

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JANUARY 5, 2021

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF JANUARY 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:

Chaplain Javier Maldonado of the Christus Hospice Central Texas gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Becerra called the meeting to order.

PUBLIC COMMENTS

Rodrigo Amaya made a public comment regarding law enforcement. Dan Lyon made a public comment regarding the Hays County Appraisal Review board. Harvey Jenkins made a public comment regarding COVID-19 vaccines. Sam Brannon made a public comment regarding election integrity. Elaine Cardenas, County Clerk, read a public comment emailed by Laurel Tyler regarding accurate information on the county website.

35956 SWEARING-IN AND CONFIRMATION OF MEMBERS TO THE HAYS COUNTY HISTORICAL COMMISSION.

Lila Knight made a public comment in favor of reappointing Kate Johnson as the chair of the Historical Commission. Elaine Cardenas, County Clerk, read the public comments emailed by the following; Bobby Garza Hernandez, made public comments stating the Historical Commission is not representing people of color by denying membership of several Hispanic and Indigenous applicants. He requested the court reinstate the Tejano Commission and approve the membership of Gina Alba Rogers and Irma Gaitan. Maria Rocha made a public comment regarding her denial of her membership to the Historical Commission as one of the only indigenous applicants. Mario Garza made a public comment requesting the Commissioners Court to postpone their approval of the Historical Commission members until his open records request has been completed. The open records request is regarding the applications to the Historical Commission. Frank Arredondo made public comments requesting full transparency of the criteria of the membership, bylaws, financial records, and finally re-instate Gina Alba Rogers, Irma Gaitan, and the Tejano Committee. Krystal Alba-Donaghey submitted a letter including letters of support of the Tejano Committee and its Chair Gina Alba Rogers. The letters of support were written by Quincy Kennedy, Professor of SW Texas History, former President of the Texas State Historical Association, and Associate Professor of Anthropology Dr. Ana M. Juarez. Vincent Davilla made a public comment in support of Gina Alba Rogers and Irma Gaitan's membership, and to postpone the approval of membership. Liz Castaneda and Ruben A. Arellano wrote letters in support of the Tejano Committee and Gina Alba Rogers as Chair. Michele Frazier made a public comment thanking Kate Johnson for her service as the Historical Commission Chair. Kate Johnson, Chair of the Hays Historical Commission, spoke to the court regarding the membership criteria and selection process. Commissioner Ingalsbe and Judge Becerra inquired about the membership process, bylaws, expansion of membership, and the Tejano Committee. The court thanked Kate Johnson for her work and continued service. **A motion was made by Commissioner Shell, seconded by Commissioner Jones to approve the confirmation of members to the Hays County Historical Commission. Commissioner Jones, Commissioner Shell, and Commissioner Smith voted "Aye." Judge Becerra and Commissioner Ingalsbe voted "No." MOTION PASSED.**

The court thanked Ms. Johnson for her service to the commission. Judge Becerra stated that as the chair he hopes she address the concerns of the community that have been brought forward. **A motion was made by Commissioner Shell, seconded by Commissioner Smith to appoint Kate Johnson as Chair of the Hays County Historical Commission. All present voted "Aye." MOTION PASSED.**

Clerk's Note: Item 1 was reopened at 12:26 p.m.to appoint the chair of the Historical Commission.



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35957 CEREMONIAL SWEARING IN OF ALL NEWLY AND RE-ELECTED OFFICIALS TO HAYS COUNTY OFFICES; AND APPROVAL AND ACCEPTANCE OF OFFICIAL BONDS FOR EACH OFFICE.

Judge Maggie Moreno swore in the following Elected Officials: Commissioner Precinct 1 – Debbie Ingalsbe – Gonzales, Commissioner Precinct 3 – Lon Shell, Justice of the Peace Precinct 1-1 - JoAnne Prado, and Constable Precinct 1 – David Peterson. **A motion was made by Commissioner Smith, seconded by Commissioner Jones to approve and accept the official bonds for each office. 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.

Alex Villalobos, Emergency Management Coordinator and Chief of staff, stated there has been an increase in positive COVID-19 cases. The county is working with the school districts on return plans for students. The school districts have also made plans on distributing vaccines to students. Commissioner Ingalsbe asked where people can get the vaccine. Judge Becerra stated the county does not have vaccines to distribute. The private sector has vaccines. Mike Jones, Director of Emergency Services, stated once the vaccine is available to the court members that they should take the vaccine to lead by example. Kim Hilsenbeck, Communications Manager, spoke to the court regarding the information available on the county website. Tammy Crumley, Director of Countywide Operations, stated the Health department has applied to receive the COVID-19 vaccine. She stated there is a shortage of vaccines in Texas. She stated the general public roll out of the vaccine will likely happen in the Spring. No action was taken.

35958 ADOPT A PROCLAMATION DECLARING JANUARY 18, 2021 AS DR. MARTIN LUTHER KING, JR. DAY.

Pastor Jonafa Banbury, M.A., Dunbar Heritage Association Secretary, announced the Dr. Martin Luther King Jr. celebration will be held virtually this year January 18, 2021 on the Dunbar Heritage Association Facebook page at 11:00 am. She requested that the people of the community take the Common Unity Pledge that is posted on the Facebook page. The pledge promotes respectful communication with one another through differing opinions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring January 18, 2021 as Dr. Martin Luther King, Jr. Day. All present voted “Aye.” MOTION PASSED.**

35959 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.

35960 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.

35961 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 22, 2020.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of December 22, 2020. All present voted “Aye.” MOTION PASSED.

35962 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR THREE WAREHOUSE/ OFFICE STRUCTURES AT 13575 FITZHUGH ROAD, AUSTIN, TX 78737.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for three warehouse/ office structures at 13575 Fitzhugh Road, Austin, TX 78737. All present voted “Aye.” MOTION PASSED.

35963 AUTHORIZE PAYMENT TO GT DISTRIBUTORS IN THE AMOUNT OF \$594.55 IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE HAYS COUNTY PURCHASING POLICY.

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A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize payment to GT Distributors in the amount of \$594.55 in which no purchase order was issued as required per the Hays County Purchasing Policy. All present voted "Aye." MOTION PASSED.

35964 ACCEPT A \$5,000 CONTRIBUTION ON BEHALF OF THE HAYS COUNTY CHILD PROTECTIVE BOARD AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to accept a \$5,000 contribution on behalf of the Hays County Child Protective Board and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35965 AUTHORIZE PAYMENT TO FARBER SPECIALTY VEHICLES FOR THE OFFICE OF EMERGENCY SERVICES FOR A GRANT FUNDED COMMAND VEHICLE IN WHICH NO PURCHASE ORDER WAS ISSUED AS REQUIRED PER THE HAYS COUNTY PURCHASING POLICY.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize payment to Farber Specialty Vehicles for the Office of Emergency Services for a grant funded Command Vehicle in which no purchase order was issued as required per the Hays County Purchasing Policy. All present voted "Aye." MOTION PASSED.

35966 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR A SINGLE FAMILY RESIDENCE AND THREE RV'S AT 3417 FM 32, SAN MARCOS, TX 78666.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for a single family residence and three RV's at 3417 FM 32, San Marcos, TX 78666. All present voted "Aye." MOTION PASSED.

35967 AUTHORIZE THE EXECUTION OF AN UPDATED VOLUME LICENSING AGREEMENT WITH SHI GOVERNMENT SOLUTIONS FOR THE COUNTY WIDE MICROSOFT LICENSING AGREEMENT.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the execution of an updated Volume Licensing Agreement with SHI Government Solutions for the County Wide Microsoft Licensing Agreement. All present voted "Aye." MOTION PASSED.

35968 AUTHORIZE PAYMENT TO TEXIAN GEOSPATIAL AND ASSET SOLUTIONS, LLC. IN THE AMOUNT OF \$3,605.00 FOR A GPS RECEIVER, WHERE NO PURCHASE ORDER WAS ISSUED AS REQUIRED BY THE HAYS COUNTY PURCHASING POLICY AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment to Texian Geospatial and Asset Solutions, LLC. In the amount of \$3,605.00 for a GPS Receiver, where no purchase order was issued as required by the Hays County Purchasing Policy and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35969 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR TWO SINGLE FAMILY RESIDENCES LOCATED AT 287 FISCHER STORE RD, WIMBERLEY, TX 78676.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for two single family residences located at 287 Fischer Store Rd, Wimberley, TX 78676. All present voted "Aye." MOTION PASSED.

35970 APPROVE SPECIFICATIONS FOR RFQ 2021-Q01 ON-CALL ENGINEERING SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve specifications for RFQ 2021-Q01 On-Call Engineering Services and authorize Purchasing to solicit for proposals and advertise. All present voted "Aye." MOTION PASSED.



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35971 APPROVE UTILITY PERMITS.

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

35972 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR WW II MINIATURE GOLF AT 1710 FM 1626, BUDA, TX, 78610.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize On-Site Sewage Facility Permit for WW II Miniature Golf at 1710 FM 1626, Buda, TX, 78610. All present voted "Aye." MOTION PASSED.

35973 CONFIRM THE APPOINTMENTS OF WALT SMITH, FOR A TERM ENDING DECEMBER 31, 2022, AND DAN O'BRIEN, FOR A TERM ENDING DECEMBER 31, 2021, TO THE CITY OF DRIPPING SPRINGS TAX INCREMENT REINVESTMENT ZONES NO. 1 AND NO.2 (DSTIRZ 1 AND DSTIRZ 2) BOARD.

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to confirm the appointments of Walt Smith, for a term ending December 31, 2022, and Dan O'Brien, for a term ending December 31, 2021, to the City of Dripping Springs Tax Increment Reinvestment Zones No. 1 and No.2 (DSTIRZ 1 and DSTIRZ 2) Board. All present voted "Aye." MOTION PASSED.

35974 CALL FOR A PUBLIC HEARING ON JANUARY 26, 2021 TO ESTABLISH A "NO DUMPING" ZONE ON PLUM CREEK ROAD SOUTH BETWEEN GRIST MILL ROAD AND THE LOW-WATER CROSSING.

Commissioner Jones made a change to the public hearing date from January 19, 2021 to January 26, 2021. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on January 26, 2021 to establish a "No Dumping" zone on Plum Creek Road South between Grist Mill Road and the low-water crossing. All present voted "Aye." MOTION PASSED.

35975 AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT/CONTRACT BETWEEN HAYS COUNTY AND GARVER, LLC TO PROVIDE ENGINEERING DESIGN AND SUPPORT SERVICES FOR DRAINAGE AND LOW WATER CROSSING IMPROVEMENTS AT BEAR CREEK PASS AND SYCAMORE CREEK DRIVE PROJECT IN PRECINCT 4 AS PART OF THE ROAD BOND PROGRAM.

Commissioner Smith stated this is part of the 2016 roads bond project. Garver LLC is working on other parts of the project, so this will tie them all together. A motion was made by Commissioner Smith, seconded by Commissioner Jones to authorize the execution of a Professional Service Agreement/Contract between Hays County and Garver, LLC to provide engineering design and support services for Drainage and Low Water Crossing Improvements at Bear Creek Pass and Sycamore Creek Drive project in Precinct 4 as part of the Road Bond Program. All present voted "Aye." MOTION PASSED.

35976 AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT/CONTRACT BETWEEN HAYS COUNTY AND PAPE-DAWSON ENGINEERS, INC. TO PROVIDE ADDITIONAL SURVEYING, ENGINEERING AND ENVIRONMENTAL PERMITTING SERVICES FOR THE DESIGN OF FISCHER STORE ROAD SAFETY IMPROVEMENTS PROJECT IN PRECINCT 3 AS PART OF THE 2016 ROAD BOND PROGRAM.

Commissioner Shell stated this is part of the 2016 roads bond project. This piece should finalize the project. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of a Professional Service Agreement/Contract between Hays County and Pape-Dawson Engineers, Inc. to provide additional surveying, engineering and environmental permitting services for the design of Fischer Store Road Safety Improvements project in Precinct 3 as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.

DISCUSSION RELATED TO THE RECONSTITUTION OF THE HAYS COUNTY PARKS AND OPEN SPACE ADVISORY COMMISSION (POSAC). POSSIBLE ACTION MAY FOLLOW.

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Commissioner Shell requested the court return at the end of January with their appointees for the Parks and Open Space Advisory Commission. He requested the court members appoint two at large appointees for the end of January. No action was taken.

Clerk's Note: Executive Session began at 11:14 a.m. and resumed back into open court at 12:03 p.m.

35977 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE APPOINTMENT AND DUTIES OF THE HAYS COUNTY JUSTICE OF THE PEACE IN PRECINCT 5 OFFICE. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT. JONES

Commissioner Jones thanked Judge Scott Cary for his services and sent him congratulations on his retirement. The Court members echoed thanks and well wishes to Judge Cary. **A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept the resignation of Judge Scott Cary, Hays County Justice of the Peace Precinct 5, effective February 28, 2021, and to appoint Lucinda Doyle of Buda Texas to fill the post of Justice of the Peace for Precinct 5 in the Hays County for the remainder of the unexpired term, effective and beginning March 1, 2021. All present voted "Aye." MOTION PASSED.**

35978 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 DACEY LANE IN PCT 2. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT. JONES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the counteroffer for the Dacey Lane Project, Ormond Tract, Parcel 70, as presented in Executive Session. All present voted "Aye." MOTION PASSED.

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 DEVELOPMENT SERVICES DEPARTMENT. POSSIBLE DISCUSSION AND/OR ACTION MAY FOLLOW IN OPEN COURT. JONES/STRICKLAND

No action was taken.

35979 DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Nathan Mendenhall, Fire Marshall, recommended the removal of the burn ban. He suggested citizens review the rules for outdoor burning. The rules can be found on the TCEQ website, the County Fire Marshall website, and Haysinformed.com. Commissioner Jones stated that citizens should burn as soon as possible since the burn ban can be placed in effect at any time. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to lift the burn ban effective immediately. All present voted "Aye." MOTION PASSED.**

DISCUSSION RELATED TO THE HAYS COUNTY INMATE POPULATION, TO INCLUDE CURRENT POPULATION COUNTS AND COSTS.

Judge Becerra read the Sheriff's update of the inmate population. The estimated cost for outsourcing was \$52,050.00 for the week of December 27, 2020 – January 2, 2021. The number of outsourced males was 140 inmates and females were 0 inmates. The number of arrest made by agency are as follows; Buda Police Department - 4, Department of Public Safety – 7, Hays County Sheriff's Department – 44, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 23, San Marcos Police Department - 34, Texas State Police Department – 1. No action taken.

Clerk's Note Agenda Item #29 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY. POSSIBLE ACTION MAY FOLLOW. – WAS PULLED.

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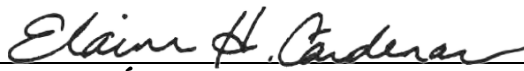
Clerk's Note Agenda Item #30 RE: *DISCUSSION OF ISSUES RELATED TO ELECTRO PURIFICATION INCLUDING UPDATES ON THE FILED APPLICATION. POSSIBLE ACTION MAY FOLLOW.*
- WAS PULLED.

ADJOURNMENT

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 12:25 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 January 5, 2021.





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

