

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MAY 12, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12th DAY OF MAY 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
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.

WITH ELAINE H. CÁRDENAS, COUNTY CLERK AND VALERIE VALDEZ, DEPUTY CLERK, BEING PRESENT THROUGH VIDEO CONFERENCE THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Josh Murillo, 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

Sam Brannon, Hays County resident, gave a public comment noting the November election and the new system dealing with paper ballots. He voiced concerns that a post-election audit has not been conducted at this time. He also asked the Court to oversee the mail in ballot process and give the Elections office direction on how to move forward. Rodrigo Amaya, Hays County resident, gave a public comment thanking the Commissioners for their handling of the Covid-19 crisis. He also stated that there is confusion about testing sites and the qualifications to get a test. Harvey Jenkins, San Marcos resident, gave a public comment regarding citizen's fear and his opposition on the termination of Raul Reyes, Emergency Service Director, as a Hays County employee. Dan Lyon, San Marcos resident, gave public comments, regarding his previous statement that Texas State University buses are causing pollution by shuttling without passengers. He also commented on his opposition to the increase of his home appraisal. He read aloud the County disbursements. Frank Arredondo, LULAC Council President and San Marcos resident, made public comments regarding his opposition of the recent termination of Raul Reyes, Emergency Service Director, and Jessica Mejia, Census Program Coordinator, as Hays County employees. He announced an Open Record Request has been submitted pertaining to the employment and termination of the mentioned employees.

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

Rodrigo Amaya, Hays County resident, made public comments stating Judge Becerra has given inaccurate information about testing sites. He also noted that he was pleased with the termination of Raul Reyes, Emergency Service Director, by the Court. Alex Villalobos, Emergency Manager Coordinator and Chief of Staff, gave the Court updates on the testing that took place on Sunday May 10th in Wimberley and Dripping Springs. The results of the test will be sent to Alex Villalobos, Judge Becerra, and the Health Department. He spoke about a scaled plan to open the Government Center June 1st with limited access. The District Courts, County Courts, and other County departments are planning and preparing supplies needed to open their offices. He noted testing will take place in Buda for Government officials and their staff administered by Baylor/Scott and White. Commissioner Smith thanked the National Guard for their assistance with the testing sites in Dripping Springs and Wimberley. Judge Becerra spoke on the need for testing and the decision making process for the placement of testing sites. He thanked the community for doing their best to follow the government's orders and recommendations. Commissioner Shell thanked the staff for organizing the testing sites. He inquired on a time frame for the test results. Alex Villalobos responded 36 to 48 hours the results would be sent to the Health department, Judge Becerra, and himself. Commissioner Jones asked about Baylor/Scott and White testing location. Mike Jones, Emergency Preparedness Coordinator, responded that Baylor/Scott and White will test on their own location in Buda. Commissioner Ingalsbe inquired about the demand and supply of personal protective equipment. Alex Villalobos gave the update that orders are now being almost or completely filled, but noted as positive test increase the inventory will become stressed again. He also spoke about chemicals needed for disinfecting. Tammy Crumley, County Wide Operations Director, announced 23 tests have been administered at the Local Health Department, 198 administered by Act Premier, and two referrals pending. She stated 1,077 tests are remaining from the 1,300 test that were available. She stated no one is turned away unless they are

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from out of county. A person with Medicaid will be referred to another location. She announced the call volume is not there and her department is working on ways to get the information out to the community. Flyers are to be posted on the East side in English and Spanish. She announced testing is available for anyone, but you must call to set an appointment and get screened before arriving at a test site. **No action was taken.**

35136 ADOPT A PROCLAMATION DECLARING MAY 6-12, 2020 AS NATIONAL NURSES WEEK.

Commissioner Jones thanked the court for including this item. He noted his daughters are nurses. He hoped through this pandemic that nurses receive the recognition they so richly deserve. Amy Wolf, Communicable Disease Coordinator for Hays County, read aloud a statement written by a fellow nurse. The statement was about the long hours worked and personal dedication nurses give to their patients. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring May 6-12, 2020 as National Nurses Week. All present voted "Aye." MOTION PASSED.**

35137 ADOPT A PROCLAMATION DECLARING MAY 10-16, 2020 AS POLICE WEEK AND MAY 15, 2020 AS PEACE OFFICERS MEMORIAL DAY.

Sheriff Gary Cutler spoke to the Court about the recent loss of San Marcos Police Officer Putnam. He stated officers know the dangers they face when they put on their badge. He said Hays County has the best of the best. Sergeant Jeff Jordan thanked the Court for their recognition of officers. He read aloud the six officers names and end of watch dates that are on the National Law Enforcement Memorial in Washington D.C. He ended by encouraging everyone to visit the Memorial website and join the virtual candlelight vigil Wednesday night. The Court members expressed their appreciation for law enforcement. Further discussion was had with Sergeant Jordan about future plans for a memorial in Hays County. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Proclamation declaring May 10-16, 2020 as Police Week and May 15, 2020 as Peace Officers Memorial Day. All present voted "Aye." MOTION PASSED.**

PRESENTATION ON THE 2020 CENSUS BY JESSICA MEJIA, HAYS COUNTY CENSUS COORDINATOR, AND ANNOUNCEMENT OF THE CENSUS ART CONTEST WINNERS OF "BECAUSE I COUNT/PORQUE YO CUENTO".

Anita Collins, Executive Assistant to the Hays County Judge, spoke to the Court. She announced the Art contest winner would not be announced nor would the presentation be given. She gave the court a time line of the events that have taken place for the Census effort. She also read a letter to the court from Jessica Mejia. The letter stated Jessica Mejia felt that she was unfairly let go from her position as she was completing her job assignments. Mark Kennedy, General Counsel, noted to the court that this item is a presentation and does not cover HR matters. The court thanked Anita Collins and Jessica Mejia for their work. **No action taken.**

35138 APPROVE PAYMENTS OF COUNTY INVOICES.

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

35139 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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

35140 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 28, 2020 AND MAY 1, 2020.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve Commissioners Court Minutes of April 28, 2020 and May 1, 2020. All present voted "Aye." **MOTION PASSED.**

35141 APPROVE THE PAYMENT OF THE MAY 15, 2020 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$2,955,000.00 EFFECTIVE MAY 15, 2020 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.



A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the payment of the May 15, 2020 payroll disbursements in an amount not to exceed \$2,955,000.00 effective May 15, 2020 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

35142 AUTHORIZE THE EXECUTION OF AN AMENDMENT WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY2020 COVID-19 CRISIS COAG GRANT IN THE AMOUNT OF \$154,794.00 AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the execution of an amendment with the Department of State Health Services (DSHS) for the FY2020 COVID-19 Crisis CoAg Grant in the amount of \$154,794.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35143 AUTHORIZE COUNTYWIDE OPERATIONS AND PERSONAL HEALTH TO PURCHASE AN ADVANCE OZOGATION/HYDROXYL MISTING SYSTEM TO BE USED FOR BUILDING SANITATION IN THE AMOUNT OF \$38,500.00 WITH 50% (\$19,250.00) PAYMENT IN ADVANCE AND THE REMAINING 50% PAYABLE UPON RECEIPT.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize Countywide Operations and Personal Health to purchase an Advance Ozogation/Hydroxyl Misting System to be used for building sanitation in the amount of \$38,500.00 with 50% (\$19,250.00) payment in advance and the remaining 50% payable upon receipt. All present voted "Aye." MOTION PASSED.

35144 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR A WEDDING/EVENT CENTER AT 10700 SIGNAL HILL ROAD, AUSTIN, TEXAS 78737.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for a wedding/event center at 10700 Signal Hill Road, Austin, Texas 78737. All present voted "Aye." MOTION PASSED.

35145 APPROVE AND CONFIRM THE APPOINTMENT OF RODOLFO ESTRADA, AS A RESERVE DEPUTY CONSTABLE, IN THE OFFICE OF HAYS COUNTY CONSTABLE PRECINCT 2, EFFECTIVE MAY 5, 2020.

Constable Torres introduced Rodolfo Estrada. Rodolfo Estrada thanked the court for their time. He stated his work and personal background in Hays County. Judge Becerra swore Officer Rodolfo Estrada into office. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve and confirm the appointment of Rodolfo Estrada, as a Reserve Deputy Constable, in the office of Hays County Constable Precinct 2, effective May 5, 2020. All present voted "Aye." MOTION PASSED.

35146 AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT A DONATION TO THE CRIME VICTIM SERVICES PROGRAM AND AMEND THE BUDGET ACCORDINGLY.

Commissioner Ingalsbe stated this was a donation from the Lions Club to the Sheriff's office for the Crime Victim Services program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the Sheriff's Office to accept a donation to the Crime Victim Services Program and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35147 APPROVE OUT OF STATE TRAVEL FOR DETECTIVE NELSON WRAY TO ATTEND THE MAC FORENSICS TRAINING COURSE ON SEPTEMBER 14-25, 2020 IN HOOVER, ALABAMA.

The Court noted they are in support of training. However, they are concerned about travel during this time. Discussion was had since the event is a few months away that should it be canceled, they could get a reimbursement. Sheriff Cutler spoke to the court and mentioned that the training is grant funded. He said it is more likely to be rescheduled than canceled. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve out of state travel for Detective Nelson Wray to attend the Mac



Forensics Training Course on September 14-25, 2020 in Hoover, Alabama. All present voted "Aye."
MOTION PASSED.

35148 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO 2 BEDROOM/2 BATH HOUSES (BUILDINGS 500E & 500I) AT 500 HARMON HILLS COVE, DRIPPING SPRINGS, TX 78620.

Caitlyn Strickland, Development Services Director, stated to the Court that all the on-site sewage facilities have met all the current rules and regulations, and there are no variances requested. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for two 2 bedroom/2 bath houses (Buildings 500E & 500I) at 500 Harmon Hills Cove, Dripping Springs, TX 78620. All present voted "Aye." MOTION PASSED.

35149 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO 2 BEDROOM/2 BATH HOUSES (BUILDINGS 510A & 500D) AT 500 HARMON HILLS COVE, DRIPPING SPRINGS, TX 78620.

Caitlyn Strickland, Development Services Director, stated to the Court that all the on-site sewage facilities have met all the current rules and regulations, and there are no variances requested. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for two 2 bedroom/2 bath houses (Buildings 510A & 500D) at 500 Harmon Hills Cove, Dripping Springs, TX 78620. All present voted "Aye." MOTION PASSED.

35150 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO 2 BEDROOM/2 BATH HOUSES (BUILDINGS 510B & 500J) AT 500 HARMON HILLS COVE, DRIPPING SPRINGS, TX 78620.

Caitlyn Strickland, Development Services Director, stated to the Court that all the on-site sewage facilities have met all the current rules and regulations, and there are no variances requested. A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for two 2 bedroom/2 bath houses (Buildings 510B & 500J) at 500 Harmon Hills Cove, Dripping Springs, TX 78620. All present voted "Aye." MOTION PASSED.

35151 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR AN EQUIPMENT BARN AND DOG KENNEL FOR A PRIVATE BIRD HUNTING CLUB LOCATED AT 24601 HAMILTON POOL RD, DRIPPING SPRINGS, TX.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize On-Site Sewage Facility Permit for an equipment barn and dog kennel for a private bird hunting club located at 24601 Hamilton Pool Rd, Dripping Springs, TX. All present voted "Aye." MOTION PASSED.

35152 APPROVE UTILITY PERMITS.

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

35153 AUTHORIZE THE JUSTICE OF THE PEACE PCT. 2 OFFICE TO PURCHASE ONE REPLACEMENT DELL LATITUDE 5400 LAPTOP VALUED AT \$1,050.16 UTILIZING THE JUSTICE COURT TECHNOLOGY FUND AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Justice of the Peace Pct. 2 Office to purchase one replacement Dell Latitude 5400 Laptop valued at \$1,050.16 utilizing the Justice Court Technology Fund and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35154 ADOPT A RESOLUTION AND RATIFY THE SUBMISSION OF A RENEWAL GRANT APPLICATION TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR THE INDIGENT DEFENSE COORDINATOR GRANT PROJECT IN THE AMOUNT OF \$77,292 WHERE THE COUNTY WILL PROVIDE A CASH MATCH OF 33% BEING \$25,761.

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Commissioner Shell called on Efen Chavez, Grants, to speak to the court on this item. Efen Chavez, Grants, stated that this is a renewal application. Commissioner Shell noted this is the same grant but this application covers a different grant period. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt a resolution and ratify the submission of a renewal grant application to the Texas Indigent Defense Commission for the Indigent Defense Coordinator grant project in the amount of \$77,292 where the County will provide a cash match of 33% being \$25,761. All present voted "Aye." MOTION PASSED.**

Clerk's Note Agenda Item #22 RE: AUTHORIZE THE ACCEPTANCE OF A REVISED GRANT AWARD FROM THE TEXAS INDIGENT DEFENSE COMMISSION (TIDC) FOR THE INDIGENT DEFENSE COORDINATOR PROGRAM ADDING AN ADDITIONAL AMOUNT OF \$6,105.00 TOTALING \$67,446.00 AND AMEND THE BUDGET ACCORDINGLY. – WAS PULLED.

Sam Brannon, Hays County resident, made a public comment in favor of pulling agenda item 22. He stated that he is not against having a Defense Coordinator. He is concerned about the agreement to establish a public Defender's Office, and moving away from the current Court Appointed Attorney process.

35155 APPROVE A THREE (3) MONTH CONTRACT EXTENSION WITH SI MECHANICAL, LLC RELATED TO IFB 2017-B06 FOR AIR CONDITIONING & HEATING SERVICES FOR A PERIOD NOT TO EXCEED AUGUST 31, 2020.

Commissioner Smith thanked the Auditor's office on their work to get a bid packet together for this item to move forward. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve a three (3) month contract extension with SI Mechanical, LLC related to IFB 2017-B06 for Air Conditioning & Heating Services for a period not to exceed August 31, 2020. All present voted "Aye." MOTION PASSED.**

35156 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 2 MECHANIC SHOPS, A WELDING SHOP, AND A TIRE SHOP LOCATED AT 15095 CAMINO REAL, KYLE, TEXAS 78640.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for 2 mechanic shops, a welding shop, and a tire shop located at 15095 Camino Real, Kyle, Texas 78640. All present voted "Aye." MOTION PASSED.

35157 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER #1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND LJA ENGINEERING RELATED TO RIGHT OF WAY COORDINATION SERVICES ALONG COTTON GIN ROAD IN PRECINCT 2 EXECUTED ON OR ABOUT DECEMBER 10, 2019.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Change Order #1 to the Professional Services Agreement between Hays County and LJA Engineering related to right of way coordination services along Cotton Gin Road in Precinct 2 executed on or about December 10, 2019. All present voted "Aye." MOTION PASSED.

35158 APPROVAL OF REQUEST MADE BY MARIA CLAPP FOR REFUND OF PENALTIES AND INTEREST ON HER 2019 PROPERTY TAX PAYMENT, CITING SECTION 33.011(K) OF THE TEXAS PROPERTY TAX CODE.

Dan Lyon, San Marcos resident, gave a public comment requesting Jennifer O'Kane, Tax Assessor/Collector; propose a plan to help property owners lower their taxes during this economic crisis. He mentioned that she is a member of the Hays County Appraisal District board and asked if she could help lower the appraisals. Jennifer O'Kane explained her position as the Tax Assessor/Collector is to send out the tax bills and collect the money in a timely manner; she does not influence the process of tax rates. She works on the budget for the CAD board not the property values. Jennifer O'Kane, Tax Assessor/Collector explained to the court the property owner had not received her copy of the bill from the mortgage company causing her to become delinquent. She is using this property tax code for the court's consideration of a refund. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approval of request made by Maria Clapp for refund of penalties and interest on her 2019 property tax payment, citing Section 33.011(k) of the Texas Property Tax Code. All present voted "Aye." MOTION PASSED.**



35159 APPROVAL OF REQUEST MADE BY VICTORIA WONG FOR REFUND OF PENALTIES AND INTEREST ON HER 2019 PROPERTY TAX PAYMENTS, CITING SECTION 33.011(J) OF THE TEXAS PROPERTY TAX CODE.

Jennifer O'Kane, Tax Assessor/Collector, explained to the court the property owner provided a sworn statement from the UPS store stating the payment was made before the deadline. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approval of request made by Victoria Wong for refund of penalties and interest on her 2019 property tax payments, citing Section 33.011(j) of the Texas Property Tax Code. All present voted "Aye." MOTION PASSED.

35160 SELECT BINKLEY & BARFIELD INC. TO PERFORM ENGINEERING DESIGN SERVICES FOR EXTENSION OF A PORTION OF CR266 AND AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.

Commissioner Ingalsbe announced to the court these engineering services are to design a cul-de-sac providing access to current and future developments. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to select Binkley & Barfield Inc. to perform engineering design services for extension of a portion of CR266 and authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

35161 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER NO. 2 FOR A TIME EXTENSION TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND KLOTZ ASSOCIATES, INC. DBA RPS TO PROVIDE PROFESSIONAL ENGINEERING AND OTHER DESIGN SUPPORT SERVICES RELATED TO THE FM 621 SAFETY IMPROVEMENTS PROJECT AS PART OF THE 2016 ROAD BOND PROGRAM.

Commissioner Ingalsbe noted this is a time extension to continue design work. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute Change Order No. 2 for a time extension to a Professional Services Agreement between Hays County and Klotz Associates, Inc. dba RPS to provide professional engineering and other design support services related to the FM 621 Safety Improvements Project as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.

35162 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS COUNTY AND RPS INFRASTRUCTURE, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND OTHER DESIGN SUPPORT SERVICES RELATED TO THE FM 621 SAFETY IMPROVEMENTS PROJECT AS PART OF THE 2016 ROAD BOND PROGRAM AND AMEND THE BUDGET ACCORDINGLY.

Commissioner Ingalsbe stated this is a major safety improvement project to include shoulders and widening of roads. She has heard from concerned citizens who are worried about this dangerous area. The Transportation Department helped to find funding for this projects. The Court thanked Commissioner Ingalsbe for her work to get this completed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement (PSA) between Hays County and RPS Infrastructure, Inc. to provide professional engineering and other design support services related to the FM 621 Safety Improvements Project as part of the 2016 Road Bond Program and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35163 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT AMENDMENT NO. 1 FOR HNTB CORPORATION ON THE FM 2001 REALIGNMENT (EXTENSION OF WHITE WING TRAIL) AKA OVERPASS ROAD WEST PROJECT AS PART OF THE 2016 ROAD BOND PROGRAM.

Mark Kennedy, General Counsel, noted that White Wing Trail's official name is Overpass Road. Commissioner Jones stated this will give the County an opportunity to do some renovations to this area to become more traffic friendly. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Contract Amendment No. 1 for HNTB Corporation on the FM 2001 Realignment (Extension of White Wing Trail) aka Overpass Road West project as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.



35164 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT BETWEEN HAYS COUNTY AND HNTB CORPORATION TO PROVIDE PROFESSIONAL ENGINEERING AND OTHER DESIGN SUPPORT SERVICES RELATED TO THE FM 2001 SAFETY IMPROVEMENTS WEST (SUNBRIGHT) PROJECT AS PART OF THE 2016 ROAD BOND PROGRAM.

Commissioner Jones stated this allows the county to increase the scope for HNTB to add a retaining wall that was not included in the original design. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract between Hays County and HNTB Corporation to provide professional engineering and other design support services related to the FM 2001 Safety Improvements West (Sunbright) project as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.**

35165 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT AMENDMENT NO. 2 FOR AMERICAN STRUCTUREPOINT, INC ON THE RM 3237 SAFETY IMPROVEMENTS PROJECT FROM RM 12 TO RM 150 AS PART OF THE 2016 ROAD BOND PROGRAM.

Commissioner Shell stated that the 3237 project is a part of 2016 bond program. The program took on every intersection from 3237 with 12 except for Flight Acers. He would like the court to consider looking at that intersection including Flight Acers. The project includes turning lanes and widening of shoulders. The intersection currently only contains a warning light, but would need a signal light in the future. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to authorize the County Judge to execute a Contract Amendment No. 2 for American Structurepoint, Inc on the RM 3237 Safety Improvements project from RM 12 to RM 150 as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.**

35166 GRANT A VARIANCE TO CHAPTER 721.5.07(C) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS REGARDING THE K-BAR-MAC SUBDIVISION, LOT 2A-1, REPLAT.

Caitlyn Strickland, Development Services Director, stated K-Bar-Mac is a recorded subdivision located off of 290 in Precinct 4. The variance request is in regards to shared access drive-ways. The drive way in question is .3759 of a mile, however it has been in existence since 1997, so no change will need to be made. The owners are just updating to comply with current rules and regulations. The proposed subdivision would divide the 14.716 acres into two equal lots, water service would be provided by individual private wells, and waste water services will be accomplished by onsite sewage facilities. Commissioner Smith noted this is the same configuration since 1997. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to grant a variance to Chapter 721.5.07(C) of the Hays County Development Regulations regarding the K-Bar-Mac Subdivision, Lot 2A-1, Replat. All present voted "Aye." MOTION PASSED.**

35167 GRANT A VARIANCE TO CHAPTER 715.3.01(C) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS REGARDING THE KEY RANCH AT THE POLO CLUB, LOT B-1, REPLAT.

Caitlyn Strickland, Development Services Director, stated Key Ranch at the Polo Club is a recorded subdivision located in Precinct 4. The proposed replat will divide the 11.43 acres into two lots, water service would be provided by West Travis County PUA, and waste water services will be provided by individual onsite sewage facilities. The variance request in regards to a requirement of a water availability study. When the subdivision was built the properties were on well water, however they now have water access to a public supply. Commissioner Smith thanked the property owners for their partnership with PUA. If the variance goes through PUA will run water supply under 290 and also connect to a nearby school. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to grant a variance to Chapter 715.3.01(C) of the Hays County Development Regulations regarding the Key Ranch at the Polo Club, Lot B-1, Replat. All present voted "Aye." MOTION PASSED.**

35168 ACCEPT THE RESIGNATION OF BILL GOODWIN AND THE APPOINTMENT OF JOHN CREVELING TO THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (THE "WTCPUA").

Commissioner Smith noted the appointment is done by the members of the WTCPUA board, but the Commissioners Court approves the appointment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept the resignation of Bill Goodwin and the appointment of John Creveling to the Board of Directors of the West Travis County Public Utility Agency (the "WTCPUA"). All present voted "Aye." MOTION PASSED.**



EXECUTE A CONTRACT FOR FILM PRODUCTION RELATED TO CENSUS OUTREACH. CENSUS COMPLETE COUNT COMMITTEE APPROVED THE USE OF UP TO \$4,000 OF CONTRACT SERVICES PROVIDED BY THE UNITED WAY FOR GREATER AUSTIN GRANT TO FILM A "COUNT ME NOW" PSA TO BE DISTRIBUTED ON SOCIAL MEDIA, STREAMING CHANNELS AND OTHER VENUES AS THEY ARE SECURED.

Discussion was had regarding the funds listed in the backup to this item, as well as which court members would participate in the PSA. Anita Collins, Executive Assistant to the County Judge, spoke to the board about the details of the two PSAs to be filmed. Vickie Dorsett, Auditor's Office, spoke to the court regarding expenditures for the Census effort that may need to be added to a future agenda and others that have already been approved. After further discussion about the allocation of funding, the decision was made to bring this item back to court at a future date. **No action was taken.**

DISCUSSION AND POSSIBLE ACTION TO CONSIDER A COUNTYWIDE SOLUTION FOR THE PUBLIC TO ENTER COUNTY FACILITIES USING A TECHNOLOGY-BASED SYSTEM.

Brittany Richey, Treasurer, spoke to the court with a plan to allow the public to enter the Government Center. She suggested using a kiosk with a numbering system and sending the customer a text when it is their turn to enter the building. Some of the County offices already have an agreement with a company for a numbering system. Jeff McGill, Information Technology Director, spoke to the Court stating the system would be upgraded from its current state. Discussion was had between the court and Marisol Villarreal-Alonzo, Auditor, about the bidding process, Covid-19 grant funds, and how that would affect this purchase. The court decided to have draft document drawn up from the current technology and bring back to court at a future date. **No action was taken.**

35169 EXECUTE A \$1,844 MAINTENANCE AGREEMENT WITH NEMO-Q, INC. FOR THE COUNTY CLERK'S OFFICE RELATED TO THE VIRTUAL CUSTOMER QUEUING SYSTEM AS BUDGETED IN THE RECORDS MANAGEMENT FUND.

Commissioner Jones stated this a maintenance contract for the current system that is used by the Count Clerk's Office. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to execute a \$1,844 Maintenance Agreement with NEMO-Q, Inc. for the County Clerk's Office related to the virtual customer queuing system as budgeted in the Records Management Fund. All present voted "Aye." MOTION PASSED.**

35170 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATIVE AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN HAYS COUNTY, HAYS COUNTY CONSTABLE FOR PRECINCT #4, THE HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, AND THE HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2.

Commissioner Smith stated these expenses are covered under the contract with the water board. Constable Ron Hood, Precinct 4, announced this is extension of their services to cover the other parts of Belterra subdivision. **A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute an Interlocal Cooperative Agreement for Law Enforcement Services between Hays County, Hays County Constable for Precinct #4, the Hays County Water Control and Improvement District No. 1, and the Hays County Water Control and Improvement District No. 2. All present voted "Aye." MOTION PASSED.**

35171 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF DRIPPING SPRINGS, THE DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT, AND THE DRIPPING SPRINGS COMMUNITY LIBRARY DISTRICT, RELATED TO PLANNING AND CONSTRUCTION OF THE TOWN CENTER PROJECT.

Discussion was held between the court members about wording in the agreement, along with Mark Kennedy, General Counsel. **A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Agreement between Hays County, the City of Dripping Springs, the Dripping Springs Independent School District, and the Dripping Springs Community Library District, related to planning and construction of the Town Center Project. All present voted "Aye." MOTION PASSED.**



MAY 12, 2020

35172 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND TEXAS WATER TRADE, RELATED TO HAYS COUNTY'S FINANCIAL APPLICATION ASSOCIATED WITH THE CLEAN WATER STATE REVOLVING FUND.

Commissioner Shell stated this PSA would be beneficial to the County. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute a Professional Services Agreement between Hays County and Texas Water Trade, related to Hays County's financial application associated with the Clean Water State Revolving Fund. All present voted "Aye." MOTION PASSED.

35173 EXECUTE A MASTER SERVICES AND PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC. RELATED TO THE LAW ENFORCEMENT IN-CAR CAMERA SYSTEM AND BODY WORN CAMERA-TASER PROGRAM.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to execute a Master Services and Purchasing Agreement with Axon Enterprise, Inc. related to the Law Enforcement In-Car Camera System and Body Worn Camera-Taser Program. All present voted "Aye." MOTION PASSED.

35174 APPROVE A RESOLUTION APPROVING A FIRST SUPPLEMENT TO INDENTURE OF TRUST RELATING TO THE "HAYS COUNTY, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2015 (LA CIMA PUBLIC IMPROVEMENT DISTRICT MAJOR PUBLIC IMPROVEMENT PROJECT)", A FIRST AMENDMENT TO FINANCING AGREEMENT, AND OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Julie Houston, Bond Counsel, from Law firm of Orrick, spoke to the Court noting a change. The Trustee requested that the effective date could be listed May 12, 2020, if was approved in court, however the effective date would be inserted once the court received 51% consent of the bond holders. The Bond Trustee will keep the Court updated on the percent submitted. A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve a Resolution approving a First Supplement to Indenture of Trust relating to the "Hays County, Texas Special Assessment Revenue Bonds, Series 2015 (La Cima Public Improvement District Major Public Improvement Project)", a First Amendment to Financing Agreement. All present voted "Aye." MOTION PASSED.

Clerk's Note: Executive Session began at 11:25 a.m. and resumed back into open court at 11:38 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING LA CIMA PUBLIC IMPROVEMENT DISTRICT. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

No action was taken.

Clerk's Note: Executive Session began at 12:25 p.m. and resumed back into open court at 1:19 p.m.

35175 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 HAYS COUNTY OFFICE OF EMERGENCY SERVICES. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to terminate the employment and the appointment of the Hays County Fire Marshall, effective May 15, 2020; and to authorize the use of administrative leave between now and that date. Commissioner Ingalsbe, Commissioner Jones, and Commissioner Smith voted "Aye." Commissioner Shell and Judge Becerra voted "No." MOTION PASSED.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT RECOIL. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MAY 12, 2020

Commissioner Shell gave the court an update on this item. He handed out information to review over the next week and suggested the court send any feedback to Jason Giulietti, Greater San Marcos Partnership, to incorporate into the plans of the project. **No was action taken.**

Clerk's Note Agenda Item #48 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 THE HAYS COUNTY OFFICE OF COUNTYWIDE OPERATIONS. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT. – WAS PULLED.*

Commissioner Smith requested to hold item 48 in open court. The court had discussion with Mark Kennedy, General Counsel, about their options to have Executive Session in open court. Mark Kennedy advised that by holding Executive Session in open court it would waive attorney-client privilege. Second speaking about matters of personnel issues the court should not mention sensitive information such as medical or social security numbers. At any time the court could decide to move the discussion to Executive Session. Clarification was made by Mark Kennedy that no voting or action was made by the court in Executive Session to terminate Jessica Mejia, Census Program Coordinator. Tammy Crumley, County Wide Operation Director, spoke to the Court about a meeting held with Jessica Mejia and Sherri Miller, HR Director based on the direction given by the court. The Court further discussed the actions that took place the previous week in Executive Session. Commissioner Smith announced he would pull the item and bring it back to court next week to allow Jessica Mejia a chance to attend court.

Clerk's Note Agenda Item #49 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 report from the Sheriff's office. The average number of inmates was 409, the peak was 416 the week of May 3, 2020 – May 9, 2020. The estimated cost to outsource is \$46,496. The average number of outsourced males was 130 and 0 females.

Clerk's Note Agenda Item #51 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 #52 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 #53 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 1:37 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 May 12, 2020.



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

