

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTMBER 15, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15th DAY OF SEPTEMBER 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.

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Jeff Latham, San Marcos Westover Baptist 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

Dan Lyon made public comment regarding disbursements and taxes. Kelly Puryear made public comment regarding law enforcement support. Brittany Castano made public comment regarding the Texas Department of Criminal Justice releasing victims' personal information. Larry Rayos made public comment in support of the Elections Administrator. Sheila Wray made public comments for the law enforcement offices and funding. Mike Lee made public comment in favor of funding law enforcement. Rolando Saucedo made public comment regarding elections. Sylvia Ybarra made public comment for Hays County law enforcement. Elaine H. Cárdenas, County Clerk, read aloud the following public comments that were emailed to the court. Linda Kaufmann made public comment regarding accessible polling locations. Robert Smith made public comments regarding reducing the spread of COVID-19 during elections.

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

Alex Villalobos, Chief of Staff and Emergency Management Coordinator, gave an update regarding Governor Abbott's deployed test kits. Tammy Crumley, Director of County Wide Operations, gave an update to the Court regarding Texas State University's COVID-19 case count. Mike Jones, Emergency Services Director, spoke to the Court; he noted they would have more data from Texas State University to report on Wednesday or Thursday. No action was taken.

Clerk's Note: Judge Becerra called for a break that began at 11:45 a.m. and resumed back into open court at 11:52 a.m.

35612 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.

35613 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.

35614 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR AN APARTMENT BUILDING AND A 3-BEDROOM CABIN LOCATED AT 956 HART LN, DRIPPING SPRINGS, TEXAS 78620.



A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for an apartment building and a 3-bedroom cabin located at 956 Hart Ln, Dripping Springs, Texas 78620. All present voted "Aye." MOTION PASSED.

35615 AUTHORIZE BUILDING MAINTENANCE TO UTILIZE DONATED FUNDS FOR THE REMODEL OF THE HAYS COUNTY CHILD PROTECTIVE BOARD (HCCPB) RAINBOW ROOM LOCATED ON BROADWAY STREET IN SAN MARCOS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Building Maintenance to utilize donated funds for the remodel of the Hays County Child Protective Board (HCCPB) Rainbow Room located on Broadway Street in San Marcos and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35616 APPROVE UTILITY PERMITS.

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

35617 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A \$59,589.82 PROPOSAL WITH THE MOVE TEAM FOR MOVING SERVICES FOR VARIOUS SHERIFF, DISPATCH AND EMERGENCY SERVICES OFFICES RELOCATING TO THE NEW PUBLIC SAFETY BUILDING AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon made public comment against this item. Commissioner Ingalsbe noted there are items that employees would need help moving. Marisol Villarreal-Alonzo, Auditor noted this item went through the bi-board process. Commissioner Smith noted some of the items would need to be secured. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a \$59,589.82 Proposal with The Move Team for moving services for various Sheriff, Dispatch and Emergency Services offices relocating to the new Public Safety Building and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

35618 AUTHORIZE THE HAYS COUNTY OFFICE OF GENERAL COUNSEL TO SUBMIT A LETTER OF TERMINATION TO FIRST RESPONSE SOLUTIONS, LLC PURSUANT TO THE AGREEMENT OF SERVICES BETWEEN HAYS COUNTY AND FIRST RESPONSE SOLUTIONS, LLC IN RELATION TO THE MANAGEMENT OF HAZARDOUS MATERIAL.

Commissioner Shell stated this agreement is no longer needed. He stated Mike Jones, Emergency Services Director, has found a more efficient way of management. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Hays County Office of General Counsel to submit a letter of termination to First Response Solutions, LLC pursuant to the Agreement of Services between Hays County and First Response Solutions, LLC in relation to the management of hazardous material. All present voted "Aye." MOTION PASSED.**

35619 AUTHORIZE THE COUNTY JUDGE TO EXECUTE INTERLOCAL COOPERATION AGREEMENTS BETWEEN HAYS COUNTY AND BURNET COUNTY FOR JAIL SERVICES AND BETWEEN HAYS COUNTY AND CALDWELL COUNTY FOR JAIL SERVICES RELATED TO THE HOUSING AND CARE OF HAYS COUNTY INMATES.

Dan Lyon made a public comment against this item. Commissioner Smith provided an explanation of cost differences for outsourcing. **A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the County Judge to execute Interlocal Cooperation Agreements between Hays County and Burnet County for Jail Services and between Hays County and Caldwell County for Jail Services related to the housing and care of Hays County inmates. All present voted "Aye." MOTION PASSED.**

35620 AUTHORIZE COUNTYWIDE OPERATIONS TO RENEW THE ANNUAL COMMERCIAL GENERAL LIABILITY AND EXCESS LIABILITY INSURANCE RELATED TO THE GAY RUBY DAHLSTROM NATURE PRESERVE IN THE AMOUNT OF \$7,667.11.

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Dan Lyon made a public comment regarding expenses. Commissioner Jones noted this insurance is part of the contract the county holds due to public access. Mark Kennedy, General Counsel, noted this is part of the lease agreement. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize Countywide Operations to renew the annual Commercial General Liability and Excess Liability Insurance related to the Gay Ruby Dahlstrom Nature Preserve in the amount of \$7,667.11. All present voted "Aye." MOTION PASSED.**

35621 AUTHORIZE PAYMENT TO ENTERPRISE FM TRUST FOR THE CONSTABLE PCT. 3 OFFICE RELATED TO VEHICLE EQUIPMENT AND INSTALLATION IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY.

Commissioner Shell noted this equipment was for a law enforcement vehicle. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize payment to Enterprise FM Trust for the Constable Pct. 3 Office related to Vehicle Equipment and Installation in which no purchase order was issued as required per County Purchasing Policy. All present voted "Aye." MOTION PASSED.**

35622 RATIFY THE EXECUTION OF AN EQUIPMENT RENTAL AGREEMENT WITH CLIFFORD POWER SYSTEMS FOR THE JUVENILE DETENTION CENTER RELATED TO A 300KVA GENERATOR RENTAL AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to ratify the execution of an Equipment Rental Agreement with Clifford Power Systems for the Juvenile Detention Center related to a 300kVA Generator rental and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35623 APPROVE JOINT ELECTION AGREEMENTS FOR JURISDICTIONS CONTRACTING WITH HAYS COUNTY ELECTIONS FOR THE NOVEMBER 3, 2020 GENERAL ELECTION.

Commissioner Jones wanted to point out that there are 14 different jurisdictions that the county elections office will be responsible for running. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve Joint Election Agreements for jurisdictions contracting with Hays County Elections for the November 3, 2020 General Election. All present voted "Aye." MOTION PASSED.**

35624 APPROVE THE SELECTION OF GARVER ENGINEERING FOR DRAINAGE, ROADWAY ALIGNMENT, AND ENVIRONMENTAL STUDIES AND RECOMMENDATIONS AT SENTINEL PEAK PRESERVE AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.

Commissioner Shell stated this study would allow the county to get started on investigating how to get public access through the remainder of the branch. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the selection of Garver Engineering for drainage, roadway alignment, and environmental studies and recommendations at Sentinel Peak Preserve and authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.**

35625 ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$1,028,339.75 FOR TRAILS AT WINDY HILL, PHASE TWO SUBDIVISION (BOND # 41420699).

Commissioner Jones noted there is staff approval for this item. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe accept fiscal surety for the construction of street and drainage improvements in the amount of \$1,028,339.75 for Trails at Windy Hill, Phase Two Subdivision (Bond # 41420699). All present voted "Aye." MOTION PASSED.**

35626 AWARD CONTRACT FOR IFB 2020-B14 LIME KILN ROAD IMPROVEMENTS TO CAPITAL EXCAVATION, CO.

Commissioner Smith stated he is excited to get this process started and completed. Commissioner Shell stated the bids were very competitive for this project. Commissioner Jones stated he is confident with the company that has this bid. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to award contract for IFB 2020-B14 Lime Kiln Road Improvements to Capital Excavation, Co. All present voted "Aye." MOTION PASSED.**



35627 CONTINUATION OF THE LOCAL DISASTER DECLARATION ORIGINALLY PROCLAIMED BY THE COUNTY JUDGE ON OR ABOUT MARCH 15, 2020, CONTINUED BY RESOLUTION OF COMMISSIONERS COURT ON MARCH 16, 2020 AND EXTENDED BY THE COURT ON JULY 14, 2020.

Judge Becerra stated he is continuing his order for consistency throughout the county. Mark Kennedy, General Counsel, stated this item is for the qualification of funding. **A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to approve a continuation of the Local Disaster Declaration originally proclaimed by the County Judge on or about March 15, 2020, continued by resolution of Commissioners Court on March 16, 2020 and extended by the Court on July 14, 2020. All present voted "Aye." MOTION PASSED.**

35628 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE REGARDING FUNDING TOWARDS THE EMERGENCY CASH ASSISTANCE PROGRAM (ECAP).

Commissioner Jones thanked the City of Kyle for their contribution. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Funding Agreement between Hays County and the City of Kyle regarding funding towards the Emergency Cash Assistance Program (ECAP). All present voted "Aye." MOTION PASSED.**

35629 AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN HAYS COUNTY AND MILLIMAN, INC. FOR ACTUARIAL SERVICES RELATED TO RETIREE DRUG SUBSIDY.

Shari Miller, Director of Human Resources stated this is the County's annual review of the retirees' insurance program. This ensures the programs are credible. This also qualifies the county for rebates. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the execution of an agreement between Hays County and Milliman, Inc. for actuarial services related to retiree drug subsidy. All present voted "Aye." MOTION PASSED.**

35630 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FIRST AMENDMENT TO THE HEALTH CARE SERVICES AGREEMENT WITH WELLPATH, LLC FOR THE JUVENILE DETENTION FACILITY AND AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CH. 262.024(A)(4).

Commissioner Ingalsbe stated this is an extension of the agreement. Burlon Parsons, Juvenile Detention, stated this item is for an increase from 3% to 4%. Vickie Dorsett, Auditor's office, stated per the contract between the county and Wellpath, LLC, the company can make that increase. Burlon Parsons, Juvenile Detention, stated Wellpath, LLC has provided good service during the pandemic. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a First Amendment to the Health Care Services Agreement with Wellpath, LLC for the Juvenile Detention Facility and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(4). All present voted "Aye." MOTION PASSED.**

35631 ADOPT A RESOLUTION RELATED TO THE CREATION OF A HAYS COUNTY ONION CREEK WATERSHED TECHNICAL GROUP.

Commissioner Jones stated this item gives the county a technical group that will advise with Travis County. Caitlyn Strickland, Director of Development Services, stated this watershed expands over 110,000 acres across the county. This group will help to incorporate cohesiveness throughout the area. Commissioner Smith noted he is in support of this group. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Resolution related to the creation of a Hays County Onion Creek Watershed Technical Group. All present voted "Aye." MOTION PASSED.**

DISCUSSION WITH POSSIBLE ACTION TO FUND A TEMPORARY POSITION TO AID ELECTIONS ADMINISTRATION WITH OVERALL 2020 ELECTION.

Sam Brannon made a public comment regarding accountability in the Elections office. Judge Becerra spoke about hiring an employee to help with oversight in the Elections office. Sam Brannon was called up by the court to speak more about his open records request for elections and his findings. The Court discussed with Sam Brannon and Jennifer Anderson, Elections Administrator, about the processes and procedures in place for the upcoming election. Jennifer Anderson, Elections Administrator, spoke to the court about her office procedures during elections and the processes for reporting the election results to the State. The court discussed plans to

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get more details about the role of the proposed temporary position. This item will be brought back to court September 22, 2020 under the budget workshop. No action was taken.

35632 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND INDEPENDENCE TITLE TO PROVIDE CLOSING SERVICES FOR THE HUD FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RELIEF (CDBG-DR) HOUSING PROGRAM.

Tammy Crumley, County Wide Operations Director, stated the county needs a title company to draw up closing documents for these properties. Mark Kennedy, General Counsel, explained why only one company may have submitted a bid. Vickie Dorsett, Auditors Office, stated this was an informal request. Marisol Villarreal-Alonzo, County Auditor, spoke on this item. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement (PSA) between Hays County and Independence Title to provide closing services for the HUD funded Community Development Block Grant Disaster Relief (CDBG-DR) Housing Program. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Executive Session began at 12:45 p.m. and resumed back into open court at 2:30 p.m.

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.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY LAW ENFORCEMENT ASSOCIATION (HCLEA); AND CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ALL INDIVIDUAL POSITIONS SUBJECT TO SAID COLLECTIVE BARGAINING AGREEMENT. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action was taken.

35633 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE PARKS AND OPEN SPACE BOND PROPOSITION ON THE NOVEMBER 3, 2020 BALLOT; AND CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY REGARDING PARKS AND OPEN SPACE WITHIN HAYS COUNTY. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to authorize the Hays County Public Information Officer to purchase items and services related to the establishment of Hays County 2020 Parks Bond website and other information – providing resources, not to exceed \$2,500.00 to be taken from County Wide Contingency. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #27 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 \$55,277.00 for the week of September 6 – September 12, 2020. The number of outsourced males was 154 inmates and females were 4 inmates. The number of arrest made by agency are as follows; Buda Police Department - 2, Department of Public Safety – 4, Hays County Sheriff's Department – 37, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle

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Police Department – 16, San Marcos Police Department - 20 , Texas State Police Department – 21. No action taken.

Clerk's Note Agenda Item #29 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY CENSUS PROGRAM INCLUDING UPDATES FROM JESSICA MEJIA. – WAS PULLED.*

Clerk's Note Agenda Item #30 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 #31 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 2:44 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 September 15, 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

