

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JANUARY 7, 2020

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 7<sup>TH</sup> DAY OF JANUARY 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:

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

**THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Chaplain Javier Maldonado 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**

Dan Lyon and Mike Lee gave public comments.

**34711                    ADOPT A PROCLAMATION DECLARING JANUARY 20, 2020 AS DR. MARTIN LUTHER KING, JR. DAY.**

Judge Becerra spoke on this item. Commissioner Ingalsbe spoke on this item and called on Jonafa Banbury, M.A., Dunbar Heritage Association Secretary, to speak about the upcoming events planned for the community. Ms. Banbury announced the Martin Luther King Jr. Day March, a wreath donation, a wreath laying ceremony, and a youth event Saturday at the San Marcos Public Library for children to participate in arts and crafts. **A motion was made by Commissioner Ingalsbe seconded by Judge Becerra to adopt a proclamation declaring January 20, 2020 as Dr. Martin Luther King, Jr. Day.**

**2                            PRESENTATION BY THE LEAGUE OF WOMEN VOTERS OF A RATING OF OUTSTANDING TO HAYS COUNTY FOR PROVIDING ACCURATE, ACCESSIBLE AND USEFUL VOTER INFORMATION ON SAFE AND SECURE ELECTION WEBSITES.**

Linda Calvert, League of Women Voters, listed the criteria that must be met to qualify for the certificate being presented. Jennifer Anderson, Elections Administrator, received the certificate for Outstanding rating. Jennifer Anderson explained the work and dedication to making the website accurate, accessible, useful, and secure for the voters. **No action was taken.**

**3                            PRESENTATION BY RANDOLPH GOODMAN OF THE CENTRAL TEXAS DISPUTE RESOLUTION CENTER TO SHOW APPRECIATION TO THE HAYS COUNTY COMMISSIONERS COURT FOR THEIR SUPPORT.**

Randolph Goodman and other members of the Central Texas Dispute Resolution Center explained to the court ways the center helps the community. They explained that over 10 years the non-profit group has grown. The DRC thanked the Commissioners' Court for the help and support of the center. They presented the court with awards. Judge Becerra and Commissioner Ingalsbe thanked the DRC for their work. **No action was taken.**

**4                            PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO THE HAYS COUNTY AUDITOR'S OFFICE AND THE AWARD OF FINANCIAL REPORTING ACHIEVEMENT TO THE HAYS COUNTY AUDITOR FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA).**

Marisol Villarreal-Alonzo, Auditor's office, listed for the Court the goals met by the Auditor's office to achieve the award from the Government Finance Officers Association. Mrs. Villarreal-Alonzo thanked her staff, District Judges, Commissioners' Court, and congratulated the Auditors' office. **No action was taken.**

**34712 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.

**34713 APPROVE PAYMENTS OF JUROR CHECKS.**

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

**34714 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.

**34715 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 17, 2019 AND DECEMBER 23, 2019.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve Commissioner's court minutes of December 17, 2019 and December 23, 2019. All present voted "Aye." MOTION PASSED.

**34716 APPROVE THE PAYMENT OF THE JANUARY 15, 2020 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,900,000.00 EFFECTIVE JANUARY 15, 2020 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 January 15, 2020 payroll disbursements in an amount not to exceed \$2,900,000.00 effective January 15, 2020 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

**34717 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 OF A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND LJA ENGINEERING, INC. FOR RIGHT OF WAY SERVICES ON THE CREEK ROAD PROJECT, CR 190 AT ONION CREEK, PRECINCT 4; AND TO AUTHORIZE AN EXEMPTION FROM THE PURCHASING ACT PURSUANT TO SECTION 262.024 (A)(4) OF THE TEXAS LOCAL GOVERNMENT CODE.**

Dan Lyon, Hays County resident, made public comments. Commissioner Smith and Commissioner Shell spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the County Judge to execute change order #1 of a Professional Services Agreement (PSA) between Hays County and LJA Engineering, Inc. for right of way services on the Creek Road Project, CR 190 at Onion Creek, Precinct 4; and to authorize an exemption from the Purchasing Act pursuant to section 262.024 (a)(4) of the Texas Local Government Code. All present voted "Aye." MOTION PASSED.

**34718 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND LJA ENGINEERING, INC. FOR RIGHT OF WAY SERVICES ON CR 266, FROM CENTERPOINT ROAD TO RATTLER ROAD, PRECINCT 1.**

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize the County Judge to execute change order #1 to a Professional Services Agreement (PSA) between Hays County and LJA engineering, Inc. For right of way services on CR 266, from Centerpoint Road to Rattler Road, Precinct 1. All present voted "Aye." MOTION PASSED.



**34719 ACCEPT A NO-COST QUOTE FROM AXON ENTERPRISE, INC. FOR 40 ADDITIONAL STANDARD EVIDENCE.COM LICENSES FOR THE CRIMINAL DISTRICT ATTORNEY'S OFFICE.**

Wes Mau, District Attorney, spoke on this item. A motion was made by Commissioner Shell seconded by Commissioner Jones to accept a no-cost quote from Axon Enterprise, Inc. for 40 additional standard Evidence.com licenses for the Criminal District Attorney's Office. All present voted "Aye." MOTION PASSED.

**34720 APPROVE OUT OF STATE TRAVEL FOR RECORDS PROGRAM ADMINISTRATOR STEPHANIE ROBINSON TO ATTEND THE TYLER CONNECT CONFERENCE ON APRIL 26-30, 2020 IN ORLANDO, FLORIDA; COST ESTIMATE \$3,500 UTILIZING THE SHERIFF'S OFFICE CONTINUING EDUCATION FUNDS AS BUDGETED DURING THE FY20 BUDGET PROCESS.**

A motion was made by Commissioner Shell seconded by Commissioner Jones to approve out of state travel for Records Program Administrator Stephanie Robinson to attend the Tyler Connect Conference on April 26-30, 2020 in Orlando, Florida; cost estimate \$3,500 utilizing the Sheriff's Office Continuing Education funds as budgeted during the FY20 budget process. All present voted "Aye." MOTION PASSED.

**34721 APPROVE OUT OF STATE TRAVEL FOR EMERGENCY COMMUNICATIONS OFFICERS DENISE LEWIS AND SEAN FITZSIMMONS TO ATTEND THE NAVIGATOR CONFERENCE IN LAKE BUENA VISTA, FLORIDA ON APRIL 29-MAY 1, 2020; COST ESTIMATE \$400 UTILIZING THE SHERIFF'S OFFICE CONTINUING EDUCATION FUNDS AS BUDGETED DURING THE FY20 BUDGET PROCESS.**

A motion was made by Commissioner Shell seconded by Commissioner Jones to approve out of state travel for Emergency Communications Officers Denise Lewis and Sean Fitzsimmons to attend the Navigator Conference in Lake Buena Vista, Florida on April 29-May 1, 2020; cost estimate \$400 utilizing the Sheriff's Office Continuing Education funds as budgeted during the FY20 budget process. All present voted "Aye." MOTION PASSED.

**34722 AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT FOR 70 RV PADS, OFFICE BUILDING, AMENITY CENTER, LAUNDRY FACILITY, AND RESTROOMS ON S OLD BASTROP HWY IN THE MULBERRY MEADOWS SUBDIVISION.**

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize commercial On-Site Sewage Facility permit for 70 RV pads, office building, amenity center, laundry facility, and restrooms on S Old Bastrop Hwy in the Mulberry Meadows Subdivision. All present voted "Aye." MOTION PASSED.

**34723 AUTHORIZE COMMERCIAL ON-SITE SEWAGE FACILITY PERMIT FOR 114 RV PADS AND RESTROOM BUILDING ON OLD BASTROP HWY IN THE MULBERRY MEADOWS SUBDIVISION.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize Commercial On-Site Sewage Facility permit for 114 RV pads and restroom building on Old Bastrop Hwy in the Mulberry Meadows Subdivision. All present voted "Aye." MOTION PASSED.

**34724 AMEND VARIOUS DEPARTMENTAL OPERATING BUDGETS IN PREPARATION FOR THE COUNTY'S FY 2019 YEAR-END PROCESS.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to amend various departmental operating budgets in preparation for the County's FY 2019 year-end process. All present voted "Aye." MOTION PASSED.

**34725 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT ADDITIONAL GRANT FUNDING FROM THE TEXAS**



**JUVENILE JUSTICE DEPARTMENT (TJJD) FOR A DISCRETIONARY STATE AID GRANT - RESIDENTIAL PROJECT AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize the Juvenile Probation Department to accept additional grant funding from the Texas Juvenile Justice Department (TJJD) for a Discretionary State Aid Grant - Residential Project and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**34726 APPROVE UTILITY PERMITS.**

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

**34727 AUTHORIZE THE ACCEPTANCE OF A GRANT AWARD FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) FOR THE FY19 EMERGENCY MANAGEMENT PERFORMANCE GRANTS (EMPG) IN THE AMOUNT OF \$42,609.70.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize the acceptance of a grant award from the Texas Division of Emergency Management (TDEM) for the FY19 Emergency Management Performance Grants (EMPG) in the amount of \$42,609.70. All present voted "Aye." MOTION PASSED.

**34728 APPROVE SPECIFICATIONS FOR RFQ 2020-Q05 CONSERVATION SUBDIVISION RESEARCH AND DEVELOPMENT PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve specifications for RFQ 2020-Q05 Conservation Subdivision Research and Development Project and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

**34729 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 11 TINY HOMES/PARK MODEL RV'S AT 3499 FEARLESS TREADWAY, ROUND MOUNTAIN, TEXAS 78663.**

Mace Picken and Donald W. Hensely P.E., spoke in support of this item. John Worrall and Scott Hemphill spoke against this item. Caitlyn Strickland, Development Services, stated that the developer had met the requirements made by the County. Commissioner Smith, Commissioner Shell, and Judge Becerra spoke on this item. A motion was made by Commissioner Smith seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for 11 Tiny Homes/Park Model RV's at 3499 Fearless Treadway, Round Mountain, Texas 78663. All present voted "Aye." MOTION PASSED.

**34730 APPROVE AN ADJUSTMENT TO THE CONTINUING EDUCATION BUDGET FOR THE OFFICE OF THE COUNTY JUDGE IN THE AMOUNT OF \$2,000 FOR CONTINUING EDUCATION OF THE EXECUTIVE ASSISTANT, CHIEF OF STAFF AND COUNTY JUDGE AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Smith to approve an adjustment to the Continuing Education Budget for the Office of the County Judge in the amount of \$2,000 For Continuing Education of the Executive Assistant, Chief of Staff and County Judge and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**34731 AMEND THE CONSTABLE PCT. 5 OPERATING BUDGET FOR AN ADDITIONAL \$102 NEEDED FOR THE FY20 BUDGETED POWERHEART AED DEFIBRILLATOR.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Smith to amend the Constable Pct. 5 Operating Budget for an additional \$102 needed for the FY20 budgeted Powerheart AED defibrillator. All present voted "Aye." MOTION PASSED.



**34732                    AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE A REPLACEMENT APC SMART UPS BATTERY BACKUP FOR THE DISTRICT ATTORNEY AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Smith to authorize the Information Technology department to purchase a replacement APC Smart UPS battery backup for the District Attorney and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**34733                    ACCEPT ROAD CONSTRUCTION & DRAINAGE IMPROVEMENTS, ACCEPT THE 2-YEAR MAINTENANCE BOND #PB03016800381 IN THE AMOUNT OF \$153,766.36, AND ACCEPT THE 1-YEAR REVEGETATION BOND #PB03016800381 IN THE AMOUNT OF \$59,538.00 FOR RUTHERFORD WEST SUBD., SECTION 5.**

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to accept road construction & drainage improvements, accept the 2-year maintenance bond #PB03016800381 in the amount of \$153,766.36, and accept the 1-year revegetation bond #PB03016800381 in the amount of \$59,538.00 for Rutherford West Subd. Section 5. All present voted "Aye." MOTION PASSED.

**34734                    AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE TRAINING SERVICES AUTHORIZED PROVIDER AGREEMENT WITH THE AMERICAN RED CROSS PERMITTING COUNTY EMPLOYEES OR VOLUNTEERS TO DELIVER INSTRUCTION IN RED CROSS TRAINING COURSES.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize the County Judge to execute the training services authorized provider agreement with the American Red Cross permitting county employees or volunteers to deliver instruction in Red Cross training courses. All present voted "Aye." MOTION PASSED.

**34735                    AUTHORIZE THE EXECUTION OF AMENDMENT NO. 1 OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE TUBERCULOSIS STATE GRANT PROGRAM IN THE AMOUNT OF \$5,374 AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize the execution of amendment no. 1 of a contract with the Texas Department of State Health Services (DSHS) for the Tuberculosis State Grant Program in the amount of \$5,374 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**34736                    ESTABLISH ONE NEW FULL-TIME MOBILE CRISIS OUTREACH LIAISON POSITION EFFECTIVE JANUARY 7, 2020 FOR THE SHERIFF'S OFFICE; FUNDED THROUGH THE OFFICE OF THE GOVERNOR, MENTAL HEALTH CRISIS INTERVENTION GRANT AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to establish one new Full-Time Mobile Crisis Outreach Liaison Position effective January 7, 2020 for the Sheriff's Office; funded through the Office of the Governor, Mental Health Crisis Intervention Grant and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

**34737                    ADOPT A RESOLUTION RELATED TO A \$100,000 CONTRIBUTION FOR CAPITAL IMPROVEMENTS TO CREATE A "RAINBOW ROOM" FOR USE BY THE HAYS COUNTY CHILD PROTECTIVE BOARD, TO BE LOCATED ON COUNTY-OWNED PROPERTY IN PRECINCT 1; AND TO AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to adopt a resolution related to a \$100,000 contribution for capital improvements to create a "rainbow room" for use by the hays county child protective board, to be located on county-owned property in precinct 1; and to amend the budget accordingly. All present voted "Aye." MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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JANUARY 7, 2020

**34738 ESTABLISH A TEMPORARY PART-TIME (20 HRS PER WK) CENSUS PROGRAM COORDINATOR EFFECTIVE JANUARY 16TH THROUGH SEPTEMBER 30TH UTILIZING FY20 BUDGETED FUNDS FOR THE 2020 CENSUS AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to establish a temporary part-time (20 hrs. per wk.) Census Program Coordinator effective January 16th through September 30th utilizing FY20 budgeted funds for the 2020 Census and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

Court convened into Executive Session 10:48 a.m. Then reconvened into open court at 10:50 a.m.

**Clerk's Note Agenda Item #32 RE:** 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. - **WAS PULLED.**

**34837 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION TO EXECUTE A PURCHASE AGREEMENT BETWEEN HAYS COUNTY AND ENRIQUE GUTIERREZ AND ASUNCION GUTIERREZ DE PALACIOS FOR THE ACQUISITION OF APPROXIMATELY 0.117 ACERS OF RIGHT OF WAY ALONG DACY LANE, PARCEL 47**

Motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to execute a purchase agreement between Hays County and Enrique Gutierrez and Asuncion Gutierrez de Palacios for the acquisition of approximately 0.117 acers of right of way along Dacy Lane, Parcel 47, as presented in Executive Session. All present voted "Aye." MOTION PASSED

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

Judge Becerra announced Scott Raven, Fire Marshall, recommendation to maintain no burn ban.

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

Judge Becerra announced the Sheriff's report from the Corrections division of the inmate population and cost of inmate outsourcing was \$81,964.00 for the past week.

**Clerk's Note Agenda Item #36 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 #37 RE:** DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, WADE BENTON, HNTB AND ALLEN CROZIER, HDR. POSSIBLE ACTION MAY FOLLOW - **WAS PULLED.**

**Clerk's Note Agenda Item #38 RE:** DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW - **WAS PULLED.**



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**ADJOURNMENT**

A motion was made by Commissioner Shell, seconded by Commissioner Jones to adjourn court at 10:52 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 January 7, 2020.



*Elaine H. Cardenas*

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

