

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 7, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7th DAY OF JULY 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, 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, Hays County resident, made public comments regarding tax relief for citizens and against the increase of County debt. Christine Terrell, San Marcos resident, made public comments against the budget increase from 2019 for the renovation of the Jail and a new Public safety building. She stated that a fraction of the money could have been used for Social services. She noted that she is in support of the Public Defender's office. Lauren Hubele, Hays County resident, made public comments, stating that she grew up in the 60's during a time of the Civil Rights movement. She realized earlier this year with the death of George Floyd that things have not changed. She called on the Court to act by supporting the Public Defender's office.

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

Judge Becerra stated that the numbers of positive cases of COVID-19 are increasing. He believes things are going to get worse over the next few days since many people recently celebrated the 4th of July holiday. He noted that the labs are falling behind on testing therefore transitioning from nasal swabs to cheek swabs to improve wait time for results. Alex Villalobos, Emergency Management Coordinator and Chief of Staff, stated tests will be available July 12- July 16, 2020 at the San Marcos High School. There are 500 tests available for those dates. Hays County is currently working to obtain 250 more tests to meet the demand. He noted CPL labs are currently operational and supporting Hays County with testing results. Captain Julie Villalpando, Sheriff's Office, presented to the Court the policies and procedures that have been set at the Jail facility to protect the inmates and Corrections Officers. She stated that even with additional sanitizing and social distancing set in place many of the inmates do not wear the masks that are provided. She discussed with the Court the type of inmates that are being held in the jail at this time as there have been protests to release inmates due to the spread of COVID-19 within the jail. Many protestors claiming the inmates are being held for low-level crimes, first time offenses, and held awaiting trial and have not been convicted of any crimes. She stated that inmates are being held for murder, violent crimes and/or multiple offenses. She explained that people with low-level charges are not being held in the jail. She also thanked the Courts for keeping the low-level offenders out of the jail during this time. Mark Kennedy, General Counsel, stated to the Court that there is a checks and balances system against an Officer's arrest. **No action was taken.**

35349 APPROVE PAYMENTS OF COUNTY INVOICES.

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

35350 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.

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

**35351 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 30, 2020.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of June 30, 2020. All present voted "Aye." MOTION PASSED.

35352 AUTHORIZE THE EXECUTION OF A NO COST ASR-05 WITH TERRACON CONSULTANTS INC. RELATED TO MATERIALS OBSERVATION AND TESTING SERVICES FOR THE HAYS COUNTY PUBLIC SAFETY BOND PROJECTS.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of a No Cost ASR-05 with Terracon Consultants Inc. related to Materials Observation and Testing Services for the Hays County Public Safety Bond Projects. All present voted "Aye." MOTION PASSED.

35353 APPROVE UTILITY PERMITS.

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

35354 AUTHORIZE THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY TO PURCHASE FIVE (5) NEW DELL LATITUDE 3410 LAPTOPS VALUED AT \$4,024.00 AND AMEND THE BUDGET ACCORDINGLY.

Wes Mau, District Attorney is requesting new laptops as some of his current laptops are not in working condition. The I.T. department recommended those laptops be replaced. He noted his staff needs the laptops as they are working remotely due to COVID-19. Judge Becerra requested the District Attorney's office contact the Auditor's office to seek possible reimbursement of this purchase since it deals with COVID-19. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Hays County Criminal District Attorney to purchase five (5) new Dell Latitude 3410 laptops valued at \$4,024.00 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35355 RATIFY THE ACCEPTANCE OF A DONATION OF \$500.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH DIVISION AND AMEND THE BUDGET ACCORDINGLY.

Commissioner Smith thanked Ms. Coffee for her donation to the Sheriff's office. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to ratify the acceptance of a donation of \$500.00 to the Sheriff's Office Community Outreach Division and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35356 AUTHORIZE THE JUVENILE PROBATION DEPARTMENT TO PURCHASE SIX (6) DELL OPTIPLEX DESKTOP COMPUTERS AND SIX (6) MONITORS, ONE (1) PRINTER AND NETWORK CABLING, AND TEN (10) STUDY CARRELS AND CHAIRS UTILIZING FUNDS FROM THE TEXAS JUVENILE JUSTICE DEPARTMENT (TJJD) REGIONAL DIVERSION GRANT AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Juvenile Probation Department to purchase six (6) Dell OptiPlex Desktop Computers and six (6) Monitors, one (1) Printer and Network Cabling, and ten (10) Study Carrels and Chairs utilizing funds from the Texas Juvenile Justice Department (TJJD) Regional Diversion Grant and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35357 AUTHORIZE PAYMENT TO DATA SPEC, INC. FOR THE VETERAN'S ADMINISTRATION OFFICE IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER COUNTY PURCHASING POLICY.

Jude Prather, Veterans Services Officer, stated to the Court that the renewal for this software was due and this was an oversight on his part. He also wanted to introduce a new member of his team, Wesley Mathews, Veteran Services Counsel. The Court welcomed Wesley Mathews. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize payment to Data Spec, Inc. for the Veteran's Administration Office in which no purchase order was issued as required per County Purchasing Policy. All present voted "Aye." MOTION PASSED.



JULY 7, 2020

**35358 ACCEPT THE 2019 HAYS COUNTY EMERGENCY SERVICES DISTRICT #4
AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the 2019 Hays County Emergency Services District #4 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

**35359 APPROVE THE SELECTION OF BINKLEY & BARFIELD, INC. TO PROVIDE
UTILITY COORDINATION SERVICES FOR US 290 AT TRAUTWEIN ROAD
IN PRECINCT 4; AND TO AUTHORIZE STAFF AND COUNSEL TO
NEGOTIATE A CONTRACT.**

Commissioner Smith stated this item will begin the completion of the 2016 Road Bond project. A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the selection of Binkley & Barfield, Inc. to provide utility coordination services for US 290 at Trautwein Road in Precinct 4; and to authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

**35360 APPROVE AGREEMENT FOR A LOCAL ON-SYSTEM IMPROVEMENT
PROJECT AT US 290 AND HENLY LOOP BETWEEN HAYS COUNTY AND
THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND
AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR A
LOCAL ON-SYSTEM IMPROVEMENT PROJECT ON BEHALF OF HAYS
COUNTY.**

Commissioner Smith noted this is also part of the 2016 Road Bond project. A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Agreement for a Local On-System Improvement Project at US 290 and Henly Loop between Hays County and the Texas Department of Transportation (TxDOT) and authorize the County Judge to execute an Agreement for a Local On-System Improvement Project on behalf of Hays County. All present voted "Aye." MOTION PASSED.

**35361 SELECT COBB, FENDLEY & ASSOCIATES, INC. TO PROVIDE RIGHT-OF-
WAY ACQUISITION SERVICES FOR RM 967 SAFETY TURN LANES (BUDA
SPORTS COMPLEX DRIVE, HAYS CISD HIGH SCHOOL NO. 3, AND OAK
FOREST DRIVE INTERSECTIONS) IN PRECINCT 2; AND TO AUTHORIZE
STAFF AND COUNSEL TO NEGOTIATE A CONTRACT, GRANTING AN
EXEMPTION TO FORMAL PROCUREMENT PURSUANT TO TEXAS LOCAL
GOVERNMENT CODE SECTION 262.024(A)(4) (PROFESSIONAL
SERVICES).**

Commissioner Jones noted these improvements are very important as three schools are located on this road and it gets very backed up. A motion was made by Commissioner Jones, seconded by Commissioner Shell to select Cobb, Fendley & Associates, Inc. to provide right-of-way acquisition services for RM 967 Safety Turn Lanes (Buda Sports Complex Drive, Hays CISD High School No. 3, and Oak Forest Drive Intersections) in Precinct 2; and to authorize staff and counsel to negotiate a contract, granting an exemption to formal procurement pursuant to Texas Local Government Code Section 262.024(a)(4) (professional services). All present voted "Aye." MOTION PASSED.

**35362 CALL FOR A PUBLIC HEARING ON JULY 21, 2020 TO REDUCE THE
CURRENT 60 MPH SPEED LIMIT TO 45 MPH ON THE WEST END OF
WINTERS MILL PARKWAY FOR THE NEW WISD BLUE HOLE PRIMARY
SCHOOL.**

Commissioner Shell stated the need for reduction in the speed limit is in preparation of a school zone. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to call for a public hearing on July 21, 2020 to reduce the current 60 MPH speed limit to 45 MPH on the west end of Winters Mill Parkway for the new WISD Blue Hole Primary school. All present voted "Aye." MOTION PASSED.

**35363 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL #5 TO
THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN HAYS
COUNTY AND HDR ENGINEERING, INC. FOR ROBERT S. LIGHT
BOULEVARD AS PART OF THE HAYS COUNTY/TXDOT PARTNERSHIP
PROGRAM.**



Mark Kennedy, General Counsel, noted exemption for formal procurement pursuant to Texas Local Government Code Section 262.024(a)(4) (professional services) should be applied to the motion as there is an adjustment of more than twenty five percent. Commissioner Jones added this to his motion and stated this is a redesign to include the flood plain. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental #5 to the Professional Services Agreement (PSA) between Hays County and HDR Engineering, Inc. for Robert S. Light Boulevard as part of the Hays County/TxDOT Partnership Program. All present voted "Aye." MOTION PASSED.**

DISCUSSION AND POSSIBLE ACTION REGARDING THE EMERGENCY CASH ASSISTANCE PROGRAM (ECAP), ALSO KNOWN AS PROJECT RECOIL, INCLUDING BUT NOT LIMITED TO, THE APPOINTMENT OF AWARD COMMITTEE MEMBERS, FUNDING OF THE PROGRAM, AND THE CONSIDERATION OF PROGRAM GUIDELINES.

Mark Kennedy, General Counsel, stated the Committee will have their first meeting to get things started. A date was not announced for the meeting. Discussion was had between the Court and Mark Kennedy on obtaining quotes for services regarding the handling of other companies' proprietary banking information. **No action was taken.**

35364 AUTHORIZE THE CRIMINAL DISTRICT ATTORNEY TO HIRE ONE (1) NEW ATTORNEY I, GRADE 117 AND RELATED EQUIPMENT TO PARTICIPATE IN THE MAGISTRATE STUDY EFFECTIVE JULY 16, 2020 AND AMEND THE BUDGET ACCORDINGLY.

Wes Mau, District Attorney explained to the Court the aspects the study will cover. He also explained that the new hire will participate in the study and collection of data. He noted there have been significant changes to the magistrate system due to COVID-19 and he believes that may negatively impact the results of the study. The Court had several questions about the study and the new position which Mr. Mau answered. The Court thanked him for his time. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the Criminal District Attorney to hire one (1) new Attorney I, grade 117 and related equipment to participate in the Magistrate Study effective July 16, 2020 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

35365 ADOPT AN ORDER OF THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS ACCEPTING AND APPROVING THE 2020 ANNUAL SERVICE PLAN UPDATE TO THE SERVICE AND ASSESSMENT PLAN FOR THE LA CIMA PUBLIC IMPROVEMENT DISTRICT, INCLUDING AN UPDATED MAJOR PUBLIC IMPROVEMENT ASSESSMENT ROLL, NEIGHBORHOOD IMPROVEMENT AREA #1 ASSESSMENT ROLL AND NEIGHBORHOOD IMPROVEMENT AREA #2 ASSESSMENT ROLL; MAKING AND ADOPTING FINDINGS; AND PROVIDING A CUMULATIVE REPEALER CLAUSE.

Vanessa Stowe, P3Works and Hays County's PID (Public Improvement District) Administrator, spoke to the Court via Teams as she was able to participate remotely. She presented the Court with an annual update regarding the La Cima Public Improvement District and explained the Repealer Clause that the company is now using. Jordan Powell, General Counsel, noted specific wording on the Order and Agenda item to meet the requirements of the PID Act. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to adopt an Order of the Commissioners Court of Hays County, Texas Accepting and Approving the 2020 Annual Service Plan Update to the Service and Assessment Plan for the La Cima Public Improvement District, Including an Updated Major Public Improvement Assessment Roll, Neighborhood Improvement Area #1 Assessment Roll and Neighborhood Improvement Area #2 Assessment Roll; Making and Adopting Findings; and Providing a Cumulative Repealer Clause. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Executive Session began at 12:30 p.m. and resumed back into open court at 1:32 p.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 HAYS COUNTY OFFICE OF EMERGENCY SERVICES. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

No action was taken.



35366 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 TRANSPORTATION DEPARTMENT. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT.

A motion was made by Commissioner Jones, seconded by Commissioner Smith to establish one new Planner grade 113 effective July 16, 2020 as presented in Executive Session, and to be funded by Salary Saving due to attrition. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #22 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 \$66,612 for the week of June 28 – July 4, 2020. The number of outsourced males was 182 inmates and females were 9 inmates. The number of arrest made by agency are as follows; Buda Police Department - 3, Department of Public Safety – 2, Hays County Sheriff's Department – 47, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 16, San Marcos Police Department - 27, Texas State Police Department – 0. **No action taken.**

Clerk's Note Agenda Item #24 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: Judge Becerra called for a break that began at 11:00 a.m. and resumed back into open court at 12:10 a.m.

DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY CENSUS PROGRAM INCLUDING UPDATES FROM JESSICA MEJIA.

Anita Collins, County Judge's Executive Assistant, presented in person and Jessica Mejia, Census Program Coordinator, presented to the Court via Teams. They shared a PSA in English and Spanish language. They also gave the Court a review of outreach events and updates. Finally, they encouraged the Court to send out their own PSA to promote the Census. Discussion was had amongst the Court to clarify that no elected official or candidate currently campaigning should be in any of the PSAs. The Court agreed on this. **No action taken.**

Clerk's Note Agenda Item #26 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 3:38 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 July 7, 2020.



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

