

HAYS COUNTY COMMISSIONERS' COURT MINUTES



APRIL 20, 2021

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF APRIL A.D., 2021, 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 Stella Burkhalter of the Kyle 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

Pastor Jeff Thompson, Alliance for Families, made a public comment thanking the commissioners for their support of the initiative for a public defender's office. Rodrigo Amaya made public comments regarding the public defender's office and the elected officials of Hays County. Anita Collins, Executive Administrative Assistant, made a public comment regarding a Census Data Workshop scheduled for the next Commissioner Court meeting on April 27, 2021 at 2:00 P.M. Dan Lyon made public comments against the Hays County Appraisal District, and against the county budget. Mike Lee made a public comment in support of the public defender's office initiative. Christine Terrell made public comments regarding the public defender's office, the expenses for the jail, safety of the jail facility, and requesting the submission of a letter for grant funding for the public defender's office. Jordan Buckley made public comments regarding the bureau dashboard, ending cash bail, the expenses of the jail, and requesting the submission of a letter for grant funding for the public defender's office.

36308 ADOPT A PROCLAMATION DECLARING APRIL 24 - MAY 1, 2021 AS NATIONAL INFANT IMMUNIZATION WEEK.

Dan Lyon made a public comment against vaccinations. Eric Schneider, Medical Epidemiologist for Hays County Health Department, stated that many diseases have disappeared from the United States since people began infant vaccinations. He announced that there will be a COVID-19 vaccination clinic today and tomorrow. No appointment will be needed for these upcoming clinics. The Commissioners thanked the Health Department for all their work this year. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring April 24 - May 1, 2021 as National Infant Immunization Week. All present voted "Aye." MOTION PASSED.**

36309 ADOPT A PROCLAMATION DECLARING APRIL 2021 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH.

Melissa Rodriguez from the Hays Caldwell Women's Center (HCWC), Trisha Schneider of CASA (Court Appointed Special Advocates), and Norma Blackwell of CASA, spoke to the court regarding raising awareness of child abuse. They especially dedicated the proclamation to the children that need their assistance. The Commissioners thanked all the groups for their dedication to help the community. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring April 2021 as Child Abuse Prevention and Awareness Month. All present voted "Aye." MOTION PASSED.**

36310 ADOPT A PROCLAMATION DECLARING APRIL 2021 AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH.



Rodrigo Amaya made a public comment regarding a report of sexual assault. Judge Becerra stated he would assist with the matter brought up by Mr. Amaya. Melissa Rodriguez from Hays Caldwell Women's Center stated that anyone can receive services from the center. The Commissioners thanked Ms. Rodriguez for her work. Commissioner Shell gave a special thanks to Marla Johnson for her work and years of service. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Proclamation declaring April 2021 as Sexual Assault Awareness and Prevention Month. All present voted "Aye." MOTION PASSED.**

36311 ADOPT A PROCLAMATION DECLARING APRIL 2021 AS NATIONAL DONATE LIFE MONTH IN HAYS COUNTY.

Lemuel Bradshaw, Public Relations Manager for United Tissue Resources, along with his colleague Morgan Alexander, presented to the court the importance of registering to be an organ donor. He announced that Donate Life Texas is the only official registry for organ donations, which is the same registry that someone is added to if they register at the Department of Public Safety (DPS) office. Mr. Bradshaw shared his own experience as a recipient of organ donation. He announced the names of several partnership that the United Tissue Resources has, including community partners, law enforcement, and community officials. The Commissioners were very pleased to have this item on the agenda. They thanked all who were in attendance in support of this proclamation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring April 2021 as National Donate Life Month in Hays County. All present voted "Aye." MOTION PASSED.**

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 partnership with Texas State University to hold a vaccination clinic. Mike Jones, Director of Emergency Services, gave the court an update regarding the next mass vaccination clinic in Hays County. Commissioner Ingalsbe stated the vaccination clinic is open to all citizens. The Commissioners thanked Mr. Jones for his work. No action was taken.

36312 APPROVE PAYMENTS OF COUNTY INVOICES.

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

36313 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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

36314 APPROVE AMENDED COMMISSIONERS COURT MINUTES OF JULY 21, 2020.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve amended Commissioners Court Minutes of July 21, 2020. All present voted "Aye." MOTION PASSED.

36315 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR MULBERRY MEADOWS RV PARK 1 ON LOT 1 BLOCK F OF MULBERRY MEADOWS SUBDIVISION.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize On-Site Sewage Facility permit for Mulberry Meadows RV Park 1 on Lot 1 Block F of Mulberry Meadows Subdivision. All present voted "Aye." MOTION PASSED.

36316 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR MULBERRY MEADOWS RV PARK 2 ON LOT 2 BLOCK F OF MULBERRY MEADOWS SUBDIVISION.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize On-Site Sewage Facility permit for Mulberry Meadows RV Park 2 on Lot 2 Block F of Mulberry Meadows Subdivision. All present voted "Aye." MOTION PASSED.



36317 APPROVE AND CONFIRM THE APPOINTMENT OF DANIEL DUGGINS AS A REGULAR FULL-TIME DEPUTY CONSTABLE IN THE HAYS COUNTY CONSTABLE PRECINCT 5 OFFICE.

Constable Ellen stated Daniel Duggins has served Hays County for many years in the Sherriff's Office, and will continue his service as a Deputy Constable in Precinct 5. The Commissioners thanked Deputy Constable Duggins for his service. A motion was made by Commissioner Jones, seconded by Commissioner Smith to approve and confirm the appointment of Daniel Duggins as a regular full-time Deputy Constable in the Hays County Constable Precinct 5 Office. All present voted "Aye." MOTION PASSED.

36318 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO 2-BEDROOM RESIDENCES LOCATED AT 102 W SKYLINE ACRES, WIMBERLEY, TX, 78676.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for two 2-bedroom residences located at 102 W Skyline Acres, Wimberley, TX, 78676. All present voted "Aye." MOTION PASSED.

36319 ACCEPT THE FISCAL YEAR 2020 HAYS COUNTY EMERGENCY SERVICES DISTRICT #8 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to accept the Fiscal Year 2020 Hays County Emergency Services District #8 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

36320 ACCEPT THE DELIVERY OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT'S (CSCD) FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING ON AUGUST 31, 2020 FOR FILING WITH THE HAYS COUNTY COMMISSIONERS COURT PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 140.004(D) AND THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE-COMMUNITY JUSTICE ASSISTANCE DIVISIONS FINANCIAL MANAGEMENT MANUAL.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to accept the delivery of the Community Supervision and Corrections Department's (CSCD) Financial Statements for the Fiscal Year ending on August 31, 2020 for filing with the Hays County Commissioners Court pursuant to Local Government Code, Section 140.004(d) and the Texas Department of Criminal Justice-Community Justice Assistance Divisions Financial Management Manual. All present voted "Aye." MOTION PASSED.

36321 AUTHORIZE THE SHERIFF'S OFFICE TO USE SHERIFF DRUG FORFEITURE FUNDS TO PURCHASE EMERGENCY EQUIPMENT VALUED AT \$9,825.00 AND AMEND THE BUDGET ACCORDINGLY.

Rodrigo Amaya made a public comment against this item. Dan Lyon made a public comment against this item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Sheriff's Office to use Sheriff Drug Forfeiture Funds to purchase emergency equipment valued at \$9,825.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

36322 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO ACCEPT A PROPOSAL FROM MATCHLESS ACOUSTIC CEILINGS FOR THE JUVENILE PROGRAMS COMPUTER LAB UTILIZING GRANT FUNDS FROM THE TEXAS JUVENILE JUSTICE DEPARTMENT (TJJD) AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the Juvenile Probation Department to accept a proposal from Matchless Acoustic Ceilings for the Juvenile Programs Computer Lab utilizing grant funds from the Texas Juvenile Justice Department (TJJD) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



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36323 AUTHORIZE PAYMENT TO WALDRIP INSURANCE AGENCY FOR THE COUNTY COURT AT LAW JUDGE #2 IN THE AMOUNT OF \$875 IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE HAYS COUNTY PURCHASING POLICY.

Rodrigo Amaya made a public comment against the purchase order not being issued. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize payment to Waldrip Insurance Agency for the County Court at Law Judge #2 in the amount of \$875 in which no purchase order was issued as required per the Hays County Purchasing Policy. All present voted "Aye." MOTION PASSED.

36324 CALL FOR A PUBLIC HEARING ON APRIL 27, 2021 REGARDING AN APPLICATION FOR HOUSING TAX CREDITS RELATED TO THE PROPOSED 1800 APARTMENTS PROJECT BEING SUBMITTED BY THE NRP GROUP, PURSUANT TO SECTION 2306.67071 OF THE TEXAS GOVERNMENT CODE TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to call for a public hearing on April 27, 2021 regarding an application for housing tax credits related to the proposed 1800 Apartments project being submitted by The NRP Group, pursuant to Section 2306.67071 of the Texas Government Code to the Texas Department of Housing and Community Affairs. All present voted "Aye." MOTION PASSED.

36325 APPROVE SPECIFICATIONS FOR IFB 2021-B06 RM 3237 ROUNDABOUT AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE.

Judge Becerra stated he would like to have awareness raised regarding the work the county has done. Commissioner Shell stated he believed there are plans for public announcements once the work is complete. Commissioner Smith noted he was excited about this project. This is one of seven projects in the Driftwood area that outline the Driftwood Valley. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to approve specifications for IFB 2021-B06 RM 3237 Roundabout and authorize Purchasing to solicit for bids and advertise All present voted "Aye." MOTION PASSED.

36326 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 11 TO THE CONSTRUCTION CONTRACT BETWEEN HAYS COUNTY AND STERLING DELAWARE HOLDING COMPANY (TEXAS STERLING) FOR THE FM 1626 SOUTH PROJECT AS PART OF THE HAYS COUNTY-TXDOT PASS-THROUGH FINANCE PROGRAM.

Commissioner Jones stated this item was reviewed over this past week, and the change order was recommended by staff. Jerry Borcharding, Director of Transportation, stated this is for the construction of an environmental pond near Onion Creek, that was not included in the original contract. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order No. 11 to the Construction Contract between Hays County and Sterling Delaware Holding Company (Texas Sterling) for the FM 1626 South project as part of the Hays County-TxDOT Pass-Through Finance Program. All present voted "Aye." MOTION PASSED.

36327 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND K FRIESE AND ASSOCIATES, INC. TO PROVIDE POST CONSTRUCTION DRAINAGE REPORT & DOCUMENTS FOR THE LIME KILN ROAD PROJECT IN PRECINCT 4.

Commissioner Smith stated this item is a part of the 2016 Roads Bond Project. He stated after construction is complete a Letter of Map Revision for FEMA will be needed. This item provides the engineering services which were unanticipated at the beginning of the project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement between Hays County and K Friese and Associates, Inc. to provide post construction drainage report & documents for the Lime Kiln Road project in Precinct 4. All present voted "Aye." MOTION PASSED.



36328 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL #3 TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND DANNENBAUM ENGINEERING COMPANY - AUSTIN, LLC FOR THE POSEY ROAD AT IH-35 PROJECT AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP PROGRAM.

Rodrigo Amaya made a public comment against this item. Commissioner Ingalsbe stated this item is due to an increase of requests on this project. Judge Becerra requested additional information regarding request fees. Jerry Borcharding, Director of Transportation, and Commissioner Shell gave the court an explanation about the request process and the fees associated with the request. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the County Judge to execute Supplemental #3 to the Professional Services Agreement (PSA) between Hays County and Dannenbaum Engineering Company - Austin, LLC for the Posey Road at IH-35 project as part of the Hays County/TxDOT Partnership Program. All present voted "Aye." MOTION PASSED.**

36329 AWARD RFQ 2021-Q06 CDBG ENGINEERING SERVICES TO TRC ENGINEERS, INC. AND AUTHORIZE STAFF AND GENERAL COUNSEL TO NEGOTIATE A CONTRACT.

Commissioner Shell stated there were 10 firms that responded to this bid. There was a selection committee and the firm that was selected had the highest score. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to award RFQ 2021-Q06 CDBG Engineering Services to TRC Engineers, Inc. and authorize staff and General Counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.**

36330 ACCEPT A PROPOSAL FROM SI MECHANICAL, LLC FOR INSTALLATION OF A REPLACEMENT HVAC SYSTEM (12.5 TON RHEEM RTU) AT THE JUVENILE DETENTION CENTER AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon made a public comment regarding not using SI Mechanical for county work any longer. Commissioner Smith stated there was an open RFQ. Marisol Villarreal- Alonzo, Auditor, stated this item was sent out for quotes and SI Mechanical was the lowest. Commissioner Ingalsbe stated the HVAC system that is in place is no longer functional. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to accept a Proposal from SI Mechanical, LLC for installation of a replacement HVAC System (12.5 Ton Rheem RTU) at the Juvenile Detention Center and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Judge Becerra called for a break that began at 10:22 a.m. and resumed back into open court at 10:31 a.m.

36331 AWARD CONTRACT FOR IFB 2021-B05 CONCRETE CONTRACTOR TO MYERS CONCRETE CONSTRUCTION, LP.

Aaron Jones, Roads Department, gave the court an explanation of the review committee process. He stated there were issues with references given for the low bid, therefore, the committee had to review the other contractors. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to award contract for IFB 2021-B05 Concrete Contractor to Myers Concrete Construction, LP. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Judge Becerra reopened this item for discussion at 12:11 p.m.

Mark Kennedy, General Counsel, stated that the notice that is statutorily required was not sent out to the other firms to have an opportunity to appear in court, therefore the motion would need to be rescinded. The item will be brought back to court next meeting, so that the notice can be sent out as required. **A motion was made by Judge Becerra, seconded by Commissioner Shell to rescind the motion to award contract for IFB 2021-B05 Concrete Contractor to Myers Concrete Construction, LP. All present voted "Aye." MOTION PASSED.**

36332 AWARD THE CONTRACT FOR IFB 2021-B07 SIGNAL POLES TO WILDCAT ELECTRIC SUPPLY, CO.

Commissioner Shell stated there were two respondents to the bid request. The bid was awarded to Wildcat Electric Supply Co. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to award the contract for IFB 2021-B07 Signal Poles to Wildcat Electric Supply, Co. All present voted "Aye." MOTION PASSED.**

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36333 AUTHORIZE A CONTRACT AMENDMENT WITH WILDCAT ELECTRIC SUPPLY, CO RELATED TO IFB 2021-B07 SIGNAL POLES PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CH. 262.0305.

Commissioner Shell stated this item is necessary for a correction to the lump sum amount. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize a Contract Amendment with Wildcat Electric Supply, Co related to IFB 2021-B07 Signal Poles pursuant to Texas Local Government Code, Ch. 262.0305. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session began at 11:30 a.m. and resumed back into open court at 12:11 p.m.

36334 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 THE HAYS COUNTY DEVELOPMENT SERVICES DIRECTOR POSITION. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

Judge Becerra stated there was much consideration over the past two weeks. He thanked all the applicants. The court congratulated Marcus Pacheco, Director of Development Services. A motion was made by Commissioner Shell, seconded by Commissioner Smith to appoint Marcus Pacheco as Director of Development Services for Hays County at the minimum of grade 118 effective April 20, 2021. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #29 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 \$45,375.00 for the week of April 11 – April 17, 2021. The number of outsourced males was 108 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 4, Department of Public Safety – 3, Hays County Sheriff's Department – 40, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 28, San Marcos Police Department - 24, Texas State Police Department – 1. No action was taken.

Clerk's Note Agenda Item #31 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.

36335 DISCUSSION AND POSSIBLE ACTION RELATED TO PROPOSED BILLS IN THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE AND TO CONSIDER ADOPTION OF RESOLUTION(S) REGARDING PROPOSED BILLS. THE COURT MAY OPT TO WITHDRAW TO EXECUTIVE SESSION DURING THIS ITEM TO CONSULT WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the resolution of the Hays County Commissioners Court in opposition to House Bill 4618 of the 87th Regular Session of the Texas Legislature. All present voted "Aye." MOTION PASSED.

Mark Kennedy, General Counsel, stated it may be best for the county to make a statement by resolution regarding the Senate Bill 1557. Commissioner Smith stated he has had issues regarding condominium regimes. Mark Kennedy, General Counsel, noted that is just one type of the many issues. Commissioner Ingalsbe thanked Marcus Pacheco, Development Services Director, for bringing awareness of these issues to each court member. A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the Resolution of the Hays County Commissioners Court in opposition to Senate Bill 1557 of the 87th Regular Session of the Texas Legislature. All present voted "Aye." MOTION PASSED.



ADJOURNMENT

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 12:24 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 April 20, 2021.



Elaine H. Cardenas

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

