

HAYS COUNTY COMMISSIONERS' COURT MINUTES



APRIL 13, 2021

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th DAY OF APRIL A.D., 2021, IN THE HAYS COUNTY COURTHOUSE, 111 E. SAN ANTONIO ST., SUITE 301, SAN MARCOS, TEXAS, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

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

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chaplain Javier Maldonado Christus Santa Rosa Hospice- San Marcos 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

Harvey Jenkins made a public comment regarding road construction. Rodrigo Amaya made a public comment regarding lawsuits against the county. Dan Lyon made a public comment against the Hays County Appraisal District. Mike Lee made a public comment in favor of a public defender's office.

36260 ADOPT A PROCLAMATION RECOGNIZING APRIL 11-17, 2021 AS NATIONAL TELECOMMUNICATORS WEEK.

Sheriff Cutler thanked the Commissioners for the proclamation. He stated the communication center is the backbone of the county. He also thanked all the communication workers. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a proclamation recognizing April 11-17, 2021 as National Telecommunicators Week. All present voted "Aye." MOTION PASSED.**

PRESENTATION BY THE HAYS COUNTY CHILD PROTECTIVE BOARD (HCCPB) REGARDING THE OPENING OF THE REMME RAINBOW ROOM IN DECEMBER 2020.

Karen Brown and Mary Cauble of the Hays County Child Protective Board and the Rainbow Room committee presented a thank you video to the court. Karen Brown thanked the Commissioners, the Remme family, and the entire county for their help to renovate the Rainbow Room. The Commissioners thanked all the board members for their work and dedication. Commissioner Smith stated there is a diaper drive that is going on through April 15th to fill the Rainbow Room shelves. He listed the five drop-off locations throughout the county. No action was taken.

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

Mike Jones, Director of Office of Emergency Services, announced the locations for the vaccination clinics. He thanked the school districts and volunteers for their help. Judge Becerra noted that a plan is being made for vaccines to become mobile for citizens who are not able to attend clinics. No action was taken.

36261 APPROVE PAYMENTS OF COUNTY INVOICES.

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

36262 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.



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

36263 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 30, 2021.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of March 30, 2021. All present voted "Aye." MOTION PASSED.

36264 APPROVE THE PAYMENT OF THE APRIL 15, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,110,000.00 EFFECTIVE APRIL 15, 2021 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 Jones to approve the payment of the April 15, 2021 payroll disbursements in an amount not to exceed \$3,110,000.00 effective April 15, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

36265 AUTHORIZE THE JAIL TO UTILIZE SAVINGS WITHIN THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION, CORONAVIRUS GRANT FOR PPE SUPPLIES AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Jail to utilize savings within the Office of the Governor Criminal Justice Division, Coronavirus Grant for PPE Supplies and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36266 RATIFY THE SUBMISSION OF A GRANT APPLICATION TO THE ST. DAVID'S FOUNDATION'S COVID-19 RECOVERY FUND FOR VACCINE DISTRIBUTION AND ADMINISTRATION SUPPORT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to ratify the submission of a grant application to the St. David's Foundation's COVID-19 Recovery Fund for vaccine distribution and administration support. All present voted "Aye." MOTION PASSED.

36267 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 11 RV SPACES & 6 PARK MODEL RV SPACES LOCATED AT THE HILLSIDE TERRACE RV PARK - EAST PHASE NORTH ZONE LOCATED AT 680 HILLSIDE TERRACE, BUDA, TEXAS 78610.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize On-Site Sewage Facility Permit for 11 RV spaces & 6 park model RV spaces located at the Hillside Terrace RV Park - East Phase North Zone located at 680 Hillside Terrace, Buda, Texas 78610. All present voted "Aye." MOTION PASSED.

36268 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 30 RV SPACES FOR THE HILLSIDE TERRACE RV PARK - WEST PHASE NORTH ZONE LOCATED AT 680 HILLSIDE TERRACE, BUDA, TEXAS 78610.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize On-Site Sewage Facility Permit for 30 RV spaces for the Hillside Terrace RV Park - West Phase North Zone located at 680 Hillside Terrace, Buda, Texas 78610. All present voted "Aye." MOTION PASSED.

36269 AUTHORIZE THE HAYS COUNTY OFFICE OF EMERGENCY SERVICES TO LEASE A 2022 FORD F-350 XL 4X4 CREW CAB WITH STANDARD AND AFTERMARKET OPTIONS AND AMEND THE BUDGET ACCORDINGLY.



Rodrigo Amaya made a public comment against this item. Dan Lyon made a public comment against this item. Judge Becerra noted that some of the features of the requested vehicle are either stock items or needed items so that the vehicle is properly identified. Mike Jones, Director of Office of Emergency Services, noted this vehicle has the capacity to pull the Office of Emergency Services' command trailer. Commissioner Smith noted several instances when this type of vehicle was needed for daily uses as well as emergencies. Commissioner Shell requested additional information regarding the need for diesel vehicle verses a gas vehicle. Marisol Villarreal-Alonzo, Auditor, suggested this item be funded using contingencies. Commissioner Shell stated he would make an amendment to included budget contingencies. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Hays County Office of Emergency Services to lease a 2022 Ford F-350 XL 4x4 Crew Cab with standard and aftermarket options and amend the budget using contingencies accordingly. All present voted "Aye." MOTION PASSED.**

36270 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR CONVENIENCE STORE AT 2709 E FM 150, KYLE, TEXAS 78640.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize On-Site Sewage Facility Permit for convenience store at 2709 E FM 150, Kyle, Texas 78640. All present voted "Aye." MOTION PASSED.

36271 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 5 WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY2022 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT PROGRAM IN THE AMOUNT OF \$126,721.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the execution of Amendment NO. 5 with the Department of State Health Services (DSHS) for the FY2022 Public Health Emergency Preparedness (PHEP) grant program in the amount of \$126,721.00. All present voted "Aye." MOTION PASSED.

36272 AMEND THE SHERIFF'S OFFICE OPERATING BUDGET FOR NEEDED VEHICLE REPAIRS IN WHICH INSURANCE PROCEEDS OF \$18,929.00 WERE RECEIVED.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Sheriff's Office operating budget for needed vehicle repairs in which insurance proceeds of \$18,929.00 were received. All present voted "Aye." MOTION PASSED.

36273 APPROVE OUT OF STATE TRAVEL FOR SERGEANT JUAN VILLARREAL, CORPORAL BENJAMIN GIESELMAN, AND DEPUTY ADAM KRUEGER TO ATTEND THE FEMA FIELD FORCE OPERATIONS AND BOMBING PREVENTION AWARENESS COURSE ON MAY 10-15, 2021 IN ANNISTON, ALABAMA.

Rodrigo Amaya made a public comment against this item. Dan Lyon made a public comment against this item. Commissioner Ingalsbe stated that the county tries it's best to get training for the employees and law enforcement. She stated this training helps Hays County, and surrounding jurisdictions to have employees that are trained in the area. Judge Becerra stated this training is important to have for law enforcement so that they have the most updated training. He noted the tension between communities and law enforcement through the nation. He stated this is the county's way of supporting law enforcement to have the best training for stressful situations. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve payments of County invoices. All present voted "Aye." MOTION PASSED.**

36274 RATIFY THE ACCEPTANCE OF A \$500.00 DONATION TO THE SHERIFF'S OFFICE CRIME VICTIM SERVICES PROGRAM AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to ratify the acceptance of a \$500.00 donation to the Sheriff's Office Crime Victim Services Program and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36275 RATIFY THE ACCEPTANCE OF A \$375.00 DONATION TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH DIVISION AND AMEND THE BUDGET ACCORDINGLY.

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A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to ratify the acceptance of a \$375.00 donation to the Sheriff's Office Community Outreach Division and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36276 AUTHORIZE THE SHERIFF'S OFFICE JAIL DIVISION TO USE EXISTING FUNDS TO PURCHASE A SAFETY CAGE LADDER VALUED AT \$3,863.00 AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Sheriff's Office Jail Division to use existing funds to purchase a safety cage ladder valued at \$3,863.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36277 AUTHORIZE THE SHERIFF'S OFFICE JAIL DIVISION TO USE EXISTING FUNDS TO PURCHASE A SEWER VIDEO CAMERA VALUED AT \$840.00 AND AMEND THE BUDGET ACCORDINGLY.

Rodrigo Amaya made a public comment against this item. Commissioner Ingalsbe stated that she has been made aware of several instances when this item is need for the jail, therefore she is in support of obtaining this item. Commissioner Shell stated this item would likely help to solve a problem sooner than later instead of contacting a contractor. Captain Shane Smith stated the jail needs a sewer camera, so that they can determine what the issue is and the best plan of action. Discussion was had regarding sharing the camera with Countywide Operations, since that department does not have a sewer camera. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Sheriff's Office Jail Division to use existing funds to purchase a sewer video camera valued at \$840.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

36278 AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE FY2020 FUNDING UNDER THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the submission of a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for the FY2020 funding under the State Criminal Alien Assistance Program (SCAAP). All present voted "Aye." MOTION PASSED.

36279 ADOPT AND AUTHORIZE THE COUNTY JUDGE TO SIGN A RESOLUTION FOR SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) FOR WATER SYSTEM IMPROVEMENTS WITHIN THE CEDAR OAKS MESA WATER SUPPLY CORPORATION SERVICE AREA.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt and authorize the County Judge to sign a Resolution for submission of a grant application to the Texas Department of Agriculture, Texas Community Development Block Grant Program (TxCDBG) for water system improvements within the Cedar Oaks Mesa Water Supply Corporation service area. All present voted "Aye." MOTION PASSED.

36280 ADOPT AND AUTHORIZE THE COUNTY JUDGE TO SIGN A RESOLUTION AND ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CEDAR OAK MESA WATER SUPPLY CORPORATION FOR SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FUNDING AND IMPLEMENTING WATER SYSTEM IMPROVEMENTS.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt and authorize the County Judge to sign a Resolution and enter into an Interlocal Agreement with the Cedar Oak Mesa Water Supply Corporation for submission of a grant application to the Texas Department of Agriculture, Texas Community Development Block Grant Program for funding and implementing water system improvements. All present voted "Aye." MOTION PASSED.



36281 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 2 WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY22/23 EMERGING AND ACUTE INFECTIONS DISEASE (IDCU/SUR) GRANT PROGRAM IN THE AMOUNT OF \$330,000.00.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of Amendment NO. 2 with the Department of State Health Services (DSHS) for the FY22/23 Emerging and Acute Infections Disease (IDCU/SUR) grant program in the amount of \$330,000.00. All present voted "Aye." MOTION PASSED.

36282 AUTHORIZE THE HUMAN RESOURCES DEPARTMENT TO PURCHASE ONE DELL LATITUDE 5520 WITH ACCESSORIES FOR THE COMMUNICATIONS MANAGER AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Human Resources Department to purchase one Dell Latitude 5520 with accessories for the Communications Manager and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36283 AUTHORIZE THE SHERIFF'S OFFICE TO REPLACE ONE DELL PRECISION 3640 COMPUTER VALUED AT \$1,227.32 FOR THE DISPATCH DIVISION AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Sheriff's Office to replace one Dell Precision 3640 Computer valued at \$1,227.32 for the Dispatch Division and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36284 ACCEPT THE DELIVERY OF THE CONSTABLE PRECINCT 3 INTERNAL EXAMINATION REPORT.

Marisol Villarreal-Alonzo, Auditor, stated historically the report is delivered to the Commissioners court. She stated the report is in the back up and is a public record. She did not have commentary for the court regarding the report. Commissioner Ingalsbe stated the report is concerning. Commissioner Shell stated there are issues in the report that could possibly lead to litigation or other investigation. He also echoed Commissioner Ingalsbe's statement that the report is concerning. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept the delivery of the Constable Precinct 3 Internal Examination Report.** All present voted "Aye." MOTION PASSED.

36285 AUTHORIZE PAYMENT OF \$12,342.90 TO TEXAS CRITICAL SYSTEMS FOR WORK PERFORMED AT THE FIVE MILE DAM FACILITIES AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize payment of \$12,342.90 to Texas Critical Systems for work performed at the Five Mile Dam facilities and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36286 AUTHORIZE PAYMENT TO ENTERPRISE FM TRUST IN THE AMOUNT OF \$43,681.77 FOR CONSTABLE PCT. 1, PCT. 2 & PCT. 4 RELATED TO VEHICLE EQUIPMENT IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE COUNTY PURCHASING POLICY AND AMEND THE BUDGET ACCORDINGLY.

Rodrigo Amaya made public comments against this item and stated the Commissioners need to control the Constables within their precincts. Commissioner Jones stated these vehicles were ordered last fiscal year; however, there was a delay in the delivery. Commissioner Ingalsbe and Commissioner Smith stated that they do not control the constables within their precincts. The Commissioners only have control when it is regarding the county budget. Marisol Villarreal-Alonzo, Auditor, stated that her office did review the purchases. She noted these items were approved in last year's budget but had not been rolled over because the vehicles had not been delivered. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment to Enterprise FM Trust in the amount of \$43,681.77 for Constable Pct. 1, Pct. 2 & Pct. 4 related to vehicle equipment in which no purchase order was issued as required per the County Purchasing Policy and amend the budget accordingly.** All present voted "Aye." MOTION PASSED.



36287 APPROVE SPECIFICATIONS FOR RFP 2021-P02 EMERGENCY RENTAL ASSISTANCE PROGRAM - ADMINISTRATIVE SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.

Vicki Dorsett, Auditor's Office, stated the guidelines still need to be approved by the court. This item will give the Auditor's office the opportunity to open for a bid for the administering of the program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve specifications for RFP 2021-P02 Emergency Rental Assistance Program - Administrative Services and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.**

36288 APPROVE AMENDMENT # 2 TO THE ADVANCE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE RM 12 AND RM 3237 INTERSECTION IMPROVEMENT PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT AMENDMENT # 2 ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve Amendment # 2 to the Advance Funding Agreement between Hays County and the Texas Department of Transportation (TxDOT) for the RM 12 and RM 3237 Intersection Improvement project and authorize the County Judge to execute the Advance Funding Agreement Amendment # 2 on behalf of Hays County. All present voted "Aye." MOTION PASSED.

36289 APPROVE THE ADVANCE FUNDING AGREEMENT FOR LOCALLY FUNDED TRANSPORTATION PROJECT ON-SYSTEM (RM 12 AT JACOBS WELL RD.) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the Advance Funding Agreement for Locally Funded Transportation Project On-System (RM 12 at Jacobs Well Rd.) and authorize the County Judge to execute the Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

36290 RELEASE OF THE MAINTENANCE BOND #PB03016800239 IN THE AMOUNT OF \$131,119.00 AND THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM FOR SUNFIELD SUBDIVISION, PHASE 3, SECTION 3.

Commissioner Jones stated the county should be nearing the end of this project for Sunfield subdivision. The newer roads will not become part of the county roads system. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to release of the maintenance bond #PB03016800239 in the amount of \$131,119.00 and the acceptance of roads into the county road maintenance system for Sunfield subdivision, Phase 3, Section 3. All present voted "Aye." MOTION PASSED.**

36291 ACCEPT THE ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE THE SUBDIVISION BOND #41420699 IN THE AMOUNT OF \$1,028,339.75, AND ACCEPT THE 2-YEAR MAINTENANCE BOND #118578F IN THE AMOUNT OF \$94,122.95 FOR THE TRAILS AT WINDY HILL SUBDIVISION, PHASE 2.

Commissioner Jones stated there is staff recommendation for this item. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the road construction & drainage improvements, release the subdivision bond #41420699 in the amount of \$1,028,339.75, and accept the 2-year maintenance bond #118578F in the amount of \$94,122.95 for the Trails at Windy Hill subdivision, Phase 2. All present voted "Aye." MOTION PASSED.**

36292 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT NO. 1 TO THE CONTRACT BETWEEN HAYS COUNTY AND PAPE-DAWSON ENGINEERS, INC TO PROVIDE CONSTRUCTION ENGINEERING, INSPECTION & TESTING (CE&I) SERVICES RELATED TO HAYS COUNTY ROAD IMPROVEMENT PROJECTS ON AN AS-NEEDED BASIS.



Commissioner Smith stated this is one of the three respondents to the RFQ for CE & I Services. This is an extension of that project and has full staff recommendation. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Contract Amendment No. 1 to the Contract between Hays County and Pape-Dawson Engineers, Inc to provide construction engineering, inspection & testing (CE&I) services related to Hays County Road Improvement Projects on an as-needed basis. All present voted "Aye." MOTION PASSED.**

36293 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 5 FOR A TIME EXTENSION TO A PROFESSIONAL SERVICE AGREEMENT BETWEEN HAYS COUNTY AND M&S ENGINEERING, 62LLC FOR THE LOW WATER CROSSINGS, PRECINCT 4 (BEAR CREEK PASS/SYCAMORE CREEK ROAD) PROJECT AS PART OF THE 2016 ROAD BOND PROGRAM.

Commissioner Smith stated the contractor switched engineering firms. In that process the firm needed to do outreach to the property owners. This is an extension of time to complete the outreach to the citizens. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Change Order No. 5 for a time extension to a Professional Service Agreement between Hays County and M&S Engineering, 62LLC for the Low Water Crossings, Precinct 4 (Bear Creek Pass/Sycamore Creek Road) project as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.**

Clerk's Note Agenda Item #37 RE: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 11 TO THE CONSTRUCTION CONTRACT BETWEEN HAYS COUNTY AND STERLING DELAWARE HOLDING COMPANY (TEXAS STERLING) FOR THE FM 1626 SOUTH PROJECT AS PART OF THE HAYS COUNTY-TXDOT PASS-THROUGH FINANCE PROGRAM. WAS PULLED.

36294 ACCEPT FISCAL SURETY FOR THE STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,312,418.44 FOR SUNSET OAKS, SECTION 4, PHASE 1A SUBDIVISION (BOND #0722785).

Commissioner Ingalsbe stated this surety is for the completion of roads and drainage. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept fiscal surety for the street and drainage improvements in the amount of \$1,312,418.44 for Sunset Oaks, Section 4, Phase 1A Subdivision (Bond #0722785). All present voted "Aye." MOTION PASSED.**

36295 ACCEPT FISCAL SURETY FOR THE STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,197,784.00 FOR SUNSET OAKS, SECTION 4, PHASE 1B SUBDIVISION (BOND #0797172).

Commissioner Ingalsbe stated this surety is for the completion of roads and drainage. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept fiscal surety for the street and drainage improvements in the amount of \$1,197,784.00 for Sunset Oaks, Section 4, Phase 1B Subdivision (Bond #0797172). All present voted "Aye." MOTION PASSED.**

36296 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FOURTH AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND LOCKWOOD, ANDREWS & NEWMAN, INC. EXECUTED ON OR ABOUT OCTOBER 31, 2017 FOR RIGHT OF WAY SERVICE FOR DACY LANE, PHASE II FROM AMBERWOOD LOOP TO HILLSIDE TERRACE, ROAD WIDENING AND REALIGNMENT PROJECT.

Commissioner Ingalsbe stated this is not a request for additional funds, but a reallocation of funds from appraisal review fees to acquisition services for the needed easements on the roadways. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute the Fourth Amendment to a Professional Services Agreement (PSA) between Hays County and Lockwood, Andrews & Newman, Inc. executed on or about October 31, 2017 for Right of Way Service for Dacy Lane, Phase II from Amberwood Loop to Hillside Terrace, road widening and realignment project. All present voted "Aye." MOTION PASSED.**

36297 AMEND THE COUNTYWIDE OPERATIONS DEPARTMENT BUDGET TO PAY FOR EXPENSES RELATED TO THE COVID-19 VACCINATION CLINICS IN THE AMOUNT OF \$20,000 AND AMEND THE BUDGET ACCORDINGLY.



Tammy Crumley, Director of Countywide Operations, stated this request for funding is needed to feed the volunteers that are helping administer vaccinations. She stated they have received donations and are buying from local restaurants. She stated many restaurants are willing to give discounts for food but are not able to donate the whole costs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Countywide Operations Department budget to pay for expenses related to the COVID-19 vaccination clinics in the amount of \$20,000 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

36298 RECEIVE AND ACCEPT THE REVISED BYLAWS OF THE HAYS COUNTY HISTORICAL COMMISSION (HCHC).

Ryan Patrick Perkins emailed a public comment which was read in court by Elaine H. Cardenas, County Clerk. The public comment by Mr. Perkins was for approval of this item. Kate Johnson, Chair of the HCHC, stated she was available to answer any questions. The Commissioners thanked Mrs. Johnson for the backup information that was submitted. Discussion was had regarding law compliance. Judge Becerra requested to table this item for a better understanding of the revisions. The Commissioners stated that they felt comfortable moving forward. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to receive and accept the Revised Bylaws of the Hays County Historical Commission (HCHC). Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Smith voted "Aye." Judge Becerra voted "No." MOTION PASSED.**

36299 AUTHORIZE ON-SITE SEWAGE SYSTEM PERMIT FOR THE HILLSIDE TERRACE RV PARK - EAST PHASE SOUTH ZONE AND GRANT A VARIANCE TO SECTION 10. E. TABLE 10-2. OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 680 HILLSIDE TERRACE, BUDA, TEXAS 78610.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage System Permit for the Hillside Terrace RV Park - East Phase South Zone and grant a variance to Section 10. E. Table 10-2. of the Hays County Rules for On-Site Sewage Facilities at 680 Hillside Terrace, Buda, Texas 78610. All present voted "Aye." MOTION PASSED.

36300 AUTHORIZE ON-SITE SEWAGE SYSTEM PERMIT FOR THE HILLSIDE TERRACE RV PARK - WEST PHASE HOUSE ZONE AND GRANT A VARIANCE TO SECTION 10. E. TABLE 10-2. OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 680 HILLSIDE TERRACE, BUDA, TEXAS 78610.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage System Permit for the Hillside Terrace RV Park - West Phase House Zone and grant a variance to Section 10. E. Table 10-2. of the Hays County Rules for On-Site Sewage Facilities at 680 Hillside Terrace, Buda, Texas 78610. present voted "Aye." MOTION PASSED.

36301 AUTHORIZE ON-SITE SEWAGE SYSTEM PERMIT FOR THE HILLSIDE TERRACE RV PARK - WEST PHASE SOUTH ZONE AND GRANT A VARIANCE TO SECTION 10. E. TABLE 10-2. OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AT 680 HILLSIDE TERRACE, BUDA, TEXAS 78610.

Marcus Pacheco, Interim Director of Development Services, stated the applicant is requesting a variance from table 10-2 from the Hays County rules for on-site sewage facilities. The staff has reviewed the design for the request and has deemed it acceptable. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage System Permit for the Hillside Terrace RV Park - West Phase South Zone and grant a variance to Section 10. E. Table 10-2. of the Hays County Rules for On-Site Sewage Facilities at 680 Hillside Terrace, Buda, Texas 78610. All present voted "Aye." MOTION PASSED.**

36302 ADOPT A RESOLUTION IN SUPPORT OF LEGISLATION REDEFINING BOUNDARIES OF ANTHEM MUNICIPAL UTILITY DISTRICT.

Commissioner Jones stated this was originally a larger project; however, approximately 280 acres were removed for conservation. He stated many of the citizens in the area are happy with the change. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution in support of legislation redefining boundaries of Anthem Municipal Utility District. All present voted "Aye." MOTION PASSED.**



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36303 ACCEPT A PROPOSAL FROM SI MECHANICAL, LLC FOR INSTALLATION OF A NEW BACKFLOW SYSTEM AT THE JUVENILE DETENTION CENTER AND AMEND THE BUDGET ACCORDINGLY.

Judge Becerra stated this is a legal requirement to approve this item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to accept a Proposal from SI Mechanical, LLC for installation of a new Backflow System at the Juvenile Detention Center and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

Clerk's Note: Judge Becerra called for a break that began at 10:41 a.m. and resumed back into open court at 10:51 a.m.

ADOPT HAYS COUNTY EMPLOYEE PERSONNEL POLICY REVISIONS.

Rodrigo Amaya made a public comment against this item. Shari Miller, Human Resource Director, presented to the court the items for review. Judge Becerra requested additional information regarding coverage for military employees. Jude Prather, Director of Veterans, spoke to the court regarding his knowledge of insurance policies. However, he made it clear to the court that insurance is not his expertise. The item was tabled. There was discussion to possibly open later in the meeting or next week. No action was taken.

Clerk's Note: Executive Session began at 12:02 p.m. and resumed back into open court at 3:42 p.m.

36304 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG CREEK ROAD IN PCT 4. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize change order number 2 to the agreement between LJA and Hays County for the Creek Road Bridge Project, extending the timeline for performance, but leaving the total not-to-exceed amount unchanged. All present voted "Aye." MOTION PASSED.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize execution of a purchase agreement between Hays County and Cypress Fork Ranch L.P. for a right of way easement and a temporary construction easement associated with the Creek Road Bridge Project, as presented in executive session. All present voted "Aye." MOTION PASSED.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize execution of a purchase agreement between Hays County and Marianne Simmons for a right of way easement and a temporary construction easement associated with the Creek Road Bridge Project, as presented in executive session. All present voted "Aye." MOTION PASSED.

36305 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF ALL POSITIONS WITHIN THE HAYS COUNTY TREASURER'S OFFICE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to convert the vacant Treasury Associate, slot 0079-004 grade 109 to a Financial Analyst II grade 114 effective April 16, 2021 utilizing the Treasurer's Office continuing education fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF THE HAYS COUNTY DEVELOPMENT SERVICES DIRECTOR POSITION. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action was taken.



36306 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF ALL POSITIONS WITHIN THE HAYS COUNTY OFFICE OF GENERAL COUNSEL. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the addition of a paralegal for the Office of General Counsel, grade 111, effective April 16, 2021, as discussed in executive session; and to authorize General Counsel and the HR Director to finalize the job description and advertise the job opening utilizing countywide salary savings due to attrition. All present voted "Aye." MOTION PASSED.

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

No action was taken.

36307 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.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to confirm General counsel's authority to assign cases to McInnis Lockridge under Hays County's ongoing engagement letter with that firm on a case-by-case basis and on occasion when these cases do not qualify for coverage under Hays County's Risk Pool Policy with Texas Association of Counties. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #55 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION. - WAS PULLED.

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

Judge Becerra read the Sheriff's update of the inmate population. The estimated cost for outsourcing was \$46,745.00 for the week of April 4 – April 10, 2021. The number of outsourced males was 113 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 7, Department of Public Safety – 4, Hays County Sheriff's Department – 61, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 25, San Marcos Police Department - 33, Texas State Police Department – 3. No action was taken.

Clerk's Note Agenda Item #57 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.

ADJOURNMENT

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 3:46 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 April 13, 2021.



Elaine H. Cardenas

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

