

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 31, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31st 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
VALERIE VALDEZ	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, 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 a public comment regarding ill qualifications of elected officials and government workers. He stated that he pulled up the Code of Ethic for Hays County Employees because an employee is involved in the medical profession and he hopes it does not conflict with the Covid-19 kit that will be available soon. Dan Lyon, Hays County resident, sent his public comments via email. He wrote that the Order from March 15th negatively affected the citizens' ability to make an income therefore, Hays County should lower the taxes collected.

Update from the County Judge and staff regarding the Local Disaster Declaration and COVID-19.

Alex Villalobos, Chief of Staff, gave an update on the number of Covid-19 cases. There are 28 confirmed, 6 recovered, and 22 active cases. He gave an update to the court for Emergency plans. He stated that Hays County will be short on supplies and first responders. Tammy Crumley, County Wide Operations, gave an update on the progress of disinfecting the County buildings, and the inventory of supplies. Raul Reyes, Emergency Service Director, introduced himself as the new director. He said he will meet with each of the Commissioners about Covid-19. Judge Becerra welcomed Raul Reyes, and thanked Scott Raven, Fire Marshall and Interim Emergency Services Director, for stepping up during this time of transition. Judge Becerra spoke about the purchase of 2,000 Covid-19 testing kits. He stated priority will be given to front line medical responders and individuals exhibiting symptoms with required medical consultation. Judge Becerra and Commissioner Smith had a lengthy discussion about the agreement made with one of the suppliers of the Testing kits. Commissioner Shell thanked the Healthcare providers and first responders, and acknowledged the businesses that are struggling. **No action was taken.**

35017 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.

35018 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.

35019 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 3, 2020, MARCH 10, 2020, MARCH 16, 2020 AND MARCH 24, 2020.



A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of March 3, 2020, March 10, 2020, March 16, 2020 and March 24, 2020. All present voted "Aye." MOTION PASSED.

35020 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE COMPUTER EQUIPMENT WITH SHERIFF DRUG FORFEITURE FUNDS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to purchase computer equipment with Sheriff Drug Forfeiture Funds and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35021 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE TWO (2) SHOP FANS (PORTABLE COOLER) FOR THE VEHICLE MAINTENANCE AND BUILDING MAINTENANCE SHOPS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to purchase two (2) shop fans (portable cooler) for the Vehicle Maintenance and Building Maintenance shops and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35022 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO REPLACE THE GENERATOR RADIATOR AT THE LOCAL HEALTH DEPARTMENT IN THE AMOUNT OF \$7,790.19 AND AMEND THE BUDGET ACCORDINGLY.

Judge Becerra clarified this item is to replace a part not the generator as a whole. A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to authorize the Building Maintenance Department to replace the generator radiator at the Local Health Department in the amount of \$7,790.19 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35023 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER TO TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) DESIGNATING JANICE JONES TO FINALIZE DOCUSIGN DOCUMENTS BETWEEN HAYS COUNTY AND TXDOT, ONCE APPROVED IN COMMISSIONERS COURT.

Judge Becerra asked General Counsel for clarification on this item. Mark Kennedy, General Counsel, stated that TXDOT may ask for proof of court appointed authority, so this item covers that request. Commissioner Smith commented that during this time it would be helpful to have someone with authority to sign on their behalf. A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to authorize the County Judge to execute a letter to Texas Department of Transportation (TxDOT) designating Janice Jones to finalize DocuSign documents between Hays County and TxDOT, once approved in Commissioners Court. All present voted "Aye." MOTION PASSED.

35024 APPROVE SPECIFICATIONS FOR RFP 2020-P09 CDBG MITIGATION FUNDING AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.

Commissioner Shell stated an edit needed to be made to proposal which would remove a sentence that was from a previous RFQ. A motion was made by Commissioner Shell seconded by Commissioner Ingalsbe to approve specifications for RFP 2020-P09 CDBG Mitigation Funding and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

35025 ACCEPT THE SITE IMPROVEMENT PERFORMANCE BOND #LICX1192181 FOR STREET EXCAVATION, DRAINAGE, AND EROSION CONTROL IMPROVEMENTS IN THE AMOUNT OF \$937,314.16 FOR THE CALITERRA SUBDIVISION, PHASE 3, SECTION 9.

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Rodrigo Amaya, Hays County resident, gave a public comment regarding oversight of the court. **A motion was made by Commissioner Smith seconded by Commissioner Shell to accept the site improvement performance bond #LICX1192181 for street excavation, drainage, and erosion control improvements in the amount of \$937,314.16 for the Caliterra subdivision, Phase 3, Section 9. All present voted "Aye." MOTION PASSED.**

35026 APPROVE AN ADVANCE FUNDING AGREEMENT FOR LOCALLY FUNDED HIGHWAY IMPROVEMENT PROJECT ON-SYSTEM (RM 12 AT WINTERS MILL PKWY. AND RM 3237 AT WINTERS MILL PKWY.) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

Commissioner Shell stated this item is part of the 2016 bond program. He stated the County has been working with TXDOT for the design and they would like to get started as soon as possible. The location will have a new school opening soon. **A motion was made by Commissioner Smith seconded by Commissioner Shell to approve an Advance Funding Agreement for Locally Funded Highway Improvement Project On-System (RM 12 at Winters Mill Pkwy. and RM 3237 at Winters Mill Pkwy.) and authorize the County Judge to execute the Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.**

35027 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSTRUCTION CONTRACT WITH INTERMOUNTAIN SLURRY SEAL, INC. FOR THE TRANSPORTATION DEPARTMENT RELATED TO ROAD IMPROVEMENTS.

Commissioner Ingalsbe explained this action will extend the life of the road pavement. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Shell to authorize the County Judge to execute a Construction Contract with Intermountain Slurry Seal, Inc. for the Transportation Department related to road improvements. All present voted "Aye." MOTION PASSED.**

35028 ACCEPT THE FISCAL YEAR 2019 HAYS COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AS AUDITED BY ABIP, PC CERTIFIED PUBLIC ACCOUNTANTS.

A presentation was given by a representative from ABIP, to explain the results of the Comprehensive Annual Financial Report (CAFR). Jeff McGill, I.T. Director assisted with the remote presentation. Commissioner Ingalsbe asked about the 2016 Pass through funds. Marisol Villarreal-Alonzo, Auditor, responded to the Commissioners questions. Marisol Villarreal-Alonzo stated she would send the Court their bond copies, but wants to review once more before submitting to SCC Reporting for the deadline later today. She stated her office has been granted a 30 day extension from the GFOA. Her office will submit the report to GFOA and expect to receive an award once submitted. Commissioner Shell, Commissioner Smith, and Judge Becerra thanked the Auditors office for their work. **A motion was made by Commissioner Jones seconded by Commissioner Shell to accept the Fiscal Year 2019 Hays County Comprehensive Annual Financial Report (CAFR) as audited by ABIP, PC Certified Public Accountants. All present voted "Aye." MOTION PASSED.**

Clerk's Note Agenda Item #14 RE: RODRIGO AMAYA, HAYS COUNTY RESIDENT, MADE A PUBLIC COMMENT STATING THE COUNTY WAS SCHEDULING FINES BEFORE THE FIRE CODE WAS ADOPTED. COMMISSIONER SMITH SPOKE TO CLARIFY THE CODE WAS ADOPTED IN DECEMBER 2019. PROVIDE DIRECTION REGARDING ENFORCEMENT OF THE HAYS COUNTY FIRE CODE, ADOPTED BY THE COMMISSIONERS COURT ON OR ABOUT DECEMBER 17, 2019. - WAS PULLED.

35029 ALLOW THE DEVELOPMENT SERVICES STAFF TO TAKE WORK VEHICLES TO THEIR HOMES, REQUESTED PER THE COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY CHAPTER OF THE HR POLICY.

Caitlyn Strickland, Development Services, stated this item was to ensure her staff is meeting the Stay Safe order. Commissioner Ingalsbe spoke to clarify that this action would only be in place while the order was in effect. **A motion was made by Commissioner Jones seconded by Commissioner Ingalsbe to allow the Development Services staff to take work vehicles to their homes, requested per the County Property and Employee Responsibility chapter of the HR Policy. All present voted "Aye." MOTION PASSED.**

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AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 2 TO THE STOP LOSS POLICY BETWEEN HAYS COUNTY AND UNITED HEALTHCARE INSURANCE COMPANY.

Rodrigo Amaya, Hays County resident, made a public comment cautioning the court on their approvals of action items on the agenda. Commissioner Ingalsbe, had additional questions and mentioned bringing the item back to court at a later time. Mark Kennedy, General Counsel, was in agreement to bring item back to court. **No action taken.**

Clerk's Note Agenda Item #17 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND W.F. SMITH COMPANY FOR APPRAISER SERVICES FOR THE COUNTY'S GLO DISASTER HOUSING ASSISTANCE PROGRAM (HAP).* – **WAS PULLED.**

Clerk's Note Agenda Item #18 RE: *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND SPOT ON SURVEYING, INC. (SOS) REGARDING SURVEYING SERVICES FOR THE COUNTY'S GLO DISASTER HOUSING ASSISTANCE PROGRAM (HAP).* – **WAS PULLED.**

35030 AUTHORIZING THE COUNTY JUDGE TO EXECUTE A TEMPORARY LICENSE AGREEMENT BETWEEN HAYS COUNTY AND UNBEATEN, LLC, IN SUPPORT OF THE ROOM 2 HOPE PROJECT FOR THE BENEFIT OF VICTIM WITNESSES AT THE HAYS COUNTY GOVERNMENT CENTER.

Rodrigo Amaya, Hays County resident, gave a public comment regarding limited space in the Government Center. Commissioner Shell stated this room already exist in the District Attorney's office. He referred to a previous presentation given in court by Denise Fonseca suggesting to utilize volunteers to add furniture and paint making the space more comfortable for victims. **A motion was made by Commissioner Shell seconded by Commissioner Smith to authorizing the County Judge to execute a Temporary License Agreement between Hays County and Unbeaten, LLC, in support of the Room 2 Hope project for the benefit of victim witnesses at the Hays County Government Center. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Executive Session began at 9:40 a.m. and resumed back into open court at 10:34 a.m.

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 taken.

Clerk's Note Agenda Item #21 RE: *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.* – **WAS PULLED.**

Clerk's Note Agenda Item #22 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 of outsourcing is \$69,491. The inmate population was 440 the peak was 465 for the week of March 22nd through March 28th, 2020. The number of males 168 the number of females 5. **No action taken.**

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Clerk's Note Agenda Item #24 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 #25 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 #26 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 11:13 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 31, 2020.



A handwritten signature in cursive script that reads "Elaine H. Cardenas".

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

