

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 10, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF MARCH 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

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).

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Esperanza Baltazar-Ramirez, United Methodist Church, San Marcos, TX, 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

Jennifer Anderson, Hays County Elections Administrator, gave a public comment regarding recent Primary election. Rodrigo Amaya, Hays County resident, gave a public comment regarding accountability. Dan Lyon, Hays County resident, gave a public comment regarding Coronavirus, debt, and disbursements.

34943 APPROVE PAYMENTS OF COUNTY INVOICES.

Marisol Villarreal-Alonzo, Auditor, added an invoice for W.E. Jupe for \$1,050.00 for delivery of mobile shelters previously approved in Commissioners Court. **A motion was made by Commissioner Jones seconded by Commissioner Smith to approve payments of County invoices. All present voted "Aye." MOTION PASSED.**

34944 APPROVE PAYMENTS OF JUROR CHECKS.

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

34945 APPROVE THE PAYMENT OF THE MARCH 15, 2020 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,900,000.00 EFFECTIVE MARCH 13, 2020 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.

A motion was made by Commissioner Shell seconded by Commissioner Jones to approve the payment of the March 15, 2020 payroll disbursements in an amount not to exceed \$2,900,000.00 effective March 13, 2020 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

34946 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR A FIVE-BEDROOM BED & BREAKFAST AND 4 SHORT TERM RENTAL CASITAS LOCATED AT 398 B PEABODY PLACE DRIVE, DRIPPING SPRINGS, TEXAS 78620.

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize On-Site Sewage Facility Permit for a five-bedroom bed & breakfast and 4 short term rental casitas located at 398 B Peabody Place Drive, Dripping Springs, Texas 78620. All present voted "Aye." MOTION PASSED.



34947 AUTHORIZE BUILDING MAINTENANCE TO INSTALL A NEW DOOR IN THE LOCAL HEALTH DEPARTMENT TB AREA IN THE AMOUNT OF \$4,513 IN ORDER TO MEET REGULATIONS REGARDING MINIMUM VENTILATION REQUIREMENTS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize Building Maintenance to install a new door in the Local Health Department TB area in the amount of \$4,513 in order to meet regulations regarding minimum ventilation requirements and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34948 APPROVE THE APPOINTMENT OF JOHN WHITE TO THE BOARD OF COMMISSIONERS FOR HAYS COUNTY EMERGENCY SERVICES DISTRICT #4 FOR A TERM ENDING DECEMBER 31, 2020 TO FILL THE VACANCY CREATED BY THE RESIGNATION OF KEN DOWNING.

A motion was made by Commissioner Smith seconded by Commissioner Shell to approve the appointment of John White to the Board of Commissioners for Hays County Emergency Services District #4 for a term ending December 31, 2020 to fill the vacancy created by the resignation of Ken Downing. All present voted "Aye." MOTION PASSED.

34949 ACCEPT THE DELIVERY OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT'S (CSCD) FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING ON AUGUST 31, 2019 FOR FILING WITH THE HAYS COUNTY COMMISSIONERS COURT PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 140.004(D) AND THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE-COMMUNITY JUSTICE ASSISTANCE DIVISIONS FINANCIAL MANAGEMENT MANUAL.

A motion was made by Commissioner Smith seconded by Commissioner Shell to accept the delivery of the Community Supervision and Corrections Department's (CSCD) Financial Statements for the Fiscal Year ending on August 31, 2019 for filing with the Hays County Commissioners Court pursuant to Local Government Code, Section 140.004(d) and the Texas Department of Criminal Justice-Community Justice Assistance Divisions Financial Management Manual. All present voted "Aye." MOTION PASSED.

34950 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 3 FOR A TIME EXTENSION FOR M&S ENGINEERING, LLC REGARDING DESIGN OF LOW WATER CROSSINGS, PRECINCT 4 (BEAR CREEK PASS/SYCAMORE CREEK ROAD).

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the County Judge to execute Change Order No. 3 for a time extension for M&S Engineering, LLC regarding design of Low Water Crossings, Precinct 4 (Bear Creek Pass/Sycamore Creek Road). All present voted "Aye." MOTION PASSED.

34951 AUTHORIZE THE COUNTY JUDGE TO EXECUTE FURNITURE PROPOSALS AS REQUIRED FOR THE JAIL & PUBLIC SAFETY BUILDING FURNITURE, FIXTURE AND EQUIPMENT (FFE) PURCHASES AND AMEND THE BUDGET ACCORDINGLY.

Mark Kennedy, General Counsel, noted a discretionary exemption per Local Government Code Ch. 262.024(a)(7)(D). A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the County Judge to execute Furniture Proposals as required for the Jail & Public Safety Building Furniture, Fixture and Equipment (FFE) purchases and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34952 APPROVE RENEWAL OF RFP 2018-P10 COUNTY WIDE ELECTRICAL SERVICES WITH CT ELECTRIC AND TED BREIHAN ELECTRIC FOR ONE (1) ADDITIONAL YEAR AS STATED IN THE ORIGINAL BID.

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A motion was made by Commissioner Smith seconded by Commissioner Shell to approve renewal of RFP 2018-P10 County Wide Electrical Services with CT Electric and Ted Breihan Electric for one (1) additional year as stated in the original bid. All present voted "Aye." MOTION PASSED.

34953 AUTHORIZE THE EXECUTION OF A FACILITIES USE AGREEMENT WITH SAN MARCOS ACADEMY FOR THE BASIC PEACE OFFICER GRADUATION.

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the execution of a Facilities Use Agreement with San Marcos Academy for the Basic Peace Officer graduation. All present voted "Aye." MOTION PASSED.

34954 AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT A DONATION OF \$500.00 FROM THE HAYS COUNTY CITIZEN'S SHERIFF'S ACADEMY TO UTILIZE FOR SUPPLIES AND MATERIALS FOR THE DRONE PROGRAM AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the Sheriff's Office to accept a donation of \$500.00 from the Hays County Citizen's Sheriff's Academy to utilize for supplies and materials for the Drone Program and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34955 AUTHORIZE PAYMENT TO AMTEX SCALE FOR \$1458.00 FOR THE DPS LICENSE AND WEIGHT DEPARTMENT RELATED TO SCALES CALIBRATION WHERE NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE COUNTY PURCHASING POLICY.

Rodrigo Amaya, Hays County resident, made a public comment asking how money brought in from the scales is monitored by the County. A motion was made by Commissioner Shell seconded by Commissioner Smith to authorize payment to Amtex Scale for \$1458.00 for the DPS License and Weight Department related to scales calibration where no purchase order was issued as required per the County Purchasing Policy. All present voted "Aye." MOTION PASSED.

34956 AUTHORIZE THE ACCEPTANCE OF THE FY20 FORMULA GRANT AWARD FROM THE TEXAS INDIGENT DEFENSE COMMISSION (TIDC) IN THE AMOUNT OF \$154,991.

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the acceptance of the FY20 Formula Grant Award from the Texas Indigent Defense Commission (TIDC) in the amount of \$154,991. All present voted "Aye." MOTION PASSED.

34957 AMEND THE CONSTABLE PRECINCT 5 BUDGET FOR (\$516.65) ADDITIONAL FUNDS NEEDED FOR THE PURCHASE OF A XG-25M 700/800 P25 MOBILE RADIO APPROVED IN THE FY20 BUDGET.

A motion was made by Commissioner Smith seconded by Commissioner Shell to amend the Constable Precinct 5 budget for (\$516.65) additional funds needed for the purchase of a XG-25M 700/800 P25 mobile radio approved in the FY20 budget. All present voted "Aye." MOTION PASSED.

34958 AUTHORIZE A WAIVER TO THE PURCHASING POLICY FOR THE HUMAN RESOURCES DEPARTMENT TO UTILIZE HILL COUNTRY TROPHY RELATED TO EMPLOYEE AND RETIREMENT SERVICE AWARDS.

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize a waiver to the purchasing policy for the Human Resources Department to utilize Hill Country Trophy related to employee and retirement service awards. All present voted "Aye." MOTION PASSED.



34959 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE 2ND AMENDMENT TO THE CITY OF DRIPPING SPRINGS AND COUNTY OF HAYS AGREEMENT REGARDING THE DRIPPING SPRINGS TAX INCREMENT REINVESTMENT ZONE NUMBER ONE AND TAX INCREMENT REINVESTMENT ZONE NUMBER TWO.

A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize the County Judge to execute the 2nd Amendment to the City of Dripping Springs and County of Hays Agreement regarding the Dripping Springs Tax Increment Reinvestment Zone Number One and Tax Increment Reinvestment Zone Number Two. All present voted "Aye." MOTION PASSED.

34960 APPROVE AMENDMENT # 1 TO ADVANCE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR SH 80 AT OLD BASTROP HIGHWAY (CR 266) PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT AMENDMENT #1 ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve Amendment # 1 to Advance Funding Agreement between Hays County and the Texas Department of Transportation (TxDOT) for SH 80 at Old Bastrop Highway (CR 266) project and authorize the County Judge to execute the Advance Funding Agreement Amendment #1 on behalf of Hays County. All present voted "Aye." MOTION PASSED.

34961 APPROVE AMENDMENT # 1 TO ADVANCE FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR RM 12 AT RM 3237 INTERSECTION IMPROVEMENT PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT AMENDMENT # 1 ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve Amendment # 1 to Advance Funding Agreement between Hays County and the Texas Department of Transportation (TxDOT) for RM 12 at RM 3237 Intersection Improvement project and authorize the County Judge to execute Advance Funding Agreement Amendment # 1 on behalf of Hays County. All present voted "Aye." MOTION PASSED.

34962 HOLD A PUBLIC HEARING WITH POSSIBLE ACTION TO ESTABLISH A SPEED LIMIT OF 20 MPH IN SUNFIELD SUBD., PHASE 1, SECTIONS 1-2, AND A 35 MPH SPEED LIMIT ON SUNBRIGHT BLVD.

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to hold a public hearing with possible action to establish a speed limit of 20 MPH in Sunfield subd., Phase 1, Sections 1-2, and a 35 MPH speed limit on Sunbright Blvd. All present voted "Aye." MOTION PASSED.

34963 AUTHORIZE THE TRANSPORTATION DEPARTMENT TO PURCHASE FIVE (5) "SAFETY-IN-A-BOX" SIGN BASES & TWO (2) POLES RELATED TO THE INSTALLATION OF RADAR SIGNS AND SCHOOL ZONE FLASHER SIGNS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the Transportation Department to purchase five (5) "Safety-in-a-box" sign bases & two (2) poles related to the installation of radar signs and school zone flasher signs and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34964 RELEASE OF THE LETTER OF CREDIT (LOC) #1023 IN THE AMOUNT OF \$1,009,327.60 FOR 6 CREEKS SUBDIVISION, PHASE 1, SECTION 3.

A motion was made by Commissioner Smith seconded by Commissioner Jones to release of the Letter of Credit (LOC) #1023 in the amount of \$1,009,327.60 for 6 Creeks subdivision, Phase 1, Section 3. All present voted "Aye." MOTION PASSED.



34965 APPROVE THE REIMBURSEMENT AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE POSEY ROAD CORRIDOR IMPROVEMENTS PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AGREEMENT ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Shell seconded by Commissioner Jones to approve the Reimbursement Agreement for Preliminary Engineering Services with the Union Pacific Railroad Company for the Posey Road Corridor Improvements Project and authorize the County Judge to execute the Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

34966 RELEASE OF THE LETTER OF CREDIT (LOC) #5308 IN THE AMOUNT OF \$92,515.91 FOR LA CIMA, PHASE 1, SECTION 2.

A motion was made by Commissioner Shell seconded by Commissioner Jones to release of the Letter of Credit (LOC) #5308 in the amount of \$92,515.91 for La Cima, Phase 1, Section 2. All present voted "Aye." MOTION PASSED.

34967 CALL FOR A PUBLIC HEARING ON MARCH 24, 2020 TO DISCUSS FINAL PLAT APPROVAL OF THE REPLAT OF LOT 10, INDIAN HILLS SUBDIVISION; PLN-1401.

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to call for a public hearing on March 24, 2020 to discuss final plat approval of the Replat of Lot 10, Indian Hills Subdivision; PLN-1401. All present voted "Aye." MOTION PASSED.

34968 AUTHORIZE SI MECHANICAL, LLC TO DEMO AND RENOVATE THE HVAC SYSTEM IN THE PCT 4 BUILDING IN THE AMOUNT OF \$97,343 AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon, Hays County resident, commented on the cost of the HVAC. A motion was made by Commissioner Smith seconded by Commissioner Shell to authorize SI Mechanical, LLC to demo and renovate the HVAC system in the PCT 4 building in the amount of \$97,343 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34969 AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE HAYS COUNTY VETERAN'S TREATMENT COURT AND RESTORATIVE PATHWAYS, LLC RELATED TO COUNSELING SERVICES TO INDIVIDUAL VETERANS AND/OR THEIR FAMILY MEMBERS.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the execution of a Memorandum of Understanding between the Hays County Veteran's Treatment Court and Restorative Pathways, LLC related to counseling services to individual veterans and/or their family members. All present voted "Aye." MOTION PASSED.

34970 AUTHORIZE EXECUTION OF A TECHNICAL ASSISTANCE LETTER REGARDING THE DEVELOPMENT OF A PROGRAM TO FINANCE LAND CONSERVATION AND RECREATION WITHIN HAYS COUNTY.

Katherine Romans, Executive Director of the Hill Country Alliance, thanked Judge Becerra and Commissioners for approving the Alliance and gave a short report on planned activities. A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize execution of a technical assistance letter regarding the development of a program to finance land conservation and recreation within Hays County. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #29 RE: 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 EACH INDIVIDUAL POSITION WITHIN THE HUMAN RESOURCES OFFICE. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT. - WAS PULLED.



34971 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS IN HAYS COUNTY VICTIM SERVICES, C.I.D., PATROL, DISPATCH, AND CRIME SCENE INVESTIGATION UNIT. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement between Hays County and Tonya Glenn in Associates Related to Counseling for Designated First Responders as discussed in Executive Session. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #31 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION. - WAS PULLED.

3DISCUSSION 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. Jail Capacity was 311 inmates, the average was 552, and the peak was 557. There were 198 men, and 9 women. Inmates were outsourced to 7 counties. Estimated cost of \$82,193 for March 1-7. **No action taken.**

Clerk's Note Agenda Item #33 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 #34 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 #35 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 Judge Becerra, seconded by Commissioner Jones to adjourn court at 10:47 a.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 March 10, 2020.



Elaine H. Cardenas

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

