

HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 24, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th DAY OF NOVEMBER 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:

Reverend Esperanza Baltazar-Ramirez, El Buen Pastor United Methodist 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 a public comment.

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

Judge Becerra announced a third company is on the horizon of providing a vaccine for COVID-19. Alex Villalobos, Chief of Staff and Emergency Management Coordinator announced the locations of COVID-19 tests. Mike Jones, Emergency Services Director, gave an update on training exercises. No action was taken.

35851 APPROVE PAYMENTS OF COUNTY INVOICES.

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

35852 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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

35853 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 17, 2020.

A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve Commissioners Court Minutes of November 17, 2020. All present voted "Aye." MOTION PASSED.

35854 APPROVE THE PAYMENT OF THE NOVEMBER 30, 2020 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$4,273,000.00 EFFECTIVE NOVEMBER 30, 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 November 30, 2020 payroll disbursements in an amount not to exceed \$4,273,000.00 effective November 30, 2020 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.



35855 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO PURCHASE 30 DELL LAPTOPS VALUED AT \$33,405.30 AND 10 IPADS VALUED AT \$7,090.40 UTILIZING CRF FUNDS AND AMEND THE BUDGET ACCORDINGLY.

Mike Jones, Emergency Services Director, stated the 15 laptops will be used in the Emergency Operations Center and the other 15 will be used by county staff. A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the Office of Emergency Services to purchase 30 Dell Laptops valued at \$33,405.30 and 10 iPads valued at \$7,090.40 utilizing CRF Funds and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35856 APPROVE RENEWAL OF RFP 2018-P03 COUNTY WIDE PLUMBING SERVICES WITH SI MECHANICAL 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 RFP 2018-P03 County Wide Plumbing Services with SI Mechanical for one (1) additional year as stated in the original bid. All present voted "Aye." MOTION PASSED.

35857 APPROVE AND EXECUTE THE SHERIFF'S OFFICE EQUITABLE SHARING AND AGREEMENT CERTIFICATION IN ACCORDANCE WITH THE STATUTES AND GUIDELINES THAT GOVERN THE FEDERAL EQUITABLE SHARING PROGRAM.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve and execute the Sheriff's Office Equitable Sharing and Agreement Certification in accordance with the statutes and guidelines that govern the Federal Equitable Sharing Program. All present voted "Aye." MOTION PASSED.

35858 AUTHORIZE THE EXTENSION OFFICE TO PURCHASE ONE (1) REPLACEMENT OPTIPLEX 7070 DESKTOP COMPUTER VALUED AT \$725.94 AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Extension Office to purchase one (1) replacement OptiPlex 7070 Desktop Computer valued at \$725.94 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35859 APPROVE UTILITY PERMITS.

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

35860 AUTHORIZE THE PURCHASE OF ADD-ON FURNITURE PARTS VALUED AT \$2,408.29 FROM WORKPLACE RESOURCES FOR THE PUBLIC SAFETY BUILDING; UTILIZING A DISCRETIONARY EXEMPTION PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 262.024(A)(7)(D) AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon made a public comment. Commissioner Ingalsbe noted these items are needed for installation of the furniture. Commissioner Shell noted an opening date for the building will be announced soon. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the purchase of Add-On Furniture parts valued at \$2,408.29 from Workplace Resources for the Public Safety Building; utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(7)(D) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35861 AUTHORIZE PAYMENT TO CELLULAR CONTROLLED PRODUCTS FOR THE FERAL HOG ABATEMENT GRANT PROGRAM IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY AND AMEND THE BUDGET ACCORDINGLY.

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A motion was made by Commissioner Jones, seconded by Commissioner Shell to Authorize payment to Cellular Controlled Products for the Feral Hog Abatement grant program in which no purchase order was issued as required per County Purchasing Policy and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35862 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO PURCHASE 6 AXON CRADLEPOINT DEVICES VALUED AT \$10,674.00 UTILIZING CRF FUNDS AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to Authorize the Office of Emergency Services to purchase 6 Axon Cradlepoint Devices valued at \$10,674.00 utilizing CRF Funds and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35863 AUTHORIZE OZONA BANK TO RELEASE BANK STATEMENTS FOR THE PERIOD OF OCTOBER 1, 2017 THROUGH PRESENT TO THE HAYS COUNTY TREASURER AND HAYS COUNTY AUDITOR.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to Authorize Ozona Bank to release bank statements for the period of October 1, 2017 through present to the Hays County Treasurer and Hays County Auditor. All present voted "Aye." MOTION PASSED.

35864 AUTHORIZE THE OFFICE OF EMERGENCY SERVICES TO ACCEPT A \$4,942.30 PROPOSAL FROM THE MOVE TEAM TO RELOCATE A ROLLING FILE SYSTEM AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Office of Emergency Services to accept a \$4,942.30 proposal from The Move Team to relocate a Rolling File System and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35865 APPROVE EXTENSION OF RFP 2016-P06 BANK DEPOSITORY WITH SAGE CAPITAL BANK, N.A. FOR A PERIOD NOT TO EXCEED 90 DAYS (FEBRUARY 28, 2021) AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve extension of RFP 2016-P06 Bank Depository with Sage Capital Bank, N.A. for a period not to exceed 90 days (February 28, 2021) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35866 APPROVE SPECIFICATIONS FOR IFB 2021-B04 LAWN & LANDSCAPE SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to Approve specifications for IFB 2021-B04 Lawn & Landscape Services and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.

35867 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL #3 TO THE PROFESSIONAL SERVICE AGREEMENT (PSA) BETWEEN HAYS COUNTY AND LJA ENGINEERING, INC. FOR FM 110 (IH35 AT YARRINGTON ROAD TO SH80) NORTH PROJECT AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM WHICH WILL INCREASE THE COMPENSATION CAP BY \$105,000.00.

Commissioner Ingalsbe noted these are plan updates for an overpass. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Supplemental #3 to the Professional Service Agreement (PSA) between Hays County and LJA Engineering, Inc. for FM 110 (IH35 at Yarrington Road to SH80) North project as part of the Hays County/TxDOT Partnership Program which will increase the compensation cap by \$105,000.00. All present voted "Aye." MOTION PASSED.

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35868 10:00 A.M. - HOLD A PUBLIC HEARING IN ACCORDANCE WITH SECTION 293.101 OF THE TEXAS HEALTH AND SAFETY CODE TO HEAR PUBLIC COMMENTS AND CONSIDER ACTION CONCERNING THE AMOUNT OF THE MANDATORY PAYMENTS REQUIRED OF ALL LOCAL HOSPITALS IN FISCAL YEAR (FY) 2021 PURSUANT TO THE COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM AND HOW THE REVENUE DERIVED FROM THOSE PAYMENTS IS TO BE SPENT.

Judge Becerra opened the public hearing. No comments were made. Judge Becerra closed the public hearing. Commissioner Shell stated these funds are supported by the local hospitals to support indigent care in the county. Tammy Crumley, Director of Countywide Operations stated the hospitals have agreed on 6 percent rate that will be divided into quarterly payments for each facility. Commissioner Ingalsbe thanked all parties that participated in this fund. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the 6 percent mandatory payment of the fiscal year 2021 for the Hays County Health Care Local Provider Participation fund. All present voted "Aye." MOTION PASSED.**

35869 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A \$197,979.00 CONTRACT AMENDMENT WITH TYLER TECHNOLOGIES, INC. FOR THE SOFTCODE SOFTWARE PROGRAM & IMPLEMENTATION SERVICES FOR CIVIL PROCESS AS BUDGETED IN THE FY21 BUDGET.

Jeff McGill, Director of Information Technology Department, updated the court about the use of the civil software. Commissioner Ingalsbe thanked Jeff McGill for his work on this contract. Marisol Villarreal -Alonzo, Auditor noted how the budget was funded for this project. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute a \$197,979.00 Contract Amendment with Tyler Technologies, Inc. for the SoftCode Software Program & Implementation Services for Civil Process as budgeted in the FY21 budget. All present voted "Aye." MOTION PASSED.**

DEDICATE FUNDING TO ASSIST INDEPENDENT SCHOOL DISTRICTS WITHIN HAYS COUNTY WITH MENTAL HEALTH RESOURCES AS A RESULT OF THE COVID-19 PANDEMIC.

Commissioner Smith stated this is a growing ongoing issue. He hopes this is a step in the right direction. Commissioner Shell had questions regarding possible reimbursement from the schools or the federal government. Vickie Dorsett, Auditor's Office, announced the budgeting options for these funds. Commissioner Smith stated he anticipates funding \$200,000.00 at \$50,000.00 per school district. Mark Kennedy, General Counsel, explained agreement options to the court regarding reimbursements. Commissioner Smith thanked the court for their input. He stated he will bring this item back to court. No action was taken.

35870 APPOINT TWO HAYS COUNTY REPRESENTATIVES TO SERVE ON THE TAX INCREMENT REINVESTMENT ZONE (TIRZ) NUMBER 2 - CARMA BLANCO VISTA (NOW KNOWN AS BLANCO VISTA) BOARD OF DIRECTORS.

Commissioner Ingalsbe stated City of San Marcos contacted her regarding these two appointments. Mark Kennedy, General Counsel, stated the City of San Marcos is not requesting money. He stated they are needing a complete board to make voting decisions. Commissioner Ingalsbe suggested appointing Commissioner Smith since the TIRZ is now in precinct 4. Commissioner Smith stated that he will serve. He also wanted to conduct outreach to select a citizen that lives in that area. The agreement states appointments can be changed. Discussion was had among the court to select Commissioner Smith and Judge Becerra with the possibility of replacing them with a member of the community later. Vickie Dorsett, Auditor's office stated the agreement is expired. Commissioner Shell stated the county will need to request an updated agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to appoint Commissioner Smith and Judge Becerra as the two Hays County representatives to serve on the Tax Increment Reinvestment Zone (TIRZ) Number 2 - Carma Blanco Vista (now known as Blanco Vista) Board of Directors. All present voted "Aye." MOTION PASSED.**

DISCUSSION RELATED TO THE HAYS COUNTY PARKS AND OPEN SPACES PLAN, INCLUDING THE IDENTIFICATION OF NEXT STEPS RELATED TO VOTER-APPROVED PROPOSITION A IN THE NOVEMBER 2020 GENERAL ELECTION. POSSIBLE ACTION MAY FOLLOW.

Commissioner Shell stated this item is just to get started on the planning for proposition A. Mark Kennedy, General Counsel, noted that the Court would need to select new members for the Parks and Open Spaces Advisory Commission (POSAC) as the previous committee was closed out. appointment deadline is set on December 22, 2020. No action was taken.

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Clerk's Note: Executive Session began at 9:33 a.m. and resumed back into open court at 10:03 a.m.

35871 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG DACY LANE IN PCT 1. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve the negotiated settlement on all three parcels on Dacy Lane in Precinct 1 as discussed in Executive Session. All present voted "Aye." MOTION PASSED.

35872 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.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to accept the District Attorney's restructure for the investigator positions effective 12/1/20 regrading the Chief Investigator from a grade 114 to 116 with no fiscal impact, and to regrade all investigator positions from a grade 113 to 114 with the progression plan as presented in executive session. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session began at 11:16 a.m. and resumed back into open court at 11:50 a.m.

35873 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE AND/OR VALUE OF REAL PROPERTY LOCATED AT OR NEAR 810 S. STAGECOACH TRAIL, SAN MARCOS IN PCT. 1. 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 memorandum of understanding regarding the exchange of property, the dedication of right of way and matters related thereto, between Hays County and Carson Select Investments, LP, as presented in Executive Session; and to authorize staff and consultants to file the appropriate documentation to dedicate right of way for the extension of south Stagecoach road and to amend the plat of Hays County's property on South Stagecoach. All present voted "Aye." MOTION PASSED.

Comments-

This action represents the clean up of some of the land uses in this area. The roadway, which was originally planned to curve at the new public safety building, will now go straight.

We note that the area of property Hays County is receiving in the exchange far exceeds the area of property that it is conveying.

Counsel has advised that notice of this exchange does not need to be published in a paper of general circulation since it represents otherwise unusable areas of property being exchanged for reconciliation of the roadway alignment and the master plan for this development.

35874 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND THE AUDITOR'S OFFICE HAYS COUNTY USE OF CARES ACT FUNDING PURSUANT TO THE COVID-19 LOCAL DISASTER DECLARATION. POSSIBLE ACTION TO FOLLOW IN OPEN COURT.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a COVID-19 Assistance Agreement between Hays County and Blanco River Regional Recovery Team (BR3T) not to exceed \$300,000.00 related to Direct Assistance for households impacted by COVID -19, as presented in Executive Session. All present voted "Aye." MOTION PASSED.



DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Judge Becerra stated the burn ban is still in effect as recommended by the Fire Marshall. No action was taken.

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 \$40,240.00 for the week of November 15 – November 21, 2020. The number of outsourced males was 115 inmates and females were 0 inmates. The number of arrest made by agency are as follows; Buda Police Department - 6, Department of Public Safety – 4, Hays County Sheriff's Department – 43, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 22, San Marcos Police Department - 45, Texas State Police Department – 1. No action taken.

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 12:03 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 November 24, 2020.



Elaine H. Cardenas

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

