present voted "Aye." MOTION PASSED.

**35916 APPROVE THE PAYMENT OF THE DECEMBER 31, 2020 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,800,000.00 EFFECTIVE DECEMBER 31, 2020 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 December 31, 2020 payroll disbursements in an amount not to exceed \$3,800,000.00 effective December 31, 2020 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.



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- 35917 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO PURCHASE ONE 6-BAY RADIO BANK CHARGER VALUED AT \$639.93 FROM THE LOWER COLORADO RIVER AUTHORITY (LCRA); AUTHORIZE A DISCRETIONARY EXEMPTION PER TEXAS LOCAL GOVERNMENT CODE 262.024(A)(7)(D) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Office of Emergency Services to purchase one 6-Bay Radio Bank Charger valued at \$639.93 from the Lower Colorado River Authority (LCRA); authorize a discretionary exemption per Texas Local Government Code 262.024(a)(7)(D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 35918 RATIFY THE ACCEPTANCE OF A GRANT AMENDMENT TO DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE COVID-19 FUNDING RELATED TO TEMPORARY PERSONNEL AND AMEND THE BUDGET ACCORDINGLY.**

Tammy Crumley, Director of Countywide Operations, stated these funds will be used to keep the temporary staff for COVID-19 purposes. A motion was made by Commissioner Jones, seconded by Commissioner Smith to ratify the acceptance of a grant amendment to Department of State Health Services (DSHS) for the COVID-19 Funding related to temporary personnel and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 35919 AUTHORIZE PAYMENT TO COWBOY HARLEY-DAVIDSON OF AUSTIN FOR REPLACEMENT AND BALANCE OF A REAR AND FRONT TIRE, 10K MILE SERVICE, AND REPLACEMENT OF FRONT BRAKE PAD IN THE AMOUNT OF \$1,058.14 FOR THE HAYS COUNTY CONSTABLE, PCT. 4 OFFICE, WHERE NO PURCHASE ORDER WAS ISSUED AS REQUIRED BY THE COUNTY PURCHASING POLICY.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize payment to Cowboy Harley-Davidson of Austin for replacement and balance of a rear and front tire, 10K mile Service, and replacement of front brake pad in the amount of \$1,058.14 for the Hays County Constable, Pct. 4 Office, where no purchase order was issued as required by the County Purchasing Policy. All present voted "Aye." MOTION PASSED.

- 35920 APPROVE THE REAPPOINTMENT OF SAMANTHA TUZO TO THE HAYS COUNTY CHILD PROTECTIVE BOARD, 3 YEAR TERM ENDING DECEMBER 31, 2023.**

A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve the reappointment of Samantha Tuzo to the Hays County Child Protective Board, 3 year term ending December 31, 2023. All present voted "Aye." MOTION PASSED.

- 35921 APPROVE THE REAPPOINTMENTS OF SHARON O'BRIEN AND TOM RICHEY TO THE BOARD OF EMERGENCY SERVICES DISTRICT #3, TWO YEAR TERMS ENDING DECEMBER 31, 2022.**

Commissioner Ingalsbe noted that several of the agenda items are for appointments or reappointments of boards. She thanked all the people for their willingness to serve. A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve the reappointments of Sharon O'Brien and Tom Richey to the Board of Emergency Services District #3, two year terms ending December 31, 2022. All present voted "Aye." MOTION PASSED.

- 35922 APPROVE THE REAPPOINTMENT OF ROGER BOYD TO THE BOARD OF EMERGENCY SERVICES DISTRICT #9, TWO YEAR TERM ENDING DECEMBER 31, 2022.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the reappointment of Roger Boyd to the Board of Emergency Services District #9, two year term ending December 31, 2022. All present voted "Aye." MOTION PASSED.

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**35923 APPROVE THE REAPPOINTMENTS OF RON SPANGENBERG, JOHN WHITE, AND EDDIE GUMBERT FOR THE BOARD OF EMERGENCY SERVICES DISTRICT #4, TWO YEAR TERMS ENDING DECEMBER 31, 2022.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the reappointments of Ron Spangenberg, John White, and Eddie Gumbert for the Board of Emergency Services District #4, two year terms ending December 31, 2022. All present voted "Aye." MOTION PASSED.

**35924 APPROVE THE REAPPOINTMENT OF BRUCE SCHNEIDER AND CARLA SISK TO THE BOARD OF EMERGENCY SERVICES DISTRICT #9, TWO YEAR TERMS ENDING DECEMBER 31, 2022.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the reappointment of Bruce Schneider and Carla Sisk to the Board of Emergency Services District #9, two year terms ending December 31, 2022. All present voted "Aye." MOTION PASSED.

**35925 APPROVE THE REAPPOINTMENT OF ROSS BRITT TO THE BOARD FOR EMERGENCY SERVICES DISTRICT #3, TWO YEAR TERM ENDING DECEMBER 31, 2022.**

Commissioner Jones thanked everyone for serving on the mentioned boards. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to Approve the reappointment of Ross Britt to the Board for Emergency Services District #3, two year term ending December 31, 2022. All present voted "Aye." MOTION PASSED.

**35926 APPROVE THE CANCELATION OF HAYS COUNTY COMMISSIONERS COURT ON JANUARY 19, FEBRUARY 2, MARCH 16, APRIL 6, MAY 25, JUNE 29, OCTOBER 12, NOVEMBER 30, AND DECEMBER 28, 2021.**

Commissioner Ingalsbe noted these cancellations are due to counited educations opportunities for the court members. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the cancelation of Hays County Commissioners Court on January 19, February 2, March 16, April 6, May 25, June 29, October 12, November 30, and December 28, 2021. All present voted "Aye." MOTION PASSED.

**35927 APPROVE UTILITY PERMITS.**

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

**35928 AUTHORIZE THE VETERAN'S ADMINISTRATION OFFICE TO PURCHASE ONE NEW DELL LATITUDE 5410 WITH ACCESSORIES VALUED AT \$1,254.00 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Veteran's Administration Office to purchase one new Dell Latitude 5410 with accessories valued at \$1,254.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**35929 AUTHORIZE THE JUSTICE OF THE PEACE PCT. 3 OFFICE TO PURCHASE ONE REPLACEMENT FUJITSU FI-7180 SCANNER VALUED AT \$1,469.99 UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Justice of the Peace Pct. 3 Office to purchase one replacement Fujitsu fi-7180 Scanner valued at \$1,469.99 utilizing the Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



**35930 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR THE SUDS MONKEY BREWING COMPANY LOCATED AT 12024 W US 290, AUSTIN, TEXAS 78737.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for the Suds Monkey Brewing Company located at 12024 W US 290, Austin, Texas 78737. All present voted "Aye." MOTION PASSED.

**35931 ACCEPT \$6,000.00 IN CONTRIBUTIONS ON BEHALF OF THE HAYS COUNTY CHILD PROTECTIVE BOARD AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Ingalsbe thanked all the donors for their contributions to the Hays County Child Protective Board. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept \$6,000.00 in contributions on behalf of the Hays County Child Protective Board and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**35932 AMEND VARIOUS DEPARTMENTAL OPERATING, SPECIAL REVENUE AND CAPITAL PROJECT BUDGETS IN PREPARATION THE COUNTY'S FY 2020 YEAR-END PROCESS.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend various departmental operating, special revenue and capital project budgets in preparation the County's FY 2020 year-end process. All present voted "Aye." MOTION PASSED.

**35933 ACCEPT A \$100,000.00 GRANT DONATION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HAYS COUNTY HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Ingalsbe thanked the Burdine Johnson Foundation for their support of the Jail restoration. Kate Johnson, Historic Commission, stated the Burdine Johnson Foundation has opened other opportunities to reach out to other foundations. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a \$100,000.00 grant donation from The Burdine Johnson Foundation for the Hays County Historical Jail Restoration Project and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**35934 AMEND ALL CONSTABLE PRECINCT OFFICES OPERATING BUDGET FOR UNIFORM EXPENSES AS OUTLINED TO THE NEW COLLECTIVE BARGAINING AGREEMENT.**

Constable Hood stated that the current uniform description is too restrictive. He asked the court to reconsider including additional items. Mark Kennedy, General Counsel, stated the court could acquire the additional items as equipment. Vickie Dorsett, Auditor's office, noted a policy change could be made for the Constable's office so that they do not have to come to court for approval for each additional item. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend all Constable Precinct Offices operating budget for uniform expenses as outlined to the new Collective Bargaining Agreement. All present voted "Aye." MOTION PASSED.

**35935 AUTHORIZE THE COUNTY JUDGE TO SUPPORT THE DOWNTOWN ASSOCIATION IN COLLABORATION WITH THE DUNBAR HERITAGE ASSOCIATION, CENTRO CULTURAL HISPANO DE SAN MARCOS, AND THE INDIGENOUS CULTURES INSTITUTE WHO HAVE JOINED TOGETHER TO CREATE A MURAL OF INSPIRATION CALLED CELEBRATE DIVERSITY USING \$250.00 OF THE COUNTY JUDGE'S AVAILABLE COMMUNITY PROGRAM FUND AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to support the Downtown Association in collaboration with the Dunbar Heritage Association, Centro Cultural Hispano de San Marcos, and the Indigenous Cultures Institute who have joined together to create a mural of inspiration called Celebrate Diversity using \$250.00 of the County Judge's available Community Program fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



**35936 APPROVE SPECIFICATIONS FOR RFQ 2021-Q04 GENERAL CONSULTANT FOR PROGRAM MANAGEMENT SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve specifications for RFQ 2021-Q04 General Consultant for Program Management Services and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

**35937 APPROVE SPECIFICATIONS FOR RFP 2021-P01 ELEVATOR MAINTENANCE AND REPAIR SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve specifications for RFP 2021-P01 Elevator Maintenance and Repair Services and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

**35938 APPROVE THE SELECTION OF BGE, INC. TO PERFORM CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE DACY LANE RECONSTRUCTION PROJECT IN PRECINCT 2; AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.**

Commissioner Jones stated this project will begin in February. Commissioner Ingalsbe stated both her and Commissioner Jones are excited to get this project started. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the selection of BGE, Inc. to perform Construction Engineering and Inspection services for the Dacy Lane Reconstruction Project in Precinct 2; and authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

**35939 APPROVE THE SELECTION OF HDR INC. TO PERFORM CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE RM 3237 AT RM 150 ROUNDABOUT PROJECT IN PRECINCT 3; AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.**

Commissioner Shell stated this is a dangerous intersection. There are some great improvement ideas for this project. A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the selection of HDR Inc. to perform Construction Engineering and Inspection services for the RM 3237 at RM 150 roundabout project in Precinct 3; and authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

**35940 RELEASE OF THE MAINTENANCE BOND #1059746 IN THE AMOUNT OF \$93,520.55 AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR RUTHERFORD WEST SUBDIVISION, SECTION 4.**

Commissioner Jones stated there is staff recommendation for this item. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release of the maintenance bond #1059746 in the amount of \$93,520.55 and the acceptance of roads into the county road maintenance system for Rutherford West subdivision, Section 4. All present voted "Aye." MOTION PASSED.

**35941 RELEASE OF THE REVEGETATION BOND #PB03016800381 IN THE AMOUNT OF \$59,538.00 FOR RUTHERFORD WEST SUBDIVISION, SECTION 5.**

Commissioner Jones stated there is staff recommendation for this item. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release of the revegetation bond #PB03016800381 in the amount of \$59,538.00 for Rutherford West subdivision, Section 5. All present voted "Aye." MOTION PASSED.

**35942 APPROVE THE SELECTION OF GARVER, LLC TO PROVIDE ENGINEERING DESIGN SERVICES FOR DRAINAGE AND LOW WATER CROSSING IMPROVEMENTS AT BEAR CREEK PASS AND SYCAMORE CREEK DRIVE PROJECT IN PRECINCT 4; AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.**





Commissioner Smith noted this is part of the 2015 roads bond project. There are some changes that are needed. A motion was made by Commissioner Smith, seconded by Commissioner Jones to approve the selection of Garver, LLC to provide engineering design services for drainage and low water crossing improvements at Bear Creek Pass and Sycamore Creek Drive project in Precinct 4; and to authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

**35943 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$724,309.50 FOR TRAILS AT WINDY HILL, PHASE THREE SUBDIVISION (BOND # 7901052373).**

Commissioner Jones stated there is staff recommendation for this item. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept fiscal surety for the construction of street and drainage improvements in the amount of \$724,309.50 for Trails at Windy Hill, Phase Three Subdivision (Bond # 7901052373). All present voted "Aye." MOTION PASSED.

**35944 ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #1060750 UNTIL JUNE 30, 2021 FOR SUNFIELD SUBD., PHASE 2, SECTION 8.**

Commissioner Jones stated there is staff recommendation for this item. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #1060750 until June 30, 2021 for Sunfield subd., Phase 2, Section 8. All present voted "Aye." MOTION PASSED.

**35945 ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #1848963 UNTIL JUNE 30, 2021 FOR SHADOW CREEK SUBD., PHASE 9, SECTION 2.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #1848963 until June 30, 2021 for Shadow Creek subd., Phase 9, Section 2. All present voted "Aye." MOTION PASSED.

**35946 ACCEPT THE MAINTENANCE BOND RIDER EXTENSION #1060751 UNTIL JUNE 30, 2021 FOR SUNFIELD SUBD., PHASE 2, SECTION 11.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension #1060751 until June 30, 2021 for Sunfield subd., Phase 2, Section 11. All present voted "Aye." MOTION PASSED.

**35947 ACCEPT LETTER OF CREDIT NO. 1041 FOR STREET AND DRAINAGE IMPROVEMENTS FOR 6 CREEKS PHASE 1 SECTION 5A IN THE AMOUNT OF \$287,381.45.**

A motion was made by Commissioner Smith, seconded by Commissioner Jones to accept Letter of Credit No. 1041 for street and drainage improvements for 6 Creeks Phase 1 Section 5A in the amount of \$287,381.45. All present voted "Aye." MOTION PASSED.

**35948 GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES; PLN-1568-PC WOODCREEK, SECTION 8, LOTS 228 - 231, AMENDED PLAT.**

Commissioner Shell stated this reduces the potential future density for this lot. Caitlyn Strickland, Director of Development Services, stated the proposal of the property owners is to combine 4 lots. She noted staff has reviewed the lots as well as the septic system. A motion was made by Commissioner Shell, seconded by Commissioner Jones to grant a variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities; PLN-1568-PC Woodcreek, Section 8, Lots 228 - 231, Amended Plat. All present voted "Aye." MOTION PASSED.

**35949 AUTHORIZE THE HAYS COUNTY HUMAN RESOURCES DEPARTMENT TO CONTINUE TO MAKE PURCHASES UTILIZING WELLNESS FUNDS ASSOCIATED WITH THE COUNTY'S UNITED HEALTHCARE PLAN.**

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Shari Miller, Director of Human Resources, stated per the request of the Auditor's office, she would like to get court approval for the purchasing of the wellness products. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Hays County Human Resources Department to continue to make purchases utilizing wellness funds associated with the county's United Healthcare plan. All present voted "Aye." MOTION PASSED.**

**35950 AUTHORIZE COMMISSIONER INGALSBE IN THE COUNTY JUDGE'S ABSENCE TO EXECUTE AN INDIGENT CARE AFFILIATION AGREEMENT BETWEEN HAYS COUNTY AND CHRISTUS SANTA ROSA HEALTH CARE CORPORATION DBA CHRISTUS SANTA ROSA HOSPITAL, FOR PARTICIPATION IN THE SECTION 1115 WAIVER PROGRAM.**

Commissioner Shell stated this is a simple name change on the affiliation agreement. Commissioner Ingalsbe stated she appreciates the partnerships with local hospitals. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize Commissioner Ingalsbe in the County Judge's absence to execute an Indigent Care Affiliation Agreement between Hays County and CHRISTUS Santa Rosa Health Care Corporation dba CHRISTUS Santa Rosa Hospital, for participation in the Section 1115 Waiver Program. All present voted "Aye." MOTION PASSED.**

**Clerk's Note:** Item 39 was reopened to make an amendment to the motion from Judge Becerra to Commissioner Ingalsbe to authorize the name change on the agreement.

**35951 AUTHORIZE COMMISSIONER INGALSBE TO EXECUTE A PADILLA CONSULTATION AGREEMENT BETWEEN HAYS COUNTY AND CAPITAL AREA PRIVATE DEFENDER SERVICE (CAPDS) INVOLVING THE REGIONAL PADILLA COMPLIANCE PILOT PROJECT TO BE PAID FOR BY A TECHNICAL ASSISTANCE GRANT AWARDED BY THE TEXAS INDIGENT DEFENSE COMMISSION (TIDC).**

Commissioner Shell stated this is a name change on the agreement. Mark Kennedy, General Counsel, stated there should be an amendment to the motions for items 39 and 40 to change the authorization from Judge Becerra to Commissioner Ingalsbe. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize Commissioner Ingalsbe to execute a Padilla Consultation Agreement between Hays County and Capital Area Private Defender Service (CAPDS) involving the Regional Padilla Compliance Pilot Project to be paid for by a Technical Assistance Grant awarded by the Texas Indigent Defense Commission (TIDC). All present voted "Aye." MOTION PASSED.**

**35952 ACCEPT A \$3,491.00 PROPOSAL FROM THE LOWER COLORADO RIVER AUTHORITY (LCRA) RELATED TO RELOCATING THE FLOOD WARNING ANTENNA AT THE PUBLIC SAFETY BUILDING; AUTHORIZE A DISCRETIONARY EXEMPTION PER TEXAS LOCAL GOVERNMENT CODE 262.024(A)(7)(D) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a \$3,491.00 Proposal from the Lower Colorado River Authority (LCRA) related to relocating the Flood Warning Antenna at the Public Safety Building; authorize a discretionary exemption per Texas Local Government Code 262.024(a)(7)(D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**35953 ACCEPT A \$4,410.00 PROPOSAL FROM WATER & EARTH TECHNOLOGY (WET) RELATED TO RELOCATING THE FLOOD WARNING ANTENNA AT THE PUBLIC SAFETY BUILDING; AUTHORIZE A DISCRETIONARY EXEMPTION PER TEXAS LOCAL GOVERNMENT CODE 262.024(A)(7)(D) AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Ingalsbe stated this is a coordinated effort between LCRA and Water & Earth to move these antennas to the Public Safety building. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a \$4,410.00 Proposal from Water & Earth Technology (WET) related to relocating the Flood Warning Antenna at the Public Safety Building; authorize a discretionary exemption per Texas Local Government Code 262.024(a)(7)(D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

**Clerk's Note Agenda Item #43 RE: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY CLERK TO RE-GRADE AND RE-TITLE THE BOOKKEEPER, SLOT 0450-003 (GRADE 109) TO AN ACCOUNTANT I (GRADE 113) EFFECTIVE JANUARY 1, 2021. – WAS PULLED.**



**DISCUSSION RELATED TO THE RECONSTITUTION OF THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY COMMISSION (POSAC). POSSIBLE ACTION MAY FOLLOW.**

Commissioner Shell stated that he would not like to take any action on this item at this time. Instead they could use it as a reminder. He stated he would bring this back to court later. No action was taken.

**35954 APPROVE THE PURCHASE AND INSTALLATION OF SAFETY HANDRAILS FOR THE TRANSPORTATION DEPARTMENT'S TWO PAVING OIL DISTRIBUTORS, 217 & 273 AND AMEND THE BUDGET ACCORDINGLY.**

Commissioner Jones stated the machine operator has no protection. The handrails will act as a safety measure. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the purchase and installation of safety handrails for the Transportation Department's two paving oil distributors, 217 & 273 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**Clerk's Note:** Executive Session began at 9:50 a.m. and resumed back into open court at 10:32 a.m.

**35955 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT RECOIL. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the recommendation of the ECAP Awards Committee, per its memo dated December 17, 2020, and to authorize modification of the ECAP policy to integrate those recommendations into its review of applications for assistance. "Special Case Reviews" under section 3 should include some detail about why it was considered and what considerations were made. All present voted "Aye." MOTION PASSED.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE AUDITOR'S OFFICE HAYS COUNTY USE OF CARES ACT FUNDING PURSUANT TO THE COVID-19 LOCAL DISASTER DECLARATION. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

No action was taken.

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

Commissioner Ingalsbe stated the burn ban is still in effect as recommended by the Fire Marshall. Nathan Mendenhall, Fire Marshall stated the burn ban is still in effect as there has not been enough rain. There are no restrictions of fireworks currently. No action was taken.

**Clerk's Note Agenda Item #49 RE:** *DISCUSSION RELATED TO THE HAYS COUNTY INMATE POPULATION, TO INCLUDE CURRENT POPULATION COUNTS AND COSTS. - WAS PULLED.*

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

**Clerk's Note Agenda Item #51 RE:** *DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW. - WAS PULLED.*

**ADJOURNMENT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adjourn court at 10:34 a.m.



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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 22, 2020.



*Elaine H. Cardenas*

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

