

HAYS COUNTY COMMISSIONERS' COURT MINUTES



OCTOBER 20, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF OCTOBER 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:

Chaplain Javier Maldonado from Christus Hospice Central Texas 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 against the Parks bond.

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 the court an update. Mike Jones, Emergency Services Director, spoke to the court regarding testing locations. Commissioner Ingalsbe inquired about available testing in San Marcos. Tammy Crumley, Countywide Operations, announced positive curative tests are counted as positive tests for the county. Commissioner Smith requested numbers for testing and turnaround time for test results specific to each court member's area. No action was taken.

35732 ADOPT A PROCLAMATION DECLARING OCTOBER 30, 2020 AS WEATHERIZATION DAY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation declaring October 30, 2020 as Weatherization Day. All present voted "Aye." MOTION PASSED.

PRESENTATION BY SUSAN DAWSON WITH AUSTIN AREA RESEARCH ORGANIZATION (AARO) REGARDING HAYS COUNTY BREAST CANCER INITIATIVE.

Susan Dawson, Dr. Denise Smart, Daniel Guerrero, and Dr. Rosina Valle presented to the court regarding the breast cancer initiative for Hays County. They requested the court members champion this initiative to bring better health care to the county. Judge Becerra, Commissioner Ingalsbe and Commissioner Shell stated they are supportive of this initiative. No action was taken.

35733 APPROVE PAYMENTS OF COUNTY INVOICES.

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

35734 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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



35735 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 13, 2020.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Commissioners Court Minutes of October 13, 2020. All present voted "Aye." MOTION PASSED.

35736 AUTHORIZE THE EXECUTION OF AMENDMENT NO. 2 TO THE GENERAL LAND OFFICE (GLO) CONTRACT NO. 18-421-000-B130 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM HOUSING PROJECTS NON-RESEARCH & DEVELOPMENT 2015 FLOOD ALLOCATION.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of Amendment No. 2 to the General Land Office (GLO) Contract No. 18-421-000-B130 Community Development Block Grant Disaster Recovery Program Housing Projects Non-Research & Development 2015 Flood Allocation. All present voted "Aye." MOTION PASSED.

35737 APPROVE AMENDMENT TO THE HAYS COUNTY PURCHASING POLICY, SECTION 4.5-CATEGORY 5, TO FORMALIZE FEDERAL REQUIREMENTS 2 CFR 200 ARE INCLUDED IN ALL FORMAL SOLICITATIONS.

Marisol Villarreal-Alonzo, Auditor, announced this item is a policy change to include CFRs documentation in any contracts the county enters where federal dollars are involved. Mark Kennedy, General Counsel, gave details regarding the Purchasing Policy. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve amendment to the Hays County Purchasing Policy, Section 4.5-Category 5, to formalize Federal Requirements 2 CFR 200 are included in all formal solicitations. All present voted "Aye." MOTION PASSED.

35738 AUTHORIZE THE EXECUTION OF A QUOTE WITH AXON ENTERPRISES, INC. RELATED TO THE SHERIFF'S OFFICE IN-CAR & BODY-WORN CAMERA PROGRAM FOR ADDITIONAL EQUIPMENT APPROVED IN THE FY 2021 BUDGET.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the execution of a Quote with Axon Enterprises, Inc. related to the Sheriff's Office In-Car & Body-Worn Camera Program for additional equipment approved in the FY 2021 Budget. Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Smith voted "Aye." MOTION PASSED. Judge Becerra voted "No." MOTION PASSED.

35739 APPROVE THE REAPPOINTMENT OF WALT SMITH TO THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "WTCPUA"), TERM ENDING SEPTEMBER 30, 2024.

Commissioner Smith announced he appreciates the ability to serve on the board. A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the reappointment of Walt Smith to the Board of Directors of the West Travis County Public Utility Agency (the "WTCPUA"), term ending September 30, 2024. Commissioner Ingalsbe, Commissioner Jones, Commissioner Shell, and Commissioner Smith voted "Aye." MOTION PASSED. Judge Becerra voted "No." MOTION PASSED.

Clerk's Note Agenda Item #11 RE: AUTHORIZE THE JUVENILE DETENTION CENTER TO PURCHASE A REPLACEMENT 130KW GENERATOR WITH TRANSFER SWITCH AND AMEND THE BUDGET ACCORDINGLY. - WAS PULLED.

35740 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND BINKLEY & BARFIELD, INC TO PERFORM UTILITY COORDINATION FOR THE WINDY HILL ROAD RECONSTRUCTION PROJECT AND AMEND THE BUDGET ACCORDINGLY.

Commissioner Jones gave the court an update on this project. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement between Hays County and Binkley & Barfield, Inc. to perform Utility Coordination for the Windy Hill Road reconstruction project and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



35741 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND COBB FENDLEY, INC TO PERFORM ROW ACQUISITION SERVICES FOR THE WINDY HILL ROAD RECONSTRUCTION PROJECT; AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 262.024(A)(4).

Commissioner Jones noted this project will include improvements due to growth in the area. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement between Hays County and Cobb Fendley, Inc to perform ROW Acquisition Services for the Windy Hill Road reconstruction project; authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(4). All present voted "Aye." MOTION PASSED.

35742 AUTHORIZE THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 7 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND HNTB CORPORATION FOR THE PASS-THROUGH FINANCE PROGRAM MANAGEMENT EFFORT IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$100,000.00 FROM \$7,615,500.00 TO \$7,715,500.00 AND EXTENDING THE TERMINATION DATE OF THE CONTRACT TO SEPTEMBER 30, 2021; AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.024(A)(4).

Commissioner Jones stated this item is an extension on the contract. Mike Weaver, HNTB, noted this is a one-year renewal to wrap up the project. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of Supplemental Agreement No. 7 to the Professional Services Agreement between Hays County and HNTB Corporation for the Pass-Through Finance Program Management effort in Hays County, increasing the Compensation Cap by \$100,000.00 from \$7,615,500.00 to \$7,715,500.00 and extending the termination date of the contract to September 30, 2021; authorize a discretionary exemption pursuant to Texas Local Government Code Section 262.024(a)(4). All present voted "Aye." MOTION PASSED.

35743 AUTHORIZE THE EXECUTION OF SUPPLEMENTAL NO. 7 TO A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND HNTB CORPORATION FOR \$520,000.00 TO CONTINUE PROVIDING GENERAL ENGINEERING CONSULTANT (GEC)/PROGRAM MANAGEMENT SERVICES FOR THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM PROJECTS; AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.024(A)(4).

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of Supplemental No. 7 to a Professional Services Agreement (PSA) between Hays County and HNTB Corporation for \$520,000.00 to continue providing General Engineering Consultant (GEC)/Program Management services for the Hays County/TxDOT Partnership Program projects; authorize a discretionary exemption pursuant to Texas Local Government Code Section 262.024(a)(4). All present voted "Aye." MOTION PASSED.

35744 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND LJA ENGINEERING, INC. TO PROVIDE RIGHT-OF-WAY ACQUISITION SERVICES FOR DARDEN HILL/SAWYER RANCH ROAD INTERSECTION ROUND-ABOUT PROJECT IN PRECINCT 4 AS PART OF THE ROAD BOND PROGRAM; AUTHORIZE A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.024(A)(4) AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon made public comment regarding transparency for this process. Mark Kennedy, General Counsel, explained the selection process. Judge Becerra announced he would like to have a procurement workshop for the public added to the agenda for an upcoming Commissioners Court meeting. Mark Kennedy, General Counsel, recommended that the court submit questions to the staff members that deal with the procurement process prior to the meeting, so that the staff members involved can prepare and provide a presentation. Marisol Villarreal-Alonzo, Auditor, requested the court limit the scope for the procurement workshop.



A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement between Hays County and LJA Engineering, Inc. to provide Right-of-Way Acquisition services for Darden Hill/Sawyer Ranch Road Intersection Round-About project in Precinct 4 as part of the Road Bond Program; authorize a discretionary exemption pursuant to Texas Local Government Code Section 262.024(a)(4) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35745 APPROVE AN ADVANCE FUNDING AGREEMENT FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS (SH 21 AT FM 1966) WITH NO REQUIRED MATCH ON-SYSTEM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADVANCE FUNDING AGREEMENT ON BEHALF OF HAYS COUNTY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects (SH 21 at FM 1966) with No Required Match On-System and authorize the County Judge to execute the Advance Funding Agreement on behalf of Hays County. All present voted "Aye." MOTION PASSED.

35746 AWARD CONTRACT FOR IFB 2020-B15 RM 150 CENTER TURN LANE GAP PROJECT TO COX COMMERCIAL CONSTRUCTION.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to award contract for IFB 2020-B15 RM 150 Center Turn Lane Gap Project to Cox Commercial Construction. All present voted "Aye." MOTION PASSED.

35747 APPROVE CHANGES TO THE FY 2021 HEALTHCARE PLAN AS RECOMMENDED BY THE INSURANCE COMMITTEE.

Shari Miller, Director of Human Resources, explained the changes to insurance coverage for Hays County employees. Aaron Pratt, Frost Insurance, and Scott Yarbrough, Yarbrough Agency, both benefit consultants for Hays County were present to address any questions or concerns by the court. Judge Becerra raised some concerns regarding the removal of medications from the insurances' approved list. Commissioner Ingalsbe thanked Mercedes Hinojosa, Benefits specialist, for her work with the county employees. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve changes to the FY 2021 healthcare plan as recommended by the Insurance Committee. All present voted "Aye." MOTION PASSED.**

35748 AUTHORIZE BECKWITH ELECTRONIC SYSTEMS, LLC TO REPLACE THE 3-SERIES CONTROL SYSTEM FOR GOVERNMENT CENTER COURTROOM #1 AND ALLOW A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 262.024A (7)(D) AND AMEND THE BUDGET ACCORDINGLY.

Tammy Crumley, Countywide Operations, stated this piece of equipment controls the microphones and tablets for the court room. The system needs to be repaired as the court rooms will be in use. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize Beckwith Electronic Systems, LLC to replace the 3-Series Control System for Government Center courtroom #1 and allow a discretionary exemption pursuant to Texas Local Government Code 262.024A (7)(D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Judge Becerra called for a break that began at 11:01 a.m. and resumed back into open court at 11:09 a.m.

35749 EXECUTE A CONTRACT WITH THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) RELATED TO THE HAYS COUNTY PRETRIAL BOND PROGRAM.

Lisa Pacheco, Deputy Director of Adult Probation, and Chief Hartman, Director of Caldwell, Comal, and Hays Counties CSCD, spoke to the court. This item will formalize an agreement for a third pretrial bond officer. This is a recommendation put forth by the subcommittee via the Hays County Criminal Justice Commission. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to execute a contract with the Community Supervision and Corrections Department (CSCD) related to the Hays County Pretrial Bond Program. All present voted "Aye." MOTION PASSED.**



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35750 EXECUTE AN INTERLOCAL PURCHASING AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO COOPERATIVE PURCHASING AS AUTHORIZED PER TEXAS LOCAL GOVERNMENT CODE SUBCHAPTER F, CH. 271.

Mark Kennedy, General Counsel, stated this agreement will allow the City of San Marcos and county to use each other's procurement activities to create a localized cooperative program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to execute an Interlocal Purchasing Agreement between Hays County and the City of San Marcos related to Cooperative Purchasing as authorized per Texas Local Government Code Subchapter F, Ch. 271. All present voted "Aye." MOTION PASSED.**

35751 ADOPT AN ORDER AUTHORIZING THE ISSUANCE OF THE "HAYS COUNTY, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2020 (LA CIMA PUBLIC IMPROVEMENT DISTRICT NEIGHBORHOOD IMPROVEMENT AREAS #1-2 PROJECT)"; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, AN AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN, AND OTHER DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

Dan Wegmiller, Specialized Public Finance Inc. and Financial Advisory for Hays County spoke to the court regarding recently sold bonds. Julie Houston, Bond counsel, submitted a presentation for backup materials. Commissioner Shell announced Mark Kennedy, General Counsel, has recused himself from this item. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to adopt an order authorizing the issuance of the "Hays County, Texas, Special Assessment Revenue Bonds, Series 2020 (La Cima Public Improvement District Neighborhood Improvement Areas #1-2 Project)"; approving and authorizing an indenture of trust, a bond purchase agreement, a limited offering memorandum, a continuing disclosure agreement, an amended and restated service and assessment plan, and other documents in connection therewith; making findings with respect to the issuance of the Bonds; and providing an effective date. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Executive Session began at 11:15 a.m. and resumed back into open court at 12:13 a.m.

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 THE INVESTIGATIONS DIVISION OF THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action was taken.

Clerk's Note Agenda Item #25 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.*

35752 AUTHORIZE A BURN BAN AND/OR DISASTER DECLARATION.

Nathan Mendenhall, Fire Marshall, recommended a burn ban due to dry conditions in the area. He noted there are some allowances where a burn can take place with a permit through the Fire Department. **A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to authorize a burn ban as recommended by the Fire Marshall. All present voted "Aye." MOTION PASSED.**

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 \$50,475 for the week of October 11 – October 17, 2020. The number of outsourced males was 141 inmates and females were 0 inmates. No action taken.

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Clerk's Note Agenda Item #28 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY CENSUS PROGRAM INCLUDING UPDATES FROM JESSICA MEJIA. - WAS PULLED.*

Clerk's Note Agenda Item #29 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 #30 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 12:20 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 October 20, 2020.



Elaine H. Cardenas

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

