

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MAY 4, 2021

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4th DAY OF MAY 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
DEBBIE GONZALES INGALSBE
MARK JONES
LON A. SHELL
WALT SMITH
ROXANNE RODRIGUEZ

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

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

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chaplain Javier Maldonado of Christus Hospice Central Texas 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 regarding many concerns. Dan Lyon made public comments against the Hays County Appraisal District, and against the county budget. Christine Terrell made a public comment in favor of a Public Defender's Office. Eric Martinez made a public comment requesting the Commissioners court to submit a grant application to TIDC. Karen Munoz made a public comment in favor of a Public Defender's Office. Mike Lee made a public comment in favor of a Public Defender's Office.

36364 ADOPT A PROCLAMATION DECLARING MAY 9-15, 2021 AS POLICE WEEK AND MAY 15, 2021 AS PEACE OFFICERS MEMORIAL DAY.

Sergeant Jeffrey Jordan, Hays County Sheriff Office, spoke to the court regarding the Memorial for Fallen Officers. He announced Hays County will hold a memorial on May 13, 2021 in the Hays County Government Center at 12:00P.M. Sheriff Cutler stated that law enforcement will always be there to serve citizens. Commissioner Ingalsbe thanked all the law enforcement present and serving. Commissioner Jones noted that two officers have been added to the memorial, he hopes no additional names are added. Judge Becerra stated the Commissioners always back up the law enforcement in Hays County. Commissioner Shell noted the sacrifices of the fallen officers and their families. Commissioner Smith spoke about his personal connection to fallen officers. Rodrigo Amaya made a public comment regarding his own family and their service in law enforcement. **A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 9-15, 2021 as Police Week and May 15, 2021 as Peace Officers Memorial Day. All present voted "Aye." MOTION PASSED.**

36365 ADOPT A PROCLAMATION DECLARING MAY 5, 2021 AS CINCO DE MAYO.

Willie Tenorio Jr., Hays County Historic Commission of the Hispanic Heritage Commission, thanked the court for the proclamation. He announced the museum that is reopening today. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a Proclamation declaring May 5, 2021 as Cinco de Mayo. All present voted "Aye." MOTION PASSED.**

36366 ADOPT A PROCLAMATION BY THE COUNCIL FOR THE INDIGENOUS AND TEJANO COMMUNITY TO RECOGNIZE AND CELEBRATE THE CONTRIBUTIONS OF THE FIRST FAMILIES OF HAYS COUNTY IN THE SPIRIT OF CINCO DE MAYO.

Anita Collins, Executive Assistant to the Hays County Judge, thanked the court for the proclamation. She announced in honor of Cinco de Mayo there are Mexican pastries and refreshments available outside of the Judge's office. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation by the Council for the Indigenous and Tejano Community to recognize and celebrate the Contributions of the First Families of Hays County in the Spirit of Cinco de Mayo. All present voted "Aye." MOTION PASSED.**



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

Judge Becerra announced that he released a video in collaboration with the Dunbar Heritage Association promoting vaccinations. Mike Jones, Director of the Office of Emergency Services, made announcements on how to contact the county to find vaccination clinics. The number to call is 833-521-2766. He thanked all the county partners for their assistance. Judge Becerra thanked Mike Jones and Tammy Crumley, Director of Countywide Operations. Commissioner Shell noted the hours the phone line is available. Commissioner Ingalsbe thanked Mike Jones and his office for their work. No action was taken.

36367 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.

36368 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.

36369 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 27, 2021.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of April 27, 2021. All present voted "Aye." MOTION PASSED.

36370 APPROVE AND CONFIRM THE APPOINTMENT OF TATE PURYEAR AS A REGULAR FULL-TIME DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 4 OFFICE.

Constable Ron Hood spoke to the court about Deputy Puryear's years of experience and credentials for his position. Commissioner Smith thanked Deputy Puryear and his family for their service to the county. A motion was made by Commissioner Smith, seconded by Commissioner Jones to approve and confirm the appointment of Tate Puryear as a regular full-time Deputy Constable in the Hays County Constable Precinct 4 Office. All present voted "Aye." MOTION PASSED.

36371 APPROVE AND CONFIRM THE APPOINTMENT OF JAMES V. MORA AS A REGULAR FULL-TIME DEPUTY CONSTABLE AND GABRIEL D. CUNNION AS A RESERVE DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 2 OFFICE.

Constable Michael Torres introduced Reserve Deputy Cunnion to the court. Reserve Deputy Cunnion stated that he is looking forward to working with the citizens of Hays County and not only Precinct 2 but with the other local law enforcement agencies. A motion was made by Commissioner Smith, seconded by Commissioner Jones to approve and confirm the appointment of James V. Mora as a regular full-time Deputy Constable and Gabriel D. Cunnion as a Reserve Deputy Constable in the Hays County Constable Precinct 2 Office. All present voted "Aye." MOTION PASSED.

36372 AUTHORIZE THE COUNTY JUDGE TO EXECUTE LIABILITY COVERAGE FOR STORAGE TANK SYSTEMS WITH COMMERCE AND INDUSTRY INSURANCE COMPANY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute liability coverage for storage tank systems with Commerce and Industry Insurance Company. All present voted "Aye." MOTION PASSED.

36373 AUTHORIZE THE EXECUTION OF A RESOLUTION AND THE SUBMISSION OF A RENEWAL GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR THE INDIGENT DEFENSE COORDINATOR GRANT PROJECT IN THE AMOUNT OF \$77,292 WHERE THE COUNTY WILL PROVIDE A CASH MATCH OF UP TO 60%.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of a resolution and the submission of a renewal grant application to the Texas Indigent Defense Commission for the Indigent Defense Coordinator grant project in the amount of \$77,292 where the County will provide a cash match of up to 60%. All present voted "Aye." MOTION PASSED.

Clerk's Note: Judge Becerra called for a break that began at 10:20 a.m. and resumed back into open court at 10:30 p.m.

36374 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION, IMPROVEMENT GRANT PROGRAM FOR THE HAYS COUNTY HOLISTIC PUBLIC DEFENSE OFFICE AND MANAGED ASSIGNED COUNSEL PROGRAM GRANT APPLICATION IN THE AMOUNT OF \$1,085,325.00.

Shannon Fitzpatrick made a public comment in favor of the Public Defender's Office. Tim Buurkemper read a letter from the clergy of the Interfaith Alliance of Families in support of the Public Defender's Office. Commissioner Shell stated the court passed a letter of intent awhile back. He stated a meeting was had last week. The application will be submitted to TIDC if the court supports it. He noted a change made to the resolution to add Samantha Jones as a point of contact. Commissioner Ingalsbe gave thanks to the many people that have worked on the grant application. Commissioner Smith and Commissioner Jones thanked Commissioner Shell and Commissioner Ingalsbe for their work on this item. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Resolution and submit a grant application to the Texas Indigent Defense Commission, Improvement Grant Program for the Hays County Holistic Public Defense Office and Managed Assigned Counsel Program grant application in the amount of \$1,085,325.00. All present voted "Aye." MOTION PASSED.**

36375 APPROVE UTILITY PERMITS.

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

36376 AUTHORIZE THE JUSTICE OF THE PEACE PCT. 2 OFFICE TO PURCHASE ONE REPLACEMENT DELL LATITUDE 5420 WITH ACCESSORIES VALUED AT \$1,659.13 UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Justice of the Peace Pct. 2 office to purchase one replacement Dell Latitude 5420 with accessories valued at \$1,659.13 utilizing The Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36377 AUTHORIZE THE JUSTICE OF THE PEACE PCT. 3 OFFICE TO PURCHASE ONE REPLACEMENT DELL LATITUDE 5520 VALUED AT \$1,243.34 UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve authorize the Justice of the Peace Pct. 3 office to purchase one replacement Dell Latitude 5520 valued at \$1,243.34 utilizing The Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36378 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND LJA ENGINEERING RELATED TO RIGHT OF WAY (ROW) SERVICES ON AN AS-NEEDED BASIS AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 262.024(A)(4).

Commissioner Shell stated the county will need to engage with LJA to acquire several parcels. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute Change Order #1 to the Professional Services Agreement (PSA) between Hays County and LJA Engineering related to Right of Way (ROW) services on an as-needed basis and authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(4). All present voted "Aye." MOTION PASSED.**



36379 AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 1 IN THE AMOUNT OF \$108,632.76 TO THE CONSTRUCTION CONTRACT BETWEEN HAYS COUNTY AND JORDAN FOSTER CONSTRUCTION, LLC FOR THE DACY LANE (IFB-2021-B02) PROJECT AS PART OF THE HAYS COUNTY ROAD BOND PROGRAM.

Commissioner Jones stated this item is adding road signage which caused a net increase in cost. Commissioner Ingalsbe stated the signage will be useful to the residents in the area. She stated after the construction is complete the signs will be owned by Hays County. Commissioner Jones stated the signs will be put to good use, as there are multiple projects going on simultaneously. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of change order No. 1 in the amount of \$108,632.76 to the construction contract Between Hays County and Jordan Foster Construction, LLC for the Dacy Lane (IFB-2021-B02) Project as part of the Hays County Road Bond Program. All present voted "Aye." MOTION PASSED.**

36380 ACCEPT THE ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, RELEASE THE LETTER OF CREDIT #1041 IN THE AMOUNT OF \$287,381.45, ACCEPT THE 2-YEAR MAINTENANCE BOND #PB03016800710 IN THE AMOUNT OF \$61,623.61, ACCEPT THE 1-YEAR REVEGETATION BOND #PB03016800710M IN THE AMOUNT OF \$26,929.65, AND ACCEPT THE 5-YEAR PAVEMENT MAINTENANCE BOND #30114352 IN THE AMOUNT OF \$14,659.30 FOR 6 CREEKS SUBD., PHASE 1, SECTION 5A.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to accept the road construction & drainage improvements, release the Letter of Credit #1041 in the amount of \$287,381.45, accept the 2-year maintenance bond #PB03016800710 in the amount of \$61,623.61, accept the 1-year revegetation bond #PB03016800710M in the amount of \$26,929.65, and accept the 5-year pavement maintenance bond #30114352 in the amount of \$14,659.30 for 6 Creeks Subd., Phase 1, Section 5A. All present voted "Aye." MOTION PASSED.

36381 ACCEPT FISCAL SURETY FOR THE STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$372,201.25 FOR TRAILS AT WINDY HILL, PHASE 4 SUBDIVISION (BOND NO. 7901063583).

Commissioner Jones stated this is a normal procedure to accept the bonds and there is full staff recommendation. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept fiscal surety for the street and drainage improvements in the amount of \$372,201.25 for Trails at Windy Hill, Phase 4 Subdivision (Bond No. 7901063583). All present voted "Aye." MOTION PASSED.

36382 ACCEPT FISCAL SURETY FOR THE STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$863,725.25 FOR TRAILS AT WINDY HILL, PHASE 5 SUBDIVISION (BOND NO. 7901063582).

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept fiscal surety for the street and drainage improvements in the amount of \$863,725.25 for Trails at Windy Hill, Phase 5 Subdivision (Bond No. 7901063582). All present voted "Aye." MOTION PASSED.

36383 APPROVE THE FINAL PLAT FOR THE DELGADO SUBDIVISION; SUB-1239.

Marcus Pacheco, Director of Development Services, stated this item is for the final plat approval of the Delgado subdivision for a 1-lot plat. The water services will be accomplished by Creedmoor-Maha Water Supply Company, and wastewater will be accomplished by individual on-site sewage facilities. This item has full staff recommendation. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the final plat for the Delgado Subdivision; SUB-1239. All present voted "Aye." MOTION PASSED.

36384 ADOPT AND ORDER AUTHORIZING THE SALE OF FIREWORKS BEGINNING THE WEDNESDAY BEFORE THE LAST MONDAY IN MAY AND ENDING AT MIDNIGHT ON THE LAST MONDAY IN MAY 2021.



Commissioner Shell stated the court has approved this item in the past. He was contacted by a vendor that requested this item continue. Commissioner Shell noted not many vendors sale during this time, however there are few across the county. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to adopt and order authorizing the sale of fireworks beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May 2021. All present voted "Aye." MOTION PASSED.**

DISCUSSION AND POSSIBLE ACTION TO FORM A CITIZENS ADVISORY COMMISSION ON REDISTRICTING.

Rodrigo Amaya made a public comment regarding the committee appointments. Shannon Fitzpatrick, League of Women voters, made a public comment regarding fairness and transparency. Linda Calvert made a public comment regarding redistricting information and broad representation. Larry Calvert made a public comment regarding the identification of communities of interest. Commissioner Smith stated that he is favor of public input and transparency. He noted that he would like some of the input to come back to the court. Commissioner Ingalsbe stated this is her third redistricting since she has been in office. She also agreed that public input is needed. She did request additional information of the committee's charge and what they are expected to do. Judge Becerra stated that he agreed with Linda Calvert. He noted that it is the court's job to make the final decision of the outreach and redistricting. Commissioner Ingalsbe requested additional information regarding the law firm that is partnering with the county for this item. Mark Kennedy, General Counsel, stated that the law firm is working on the GIS information. He stated he would reach out and get more information. Commissioner Jones stated he has been through one redistricting and noted it was difficult. He also requested to have an outline of the committee's goal. He noted he was concerned about the committee having a short period to review information. Commissioner Shell stated there was correspondence with the law firm, and they are not able to begin until September 2021. Commissioner Shell stated that would give the court time to prepare an outline for a citizen's committee, workshops, and overall, more organization. Judge Becerra stated that this item would be brought back to court. He requested Commissioner Shell to assist him in preparing more information. Commissioner Smith stated if the two court members that will not be on a ballot be part of the committee. No action was taken.

36385 ACCEPT A 1,080 SQUARE FOOT EASEMENT VALUED AT \$1,000 FROM THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT LOCATED OFF FM 967 AS PART OF THE 2016 ROAD BOND SAFETY IMPROVEMENT PROJECT.

Commissioner Jones stated this is a donation from the school district to help facilitate some right of way needed for turn lanes. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept a 1,080 square foot easement valued at \$1,000 from the Hays Consolidated Independent School District located off FM 967 as part of the 2016 Road Bond Safety Improvement Project. All present voted "Aye." MOTION PASSED.**

36386 EXECUTE A CONTRACT FOR RFQ 2021-Q06 CDBG ENGINEERING SERVICES BETWEEN HAYS COUNTY AND TRC ENGINEERS, INC. FOR CONTRACTS PROCURED BY THE HAYS COUNTY PURCHASING DEPARTMENT.

Commissioner Shell spoke. Mark Kennedy, General Counsel, stated the contract was reviewed by himself and Jordan Powell, Assistant General Counsel. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to execute a contract for RFQ 2021-Q06 CDBG Engineering Services between Hays County and TRC Engineers, Inc. for contracts procured by the Hays County Purchasing Department. All present voted "Aye." MOTION PASSED.**

ADOPT HAYS COUNTY EMPLOYEE PERSONNEL POLICY REVISIONS.

Rodrigo Amaya made a public comment against the Human Resource Director. Dan Lyon made a public comment against some of the revisions presented in backup. The court and Shari Miller, Human Resources Director, had a lengthy discussion regarding the current insurance options available to military employees, and possible coverage options that have not been used before. Commissioner Jones stated that he would not want to have double coverage. Anita Collins, Executive Assistant of the Hays County Judge, stated that as a veteran she did not have to pay a premium with Tricare (military insurance). She noted that there would be a change in coverage when switching from the county insurance to the military insurance. Commissioner Shell requested to get additional information from Jude Prather, Director of Veterans Department. He suggested contacting someone in the military to get more insurance information with real world scenarios to make the best decision for military families. Shari Miller, Human Resources Director, stated she would bring this item back to court with the additional information that has been requested. No action was taken.



36387 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 3 TO THE STOP LOSS POLICY BETWEEN HAYS COUNTY AND UNITED HEALTHCARE INSURANCE COMPANY.

Shari Miller, Human Resources Director, stated that Scott Yarbrough is present to answer questions. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the execution of Amendment No. 3 to the Stop Loss Policy between Hays County and United Healthcare Insurance Company. All present voted "Aye." MOTION PASSED.

36388 AUTHORIZE THE EXECUTION OF THE FINANCIAL RENEWAL AND TERMS AMENDMENT BETWEEN HAYS COUNTY AND UNITED HEALTHCARE INSURANCE COMPANY.

Shari Miller, Human Resources Director, stated the county pays administrative services fees. She noted that the changes include the stop loss change, premiums for administrative fees were adjusted, implemented Naviguard, pharmacy plan changed to flex standard, virtual visits, and rebates in the pharmacy program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the execution of the Financial Renewal and Terms Amendment between Hays County and United Healthcare Insurance Company. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session began at 12:45 p.m. and resumed back into open court at 1:25 p.m.

36389 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 2.791 ACRES IN FEE SIMPLE FROM PROPERTY LOCATED AT THE SOUTHEAST CORNER OF RM150 AND RM12, OWNED BY HOWARD LAND & CATTLE, LTD., A TEXAS LIMITED PARTNERSHIP, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED RM12 @ RM150 ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (PARCEL 1A). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 2.791 acres in fee simple from property located at the Southeast Corner of RM150 and RM12, owned by Howard Land & Cattle, Ltd., a Texas limited partnership, and which is required for the construction of the proposed RM12 @ RM150 roadway improvements, and take other appropriate action (Parcel 1A). All present voted "Aye." MOTION PASSED.

36390 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 0.201 ACRE IN FEE SIMPLE FROM PROPERTY LOCATED AT 1027 TWAIN STREET, DRIFTWOOD, TEXAS, OWNED BY HOWARD RANCH GARDENS ASSOCIATION, INC., AND HOWARD LAND & CATTLE, LTD., A TEXAS LIMITED PARTNERSHIP, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED RM12 @ RM150 ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (PARCEL 1B). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 0.201 acre in fee simple from property located at 1027 Twain Street, Driftwood, Texas, owned by Howard Ranch Gardens Association, Inc., and Howard Land & Cattle, Ltd., a Texas limited partnership, and which is required for the construction of the proposed RM12 @ RM150 roadway improvements, and take other appropriate action (Parcel 1B). All present voted "Aye." MOTION PASSED.



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36391 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 0.721 ACRE IN FEE SIMPLE FROM PROPERTY LOCATED AT 23461 RM 150, DRIFTWOOD, TEXAS OWNED BY HOWARD INTEGRITY, LTD., A TEXAS LIMITED PARTNERSHIP, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED RM12 @ RM150 ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (PARCEL 2). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 0.721 acre in fee simple from property located at 23461 RM 150, Driftwood, Texas owned by Howard Integrity, Ltd., a Texas limited partnership, and which is required for the construction of the proposed RM12 @ RM150 roadway improvements, and take other appropriate action (Parcel 2). All present voted "Aye." MOTION PASSED.

36392 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 2.220 ACRES IN FEE SIMPLE FROM PROPERTY LOCATED AT THE SOUTH LINE OF HWY 80 WEST OF NORTH OLD BASTROP HWY, OWNED BY TERTIA JUNE TUCKER EMERSON, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED SHAD GOFORTH SUD - DACY LANE PROJECT ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (SH80, PARCEL 1A). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

Mark Kennedy, General Counsel noted a scrivener's error in the agenda item. It should read Goforth SH 80 Improvement Project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 2.220 acres in fee simple from property located at the south line of Hwy 80 west of North Old Bastrop Hwy, owned by Tertia June Tucker Emerson, and which is required for the construction of the proposed Goforth SUD - Dacy Lane Project roadway improvements, and take other appropriate action (SH80, Parcel 1A). All present voted "Aye." MOTION PASSED.

36393 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 1.2596 ACRES IN FEE SIMPLE FROM PROPERTY LOCATED AT THE WEST LINE OF OLD BASTROP HWY (CR266) SOUTH OF RATTLER ROAD, OWNED SHC HOLDINGS, LLC, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED CR 266 ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (CR266 CENTERPOINT TO RATTLER, PARCEL 20). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 1.2596 acres in fee simple from property located at the west line of Old Bastrop Hwy (CR266) south of Rattler Road, owned SHC Holdings, LLC, and which is required for the construction of the proposed CR 266 roadway improvements, and take other appropriate action (CR266 Centerpoint to Rattler, Parcel20). All present voted "Aye." MOTION PASSED.



36394 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO CONSIDER A RESOLUTION DETERMINING THE NECESSITY AND AUTHORIZING THE USE OF THE COUNTY'S POWER OF EMINENT DOMAIN TO ACQUIRE APPROXIMATELY 0.215 ACRES IN FEE SIMPLE FROM PROPERTY LOCATED AT THE WEST LINE OF DACY LANE (CR 205) NORTH OF AMBERWOOD LOOP, OWNED BY TONY BLAIR AND JENNIFER M. BLAIR, AND WHICH IS REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED DACY LANE PROJECT ROADWAY IMPROVEMENTS, AND TAKE OTHER APPROPRIATE ACTION (DACY LANE PHASE II). POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire approximately 0.215 acres in fee simple from property located at the west line of Dacy Lane (CR 205) north of Amberwood Loop, owned by Tony Blair and Jennifer M. Blair, and which is required for the construction of the proposed Dacy Lane Project roadway improvements, and take other appropriate action (Dacy Lane Phase II). All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #35 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 \$44,680.00 for the week of April 25 – May 1, 2021. The number of outsourced males was 106 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 4, Department of Public Safety – 4, Hays County Sheriff's Department – 36, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 29, San Marcos Police Department - 44, Texas State Police Department – 2. No action was taken.

Clerk's Note Agenda Item #37 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.

36395 DISCUSSION AND POSSIBLE ACTION RELATED TO PROPOSED BILLS IN THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE AND TO CONSIDER ADOPTION OF RESOLUTION(S) REGARDING PROPOSED BILLS. THE COURT MAY OPT TO WITHDRAW TO EXECUTIVE SESSION DURING THIS ITEM TO CONSULT WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071.

Rodrigo Amaya made a public comment regarding the court's preparation for presentations. Louie Bond made a public comment supporting ground water interest and to rescind the proclamation against House Bill 4618 and resubmit a revised proclamation. Susan "Purly" Gates made a public comment for protection of groundwater and rescind the county's resolution against House Bill 4618. Linda Kaye Rogers made a public comment for the court to reconsider their opposition of House Bill 4618 and stated that bill has been change since last presented. Jeff Shaw, Managing Director of Protector Our Water, made a public comment in support the revised House Bill 4618. Commissioner Smith stated that he agreed with Mr. Amaya regarding being prepared. He stated he is reviewing a fifth revision of the bill, which is concerning to him. He stated that he is open to changing his stance after he speaks to other additional stakeholders. Mark Kennedy, General Counsel, recommend that the court attach the bill to any resolution that they pass to the legislation. Mark Kennedy, General Counsel, stated that the court can designate a representative if they choose to. Commissioner Jones stated he would support giving Commissioner Shell and Commissioner Smith the authority to act on behalf of the court for groundwater district. Commissioner Shell stated that the county is needing a functional water district. He noted the current changes that have been made to connection fees would result in less revenue for the water district. Mark Kennedy, General Counsel, passed out a resolution for the court to review. He noted adding the word "proposed" in several sections of the resolution. Commissioner Ingalsbe thanked everyone that came out to speak against this item. She stated she looks forward to continuing their work together. **A motion was made by Judge Becerra, seconded by Commissioner Jones to give Commissioner Shell and Commissioner Smith authority to represent the court in this issue (groundwater district) as long as the substance remains consistent with what the court has shown support for, for the next two-weeks and report any changes or findings to the court. All present voted "Aye." MOTION PASSED.**



MAY 4, 2021

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the Resolution, as amended with the words "proposed substitute", of the Hays County Commissioners Court in support of House Bill 4618 of the 87th Regular Session of the Texas Legislature. All present voted "Aye." MOTION PASSED.

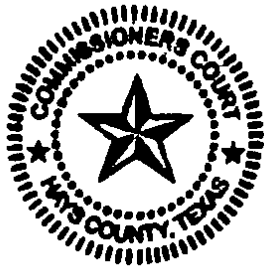
Commissioner Smith spoke to the court regarding his concerns about House Bill 2805. He stated he has an issue with the Travis County seat on WTCPUA. He noted this movement would adversely affect the western part of the county. Judge Becerra requested additional information from Mark Kennedy, General Counsel, regarding the resolution.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a resolution of the Hays County Commissioners Court in opposition of House Bill 2805 of the 87th Regular Session of the Texas Legislature. All present voted "Aye." MOTION PASSED.

ADJOURNMENT

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 1:35 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 May 4, 2021.



Elaine H. Cardenas

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

