

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 24, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th 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
DEBBIE GONZALES INGALSBE
MARK JONES
LON A. SHELL
WALT SMITH
VALERIE VALDEZ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
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:

Reverend Javier Maldonado, 7th Day Adventist Church, 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, Hays County resident, gave public comments regarding the courtroom technology and suggested I.T. department help with that on-going issue. He noted that the lights around the flagpole were still on at 7:40 and said it is a waste of energy. He said he submitted open records request to General Counsel and said he has not been responded to in a timely manner. Dan Lyon, Hays County resident, gave public comments, he quoted Psalm 91 and thanked Attorney General Ken Paxton for his moratorium on abortion. He stated the Order issued on March 15 by Judge Becerra goes against the First Amendment which defines the right to peacefully assemble.

UPDATE FROM THE COUNTY JUDGE AND STAFF REGARDING THE LOCAL DISASTER DECLARATION AND COVID-19.

Judge Becerra said Hays County is following the State's guidance and supported by the Federal Government. He stated that he is reluctant to issue a Shelter in Place Order. The Judge thanked several departments and staff members for their efforts and assistance during this time. Judge Becerra said there is a shortage of Personal Protective Equipment (PPE), and he and his staff are working to obtain those supplies for the County. He also talked about releasing some inmates from jail to diminish the load on that front. Alex Villalobos, Chief of Staff, presented the court with a heat signature map to show how the affected areas are connected. He said there are currently 7 confirmed cases, 10 pending cases, 1 recovered, and 69 negative test for Covid-19 in the County. The Chief of Staff said the numbers give a false comfort because there is a lack of testing. He explained the actions by the County to help citizens and the efforts of planning for Recovery. Commissioner Shell thanked Judge Becerra, Alex Villalobos, the Chamber of Commerce, and several departments. Commissioner Ingalsbe echoed the comments of Commissioner Shell. Commissioner Jones spoke about still needing help with private sector doctors relaying information to the Health Department when they have a positive test. This helps to get information to first responders so they have the right personal protective equipment when they are called out to help those residents. Judge Becerra said we do not have test available, but when we do that the number of people with the virus will increase. He said this statement is not to alarm anyone, but to determine who should self-quarantine. Judge Becerra emphasized that it is critical to notify the Health Department with any information. Commissioner Jones thanked the School Districts for their assistance and willingness to help during this time. Commissioner Ingalsbe thanked the hospitals for their help as well. Commissioner Smith thanked Judge Becerra for his actions to limit the economic impacts of the businesses in the county. Commissioner Jones commented on the drive through testing, noting that it will first be made available to first responders, and then by appointment only to citizens with doctor's recommendation. Commissioner Smith thanked Jeff McGill, Technology Director, for his assistance so that he could join the court remotely. Commissioner Smith noted that he had recently traveled along with personal health reasons, and made the decision to use the two week timetable before interacting with others. Judge Becerra ended by encouraging people to email ideas and suggestions that would benefit everyone during this time. **No action was taken.**



34973 ADOPT A PROCLAMATION DECLARING MARCH 24, 2020 AS WORLD TB DAY FOR HAYS COUNTY.

Tammy Crumley, County Wide Operations, thanked the T.B. staff who were unable to attend court, as they are visiting patients. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to Adopt a Proclamation declaring March 24, 2020 as World TB Day for Hays County. All present voted "Aye." MOTION PASSED.**

34974 APPROVE PAYMENTS OF COUNTY INVOICES.

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

34975 APPROVE PAYMENTS OF JUROR CHECKS.

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

34976 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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

34977 APPROVE THE PAYMENT OF THE MARCH 31, 2020 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,900,000.00 EFFECTIVE MARCH 31, 2020 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve the payment of the March 31, 2020 payroll disbursements in an amount not to exceed \$3,900,000.00 effective March 31, 2020 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

34978 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT MODIFICATION WITH THOMSON REUTERS WESTLAW RELATED TO LEGAL RESEARCH FOR THE CRIMINAL DISTRICT ATTORNEY'S OFFICE.

Rodrigo Amaya, Hays county resident, made a public comment against hiring additional employees. Commissioner Ingalsbe said this modification would allow two additional attorneys to have access to Westlaw to conduct legal research. **A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the County Judge to execute a contract modification with Thomson Reuters Westlaw related to legal research for the Criminal District Attorney's Office. All present voted "Aye." MOTION PASSED.**

34979 APPROVE AND ACCEPT THE UPDATED 2019 RACIAL PROFILING REPORT FOR THE HAYS COUNTY CONSTABLE OFFICE, PRECINCT 3.

Rodrigo Amaya, Hays county resident, made a public comment against the report. He said the Court should be worried about the Constable's actions. Commissioner Shell made an announcement that Constable Helm is requesting the Court accept an amended filing. His initial filing with the State had a mistake and he refiled an amended filing. Judge Becerra had questions regarding the report and inquired about access to the information which generate the report. He said he received several concerned calls about the initial filings. Judge Becerra said he noticed several edits on the revision. Commissioner Shell said he noticed the edits as well. Mark Kennedy, General Counsel, advised the Court that they are able to inquire but do not have the authority to launch an investigation. If an investigation or audit was to be made, such investigation/audit would be made by TCOLE (Texas Commission on Law Enforcement). He said per statue that the report is to be recorded with the Commissioners Court. Commissioner Jones confirmed with General Counsel that the Court is just to accept the report into the record, not to approve the report, which General Counsel confirmed. Judge Becerra ended by asking Constable Helm, who was not present in court, to provide any useful information to validate the report. **A motion was made by Commissioner Shell seconded by Commissioner Jones to approve and accept the updated 2019 Racial Profiling Report for the Hays County Constable Office, Precinct 3. All present voted "Aye." MOTION PASSED.**

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34980 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A NEW FY20 INTERLOCAL CONTRACT FOR THE NEXT GENERATION 9-1-1 DATABASE PROGRAM WITH THE CAPITAL AREA EMERGENCY COMMUNICATIONS DISTRICT (CAECD) FOR AN ADDITIONAL \$13,186.30 IN GRANT FUNDS TO BE UTILIZED FOR MASTER STREET ADDRESS GUIDE (MSAG)/AUTOMATIC LOCATION INFORMATION (ALI) WORK AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a new FY20 Interlocal Contract for the Next Generation 9-1-1 Database Program with the Capital Area Emergency Communications District (CAECD) for an additional \$13,186.30 in grant funds to be utilized for Master Street Address Guide (MSAG)/Automatic Location Information (ALI) work and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34981 **AUTHORIZE THE FIRE MARSHAL TO ACCEPT GRANT FUNDING IN THE FORM OF LEOSE FUNDS DISTRIBUTED FROM THE STATE COMPTROLLER AND AMEND THE BUDGET ACCORDINGLY.**

Scott Raven, Fire Marshall and Interim Emergency Director, explained these funds are received annually from the State to help cover training and education exclusively for the full time peace officers out of the Fire Marshall's office. A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the Fire Marshal to accept grant funding in the form of LEOSE Funds distributed from the State Comptroller and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34982 **AUTHORIZE THE CENSUS COMPLETE COUNT COMMITTEE TO UTILIZE THE BALANCE OF THE UNITED WAY GRANT FUNDS PREVIOUSLY APPROVED FOR CONSUMABLE ITEMS FOR EVENTS AND EVENT RENTAL CONTRACT FEES AND A PORTION OF THE PRINTED MATERIALS BUDGET FOR SOCIAL MEDIA CENSUS OUTREACH DUE TO THE COVID-19 MASS GATHERING RESTRICTIONS AND AMEND THE BUDGET ACCORDINGLY.**

Rodrigo Amaya, Hays county resident made a public comment, announcing he saw a Hays County employee recklessly driving in town. Commissioner Ingalsbe assured him that the issue will be addressed. Judge Becerra also added the County vehicles have cameras and an audit can be made. Commissioner Ingalsbe said the funds would be used for social media due to Covid-19. Commissioner Smith would like the funds to be used towards targeting new residents and underserved residents. Commissioner Smith also requested to meet with Jessica Mejia, Census Program Coordinator, to talk about the needs of those communities. A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the Census Complete Count Committee to utilize the balance of the United Way grant funds previously approved for Consumable Items for Events and Event Rental Contract Fees and a portion of the Printed Materials budget for Social Media Census Outreach due to the COVID-19 mass gathering restrictions and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34983 **AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO MOBILE HOMES LOCATED AT 1571 WINDY HILL ROAD, KYLE, TEXAS 78640.**

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize On-Site Sewage Facility Permit for two mobile homes located at 1571 Windy Hill Road, Kyle, Texas 78640. All present voted "Aye." MOTION PASSED.

34984 **APPROVE RENEWAL OF IFB 2019-B02 ROAD BUILDING MATERIALS - GENERAL ROAD CONSTRUCTION WITH COLORADO MATERIALS, LTD. BRAUNTEX MATERIALS, INC. AND INDUSTRIAL ASPHALT, LLC. FOR ONE (1) ADDITIONAL YEAR AS STATED IN THE ORIGINAL BID.**

A motion was made by Commissioner Shell seconded by Commissioner Jones to approve renewal of IFB 2019-B02 Road Building Materials - General Road Construction with Colorado Materials, LTD Brauntex Materials, Inc. and Industrial Asphalt, LLC for one (1) additional year as stated in the original bid. All present voted "Aye." MOTION PASSED.

**34985 APPROVE UTILITY PERMITS.**

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

34986 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO MOBILE HOMES LOCATED AT 704 B TURTLE HILL ROAD, DRIFTWOOD, TEXAS 78619.

A motion was made by Commissioner Shell seconded by Commissioner Jones to Authorize On-Site Sewage Facility Permit for two mobile homes located at 704 B Turtle Hill Road, Driftwood, Texas 78619. All present voted "Aye." MOTION PASSED.

34987 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 2 WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY2021 IMMUNIZATION/LOCALS (IMM/LOCALS) GRANT PROGRAM IN THE AMOUNT OF \$192,341.00.

A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize the execution of amendment no. 2 with the Department of State Health Services (DSHS) for the FY2021 Immunization/Locals (IMM/LOCALS) grant program in the amount of \$192,341.00. All present voted "Aye." MOTION PASSED.

34988 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 4 WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY2021 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT PROGRAM IN THE AMOUNT OF \$139,393.00.

A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the execution of amendment no. 4 with the Department of State Health Services (DSHS) for the FY2021 Public Health Emergency Preparedness (PHEP) grant program in the amount of \$139,393.00. All present voted "Aye." MOTION PASSED.

34989 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT \$5,768.00 ADDITIONAL GRANT FUNDING FROM THE TEXAS JUVENILE JUSTICE DEPARTMENT (TJJD) FOR REGIONAL SUPPLEMENTAL & EMERGENT NEEDS (S&E) AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the Juvenile Probation Department to accept \$5,768.00 additional grant funding from the Texas Juvenile Justice Department (TJJD) for Regional Supplemental & Emergent Needs (S&E) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34990 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR BASEBALL COACHING FACILITY & OFFICE LOCATED AT 13701 FITZHUGH ROAD, AUSTIN, TEXAS 78736.

A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for baseball coaching facility & office located at 13701 Fitzhugh Road, Austin, Texas 78736. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #20 RE: APPROVE THE UPDATES TO THE TEXAS PROPERTY ASSESSED CLEAN ENERGY (PACE) AUTHORITY PROJECT DOCUMENTS APPROVED BY THE HAYS COUNTY COMMISSIONERS COURT ON OR ABOUT JANUARY 17, 2017. - **WAS PULLED.**

34991 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE SAVINGS OF \$10,386 TO PURCHASE COMPUTER EQUIPMENT FOR THE NEW DISPATCH CENTER IN THE PUBLIC SAFETY BUILDING AND AMEND THE BUDGET ACCORDINGLY.



A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the Sheriff's Office to utilize savings of \$10,386 to purchase computer equipment for the new dispatch center in the Public Safety Building and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34992 APPROVE SPECIFICATIONS FOR IFB 2020-B07 METAL BEAM GUARD FENCE (MBGF) MATERIALS AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

A motion was made by Commissioner Jones seconded by Commissioner Shell to approve specifications for IFB 2020-B07 Metal Beam Guard Fence (MBGF) Materials and authorize Purchasing to solicit for bids and advertise. All present voted "Aye." MOTION PASSED.

34993 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN MARCOS, HAYS COUNTY, AND LAZY OAKS RANCH, LP IN CONNECTION WITH THE LA CIMA DEVELOPMENT AND THE ADDITION OF APPROXIMATELY 130 ACRES INTO THE AREA COVERED BY THE AGREEMENT.

Commissioner Shell announced La Cima has added 130 acres into their development agreement. As a result, there is a reduction of density and will be annexed by the city. A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the County Judge to execute the Third Amended and Restated Development Agreement between the City of San Marcos, Hays County, and Lazy Oaks Ranch, LP in connection with the La Cima development and the addition of approximately 130 acres into the area covered by the Agreement. All present voted "Aye." MOTION PASSED.

34994 APPROVE SPECIFICATIONS FOR IFB 2020-B08 CULVERTS AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

A motion was made by Commissioner Jones seconded by Commissioner Shell to approve specifications for IFB 2020-B08 Culverts and authorize Purchasing to solicit for bids and advertise. All present voted "Aye." MOTION PASSED.

34995 AUTHORIZE THE MAGISTRATION DIVISION TO CONVERT CONTRACT MAGISTRATION FUNDS TO ESTABLISH ONE (1) SHARED SLOT FOR PART-TIME MAGISTRATE JUDGES, GRADE 119 EFFECTIVE APRIL 1ST AND AMEND THE BUDGET ACCORDINGLY.

Rodrigo Amaya, Hays county resident made a public comment, against the Magistration division. Judge Becerra said the Magistration division would help to lower the budget for outsourcing. Commissioner Ingalsbe agreed and added it would help to lower the number of people in jail. Commissioner Shell said the Magistrates help to streamline the process for both District Courts and County Courts. He said the County is able to hold Magistration at least once a day every day of the year. Commissioner Jones said the County is able to save money by keeping a person out of jail. A motion was made by Commissioner Jones seconded by Commissioner Shell to authorize the Magistration Division to convert contract magistration funds to establish one (1) shared slot for part-time Magistrate Judges, grade 119 effective April 1st and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

34996 AUTHORIZE BUILDING MAINTENANCE TO ACCEPT A \$15,819 PROPOSAL FROM PBS OF TEXAS (THE HAYS COUNTY JANITORIAL CONTRACTOR) TO DISINFECT ALL COUNTY BUILDINGS WITH EARTHSafe PURTAB DISINFECTANT RELATED TO THE COVID-19 PREPAREDNESS AND RESPONSE FOR BUILDING SANITATION.

Tammy Crumley, County Wide Operations, said this service is provided under our current contract. Disinfection of the buildings would take place overnight while the buildings are empty. She said this cost could potentially be reimbursed under the Emergency declaration reimbursement. Mark Kennedy, General Counsel, noted the exemption code that should be added to the motion. A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize Building Maintenance to accept a \$15,819 Proposal from PBS of Texas (the Hays County Janitorial Contractor) to disinfect all County Buildings with Earthsafe Purtab Disinfectant related to the COVID-19 preparedness and response for building sanitation under exemption 262.024 (a)(2). All present voted "Aye." MOTION PASSED.



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34997 APPROVE SPECIFICATIONS FOR IFB 2020-B06 ROADWAY STRIPING AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to approve specifications for IFB 2020-B06 Roadway Striping and authorize Purchasing to solicit for bids and advertise. All present voted "Aye." MOTION PASSED.

34998 RATIFY THE PURCHASE OF ONE (1) CLOROX TOTAL 360 SPRAYER FOR \$5,610.22 RELATED TO COVID-19 PREPAREDNESS AND RESPONSE FOR BUILDING SANITATION.

Dan Lyon, Hays county resident, made a public comment against the purchase of the sprayer. He said the county needs to cut down on spending. Tammy Crumley, County Wide Operations, explained the benefits of the sprayer. She said the County could use it throughout all the County buildings during a number of times of the year including flu season. Alex Villalobos, Chief of Staff, said this item was discussed with Mike Jones, Health Preparedness, and explained the benefits of owning the sprayer. Scott Raven, Fire Marshall, presented an image of the sprayer to the court, and also attested to the benefits he has encountered when using the sprayer in ambulances during flu season. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to ratify the purchase of one (1) Clorox Total 360 Sprayer for \$5,610.22 related to COVID-19 preparedness and response for building sanitation. All present voted "Aye." MOTION PASSED.

34999 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DOUCET & ASSOCIATES FOR DESIGN SERVICES RELATED TO PARKING LOT EXPANSION AT THE PCT. 2 OFFICE BUILDING AND AMEND THE BUDGET ACCORDINGLY.

Commissioner Jones said Precinct 2 is short on parking spaces. This agreement will cover the redesign of the space to add parking. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with Doucet & Associates for design services related to parking lot expansion at the Pct. 2 office building and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35000 ACCEPT THE VEGETATION COVERAGE AND THE RELEASE OF THE REVEGETATION BOND #PB03016800239 IN THE AMOUNT OF \$41,520.00 FOR SUNFIELD SUBDIVISION, PHASE 3, SECTION 3.

Commissioner Jones announced that staff recommendation was made for this item. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to accept the vegetation coverage and the release of the revegetation bond #PB03016800239 in the amount of \$41,520.00 for Sunfield subdivision, Phase 3, Section 3. All present voted "Aye." MOTION PASSED.

35001 APPROVE ADVANCE FUNDING AGREEMENT FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM (STBG) BOTH ON-SYSTEM AND OFF-SYSTEM (FM 621 AND CR 266 IMPROVEMENT) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

Commissioner Ingalsbe said this is part of the 2016 Road Bond work that consist of dedicated turn lanes to provide more safety. AFA required TXDOT advertise, lead, and manage this project. A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to approve Advance Funding Agreement for Surface Transportation Block Grant Program (STBG) Both On-System and Off-System (FM 621 and CR 266 Improvement) and authorize the County Judge to execute Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

35002 APPROVE ADVANCE FUNDING AGREEMENT FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM (STBG) AND HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) PROJECT ON-SYSTEM (RM 967 SAFETY TURN LANES) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

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Commissioner Jones said there was a long delay on this project. He said the backup reflects the project is scheduled for 2021; however they would like to start this summer while schools are out of session. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve Advance Funding Agreement for Surface Transportation Block Grant Program (STBG) and Highway Safety Improvement Program (HSIP) Project On-System (RM 967 Safety Turn Lanes) and authorize the County Judge to execute Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.**

35003 APPROVE THE REIMBURSEMENT AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE MCCARTY LANE CORRIDOR IMPROVEMENTS PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AGREEMENT ON BEHALF OF HAYS COUNTY.

Commissioner Shell said anytime work is done on a railroad crossing the county has to pay for the engineering services. He noted possible savings since McCarty and Centerpoint are relatively close. **A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve the Reimbursement Agreement for Preliminary Engineering Services with the Union Pacific Railroad Company for the McCarty Lane Corridor Improvements Project and authorize the County Judge to execute the Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.**

35004 APPROVE THE REIMBURSEMENT AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE CENTERPOINT 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 Ingalsbe to approve the Reimbursement Agreement for Preliminary Engineering Services with the Union Pacific Railroad Company for the Centerpoint Road Corridor Improvements Project and authorize the County Judge to execute the Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

35005 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,409,066.00 FOR HEADWATERS AT BARTON CREEK, PHASE 4, SECTION 2 (BOND # PB03010406703).

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to accept fiscal surety for the construction of street and drainage improvements in the amount of \$1,409,066.00 for Headwaters at Barton Creek, Phase 4, Section 2 (Bond # PB03010406703). All present voted "Aye." MOTION PASSED.

35006 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,103,051.40 FOR HEADWATERS AT BARTON CREEK, PHASE 4, SECTION 3 (BOND # PB03010406704).

A motion was made by Commissioner Jones seconded by Commissioner Shell to accept fiscal surety for the construction of street and drainage improvements in the amount of \$1,103,051.40 for Headwaters at Barton Creek, Phase 4, Section 3 (Bond # PB03010406704). All present voted "Aye." MOTION PASSED.

35007 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,943,007.30 FOR HEADWATERS AT BARTON CREEK, PHASE 4, SECTION 4 (BOND # PB03010406702).

A motion was made by Commissioner Jones seconded by Commissioner Shell to accept fiscal surety for the construction of street and drainage improvements in the amount of \$1,943,007.30 for Headwaters at Barton Creek, Phase 4, Section 4 (Bond # PB03010406702). All present voted "Aye." MOTION PASSED.

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Clerk's Note Agenda Item #38 RE: *DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR LOCALLY FUNDED TRANSPORTATION PROJECT ON-SYSTEM, RM 2325 AT FISCHER STORE RD. AS PART OF THE 2016 ROAD BOND PROGRAM. – WAS PULLED.*

Clerk's Note: Commissioner Smith disconnected at 1:44 p.m. and reconnected at 1:46 p.m.

35008 APPROVE A VARIANCE FROM SECTION 721.5.07 (C) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND APPROVAL OF FINAL PLAT; HOLD PUBLIC HEARING. PLN-1401; REPLAT OF LOT 10, INDIAN HILLS RANCH SUBDIVISION.

Judge Becerra opened the public hearing at 1:45p.m. No comments were made. Judge Becerra closed the public hearing at 1:45p.m. Caitlyn Strickland, Development Services, gave a review of the requirements for the variances and replat. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve a variance from section 721.5.07 (C) of the Hays County Development Regulations and approval of final plat; hold public hearing. PLN-1401; Replat of Lot 10, Indian Hills Ranch Subdivision. All present voted "Aye." MOTION PASSED.**

35009 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PHASING AGREEMENT WITH HK REAL ESTATE DEVELOPMENT FOR THE FREEMAN SUBDIVISION LOCATED OFF OF OLD BASTROP HIGHWAY IN PRECINCT 1.

Caitlyn Strickland, Development Services, and Mark Kennedy, General Counsel, gave further details to the court about the agreement. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a Phasing Agreement with HK Real Estate Development for the Freeman Subdivision located off of Old Bastrop Highway in Precinct 1. All present voted "Aye." MOTION PASSED.**

35010 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PHASING AGREEMENT WITH HK REAL ESTATE DEVELOPMENT FOR THE RIVER BEND SUBDIVISION LOCATED OFF OF OLD BASTROP HIGHWAY IN PRECINCT 1.

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize the County Judge to execute a Phasing Agreement with HK Real Estate Development for the River Bend Subdivision located off of Old Bastrop Highway in Precinct 1. All present voted "Aye." MOTION PASSED.

35011 APPROVE THE NAMING OF A PRIVATE DRIVEWAY IN PRECINCT 3, REVIVAL HILL.

Commissioner Shell stated this has gone through the addressing department and was approved. Caitlyn Strickland, Development Services, stated since several residents lived on the road it is recommended to have a street name for emergency services purposes. **A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve the naming of a private driveway in precinct 3, Revival Hill. All present voted "Aye." MOTION PASSED.**

35012 AUTHORIZING THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH SECURUS TECHNOLOGIES, LLC RELATED TO TEMPORARY FREE INMATE PHONE CALLS IN LIGHT OF COVID-19 CONCERNS.

Commissioner Shell said during this time inmates would receive free phone calls due to Covid-19. Captain Mike Davenport, Sheriff's Office, said because of Covid-19 visitation at the jail facility cannot be held, therefore Securus was contacted about helping with this issue. Securus provided a contract as a solution to provide free phone calls for the inmates. Judge Becerra and Commissioner Ingalsbe said they were grateful for this action. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorizing the County Judge to execute a Memorandum of Understanding (MOU) with Securus Technologies, LLC related to temporary free inmate phone calls in light of COVID-19 concerns. All present voted "Aye." MOTION PASSED.**

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Clerk's Note Agenda Item #44 RE: *DISCUSSION AND POSSIBLE ACTION TO PROVIDE DIRECTION REGARDING ENFORCEMENT OF THE HAYS COUNTY FIRE CODE, ADOPTED BY THE COMMISSIONERS COURT ON OR ABOUT DECEMBER 17, 2019. – WAS PULLED.*

35013 **AUTHORIZE THE EXECUTION OF A \$1,000,000.00 LETTER OF AGREEMENT BETWEEN HAYS COUNTY AND CENTRAL TEXAS MEDICAL CENTER (CTMC) AS BUDGETED FOR FY2020 FOR INDIGENT HEALTH CARE COSTS.**

Commissioner Shell introduced the representatives Stephanie Nelson, CFO of CTMC, and Thomas McKinney, CEO, of Christus. Commissioner Shell explained the prorating of the funds for the hospitals because of the transition of ownership over CTMC. Both hospital representatives spoke to the court about the services provided to the county. Commissioner Ingalsbe said she would like to set a meeting with the new CEO regarding the needs of specialty doctors through this continued partnership. **A motion was made by Commissioner Shell seconded by Commissioner Jones to authorize the execution of a \$1,000,000.00 Letter of Agreement between Hays County and Central Texas Medical Center (CTMC) as budgeted for FY2020 for Indigent health care costs. All present voted "Aye." MOTION PASSED.**

35014 **AMEND THE HAYS COUNTY PURCHASING POLICY TO INCLUDE THE RECEIPT OF ELECTRONIC BIDS/PROPOSALS AND TO AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR SERVICES BETWEEN HAYS COUNTY AND BIDNET DIRECT.**

Marisol Villarreal-Alonzo, Auditor, said her office has worked with the I.T. department to utilize their current software to allow for electronic bids and will begin training. BidNet Direct is a vendor that currently works with other counties by posting bids electronically. BidNet offers free services to the County and vendors as well as offering subscriptions to vendors for automatic notifications of bids. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to amend the Hays County Purchasing Policy to include the receipt of electronic bids/proposals and to authorize the execution of an Agreement for Services between Hays County and BidNet Direct. All present voted "Aye." MOTION PASSED.**

35015 **EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, LEASE, EXCHANGE, OR VALUE OF REAL PROPERTY LOCATED ON OR NEAR THE SAN MARCOS RIVER IN PRECINCT 1, INCLUDING THE TWO PROPERTIES FOR WHICH HAYS COUNTY HAS EXECUTED OPTION AGREEMENTS. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Jones to authorize and/or ratify General Counsel's execution of purchase agreements related to the property acquisitions for which the county has executed option agreements along Cape Road and River Road in Precinct 1; to authorize General Counsel to execute all documents incidental to closing the purchase of the Cape Family Trust, LTD property by way of 2016 Transportation bond funds (multimodal transportation) and to authorize funding the purchase of the Clemmie Sharp property by way of 2007 Park bond interest savings. All present voted "Aye." MOTION PASSED.

35016 **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 EMPLOYED BY HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve a policy related to emergency paid leave and to authorize execution of an Order of the Commissioners Court of Hays County, Texas as presented in Executive Session, addressing Employee absences resulting from Covid-19. 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 THE DUTIES OF ALL INDIVIDUAL POSITIONS WITHIN THE OFFICE OF EMERGENCY SERVICES, INCLUDING BUT NOT LIMITED TO THE HAYS COUNTY FIRE MARSHAL.

No action was taken.

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.

No action was taken.

Clerk's Note Agenda Item #51 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 update by the Sheriff's office. The estimated cost to outsource inmates was \$84,592 for the dates of March 15th through March 21st. The average number of outsourced inmates were 206 males and 8 females.

Clerk's Note Agenda Item #53 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 #54 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 #55 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 1:55 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 March 24, 2020.



Elaine H. Cardenas

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

