

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 21, 2020

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st 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
DEBBIE GONZALES INGALSBE
MARK JONES
LON A. SHELL
WALT SMITH
VALERIE VALDEZ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
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.

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Elder Michael Myers of the San Marcos Abundant Life Christian 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

Christine Terrell, Hays County resident, gave public comments against additional attorney positions within the District Attorney's office. Lauren Hubele, Hays County resident, gave public comments against the incarceration on nonviolent criminals. Sam Brannon, Hays County resident, gave public comments, against the Court mismanagement of COVID-19. Rodrigo Amaya, Hays County resident, gave public comments, against the District Attorney's office and the Commissioners Court stating the overcrowding at the County jail starts within the mentioned offices. Dan Lyon, Hays County resident, made public comments against the county purchasing and read the disbursement list.

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 he has been talking with the school boards within Hays County about plans for the upcoming school year. Alex Villalobos, Chief of Staff and Emergency Management Coordinator, spoke to the Court regarding potential testing sites, test results, and upcoming testing events. Judge Becerra made an announcement that future testing is by appointment to minimize wait times. The Court further discussed other possible testing locations. No action was taken.

35397 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.

35398 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.

35399 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO HAVE CHAMBERLIN ROOFING & WATERPROOFING REPAIR TWO EXTERIOR WALLS OF THE JACOBS WELL NATURE CENTER THAT WERE DAMAGED IN RECENT FLOODING AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Building Maintenance Department to have Chamberlin Roofing & Waterproofing repair two exterior walls of the Jacobs Well Nature Center that were damaged in recent flooding and amend the budget accordingly. All present voted "Aye." MOTION PASSED.



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35400 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR 4 SHORT-TERM RENTAL CABINS LOCATED AT 7220 CREEK ROAD, DRIPPING SPRINGS, TEXAS 78620.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize On-Site Sewage Facility Permit for 4 short-term rental cabins located at 7220 Creek Road, Dripping Springs, Texas 78620. All present voted "Aye." MOTION PASSED.

35401 AUTHORIZE THE REPLACEMENT OF ONE (1) FAILED 3-TON HVAC SYSTEM LOCATED AT THE HAYS COUNTY TRANSPORTATION BUILDING AND AMEND THE BUDGET ACCORDINGLY.

Dan Lyon, Hays County resident, made public comments against this item. He stated the County is being overcharged for the install. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the replacement of one (1) failed 3-Ton HVAC system located at the Hays County Transportation building and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35402 APPROVE RENEWAL OF IFB 2018-B07 REGULATORY ROAD SIGNS WITH CENTERLINE SUPPLY, PATHMARK TRAFFIC EQUIPMENT, LLC AND VULCAN, INC. FOR ONE (1) ADDITIONAL YEAR AS STATED IN THE ORIGINAL BID. BLACKTOP INDUSTRIES, LLC HAS OPTED NOT TO RENEW THEIR CONTRACT.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve renewal of IFB 2018-B07 Regulatory Road Signs with Centerline Supply, PathMark Traffic Equipment, LLC and Vulcan, Inc. for one (1) additional year as stated in the original bid. Blacktop Industries, LLC has opted not to renew their contract. All present voted "Aye." MOTION PASSED.

35403 AUTHORIZE THE TRANSPORTATION DEPARTMENT TO PURCHASE A NEW DELL LATITUDE LAPTOP COMPUTER VALUED AT \$1,050.16 FOR THE RECENTLY FILLED PLANNER POSITION AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the Transportation Department to purchase a new Dell Latitude laptop computer valued at \$1,050.16 for the recently filled Planner position and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35404 APPROVE UTILITY PERMITS.

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

35405 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SECOND AMENDMENT TO CITY OF DRIPPING SPRINGS, COUNTY OF HAYS, DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT, AND DRIPPING SPRINGS LIBRARY BOARD AGREEMENT REGARDING EXTENSION AND CLARIFICATION OF THE COST ALLOCATION AND REIMBURSEMENT FOR THE DRIPPING SPRINGS TAX INCREMENT REINVESTMENT ZONE NUMBER ONE AND TAX INCREMENT REINVESTMENT ZONE NUMBER TWO.

Commissioner Smith stated this modification is to clarify the parts of the project the Dripping Springs ISD can or cannot fund. A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute a Second Amendment to City of Dripping Springs, County of Hays, Dripping Springs Independent School District, and Dripping Springs Library Board Agreement Regarding Extension and Clarification of the Cost Allocation and Reimbursement for the Dripping Springs Tax Increment Reinvestment Zone Number One and Tax Increment Reinvestment Zone Number Two. All present voted "Aye." MOTION PASSED.

35406 APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON AUGUST 4, 2020.

A motion was made by Commissioner Jones, seconded by Commissioner Shell to approve the cancellation of Commissioners Court on August 4, 2020. All present voted "Aye." MOTION PASSED.



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- 35407 AUTHORIZE THE EXECUTION OF THE FY 2020 GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION FOR OVERTIME REIMBURSEMENTS RELATED TO THE SHERIFF'S OFFICE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDETF) AND AMEND THE BUDGET ACCORDINGLY.**

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the execution of the FY 2020 Grant Agreement with the U.S. Department of Justice, Drug Enforcement Administration for overtime reimbursements related to the Sheriff's Office Organized Crime Drug Enforcement Task Force (OCDETF) and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

- 35408 ACCEPT THE FISCAL YEAR 2019 HAYS COUNTY EMERGENCY SERVICES DISTRICT #7 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.**

A motion was made by Commissioner Jones, seconded by Commissioner Shell to accept the Fiscal Year 2019 Hays County Emergency Services District #7 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

- 35409 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE THIRD ADDENDUM TO A CHAPTER 381 CHAPTER ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN HAYS COUNTY AND HUMPTY DUMPTY SSM, LTD. EXECUTED ON OR ABOUT JULY 21, 2015.**

A motion was made by Commissioner Jones, seconded by Commissioner Shell to authorize the County Judge to execute the Third Addendum to a Chapter 381 Chapter Economic Development Incentive Agreement between Hays County and Humpty Dumpty SSM, Ltd. executed on or about July 21, 2015. All present voted "Aye." MOTION PASSED.

- 35410 RATIFY THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE TUBERCULOSIS PREVENTION AND CONTROL - FEDERAL GRANT PROGRAM (TB/PC - FEDERAL) IN THE AMOUNT OF \$26,757.00.**

A motion was made by Commissioner Jones, seconded by Commissioner Shell to ratify the submission of a grant application to the Department of State Health Services (DSHS) for the Tuberculosis Prevention and Control - Federal Grant Program (TB/PC - Federal) in the amount of \$26,757.00. All present voted "Aye." MOTION PASSED.

- 35411 AMEND VARIOUS DEPARTMENTAL OPERATING, SPECIAL REVENUE AND CAPITAL PROJECT BUDGETS IN PREPARATION FOR FISCAL YEAR 2020 3RD QUARTER FINANCIAL REPORTING.**

A motion was made by Commissioner Jones, seconded by Commissioner Shell to amend various departmental operating, special revenue and capital project budgets in preparation for Fiscal Year 2020 3rd Quarter financial reporting. All present voted "Aye." MOTION PASSED.

- 35412 AMEND THE TRANSPORTATION DEPARTMENT'S BUDGET FOR ROAD-BUILDING MATERIALS VALUED AT \$33,108.40 TO RECEIVE APPROXIMATELY 520 TONS OF LIMESTONE ROCK ASPHALT, TYPE II, GRADE DS MATERIAL FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE 2020 TXDOT SURPLUS PROGRAM AND ADD TO THE DEPARTMENT'S INVENTORY.**

A motion was made by Commissioner Jones, seconded by Commissioner Shell to amend the Transportation Department's budget for road-building materials valued at \$33,108.40 to receive approximately 520 tons of Limestone Rock Asphalt, Type II, Grade DS material from the Texas Department of Transportation through the 2020 TxDOT Surplus Program and add to the department's inventory. All present voted "Aye." MOTION PASSED.



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- 35413 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT/CONTRACT BETWEEN HAYS COUNTY AND HNTB CORPORATION TO PROVIDE ENVIRONMENTAL AND PUBLIC INVOLVEMENT SERVICES RELATED TO THE FM 150 (CENTER ST) RELOCATION OF UP SWITCHING LINE (KYLE UPRR SIDING RELOCATION) PROJECT AS PART OF THE 2016 ROAD BOND PROGRAM.**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement/Contract between Hays County and HNTB Corporation to provide environmental and public involvement services related to the FM 150 (Center St) relocation of UP switching line (Kyle UPRR Siding Relocation) project as part of the 2016 Road Bond Program. All present voted "Aye." MOTION PASSED.

- 35414 HOLD A PUBLIC HEARING 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.**

Judge Becerra opened the public hearing at 10:16 a.m. No comments were made. Judge Becerra closed the public hearing at 10:16 a.m. Commissioner Shell noted this reduction is 2,000 feet outside of the school zone in an effort to slow the traffic down as they approach the school zone. A motion was made by Commissioner Shell, seconded by Commissioner Smith 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.

- 35415 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT/CONTRACT BETWEEN HAYS COUNTY AND BOWMAN CONSULTING GROUP, LTD TO PROVIDE DESIGN ENGINEERING SERVICES FOR FM 150 CTL GAP PROJECT IN PRECINCT 1.**

Commissioner Ingalsbe stated this item is to finalize the construction plans. This section was originally left out due to environmental issues. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement/Contract between Hays County and Bowman Consulting Group, Ltd to provide Design Engineering services for FM 150 CTL Gap project in Precinct 1. All present voted "Aye." MOTION PASSED.

- 35416 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT/CONTRACT WITH COBB, FENDLEY & ASSOCIATES, INC. TO PROVIDE UTILITY COORDINATION SERVICES FOR RM 967 SAFETY TURN LANES (BUDA SPORTS COMPLEX DRIVE, HAYS CISD HIGH SCHOOL NO. 4, AND OAK FOREST DRIVE INTERSECTIONS) IN PRECINCT 2 AS PART OF THE ROAD BOND PROGRAM.**

Commissioner Jones noted the motion is to cover Hays CISD High School No.4. This item is to cover utilities and improvements. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement/Contract with Cobb, Fendley & Associates, Inc. to provide utility coordination services for RM 967 Safety Turn Lanes (Buda Sports Complex Drive, Hays CISD High School No. 4, and Oak Forest Drive Intersections) in Precinct 2 as part of the Road Bond Program. All present voted "Aye." MOTION PASSED.

- 35417 APPROVE THE SELECTION OF BINKLEY & BARFIELD, INC. TO PROVIDE UTILITY COORDINATION SERVICES FOR RM 12 AT RM 3237 INTERSECTION PROJECT IN PRECINCT 3; AND TO AUTHORIZE STAFF AND COUNSEL TO NEGOTIATE A CONTRACT.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the selection of Binkley & Barfield, Inc. to provide utility coordination services for RM 12 at RM 3237 intersection project in Precinct 3; and to authorize staff and counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

- 35418 APPROVE THE FINAL PLAT FOR O'NEIL RANCH, TRACT 7 SUBDIVISION. PLN-1475-NP**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the final plat for O'Neil Ranch, Tract 7 Subdivision. PLN-1475-NP. All present voted "Aye." MOTION PASSED.



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35419 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AND RENTAL AGREEMENT BETWEEN HAYS COUNTY AND WATERLOGIC USA TO REPLACE WATER UNITS AT THE TRANSPORTATION DEPARTMENTS WIMBERLEY AND DRIFTWOOD YARDS.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute and rental agreement between Hays County and Waterlogic USA to replace water units at the Transportation Departments Wimberley and Driftwood Yards. All present voted "Aye." MOTION PASSED.

35420 AWARD RFP 2020-P11 ELECTION BALLOT PRINTING, INSERTION AND MAILING SERVICES TO RUNBECK ELECTION SERVICES AND AUTHORIZE STAFF AND GENERAL COUNSEL TO NEGOTIATE A CONTRACT.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to award RFP 2020-P11 Election Ballot Printing, Insertion and Mailing Services to Runbeck Election Services and authorize staff and General Counsel to negotiate a contract. All present voted "Aye." MOTION PASSED.

35421 AUTHORIZE THE CONSTABLE PCT. 4 OFFICE TO UTILIZE SALARY SAVINGS TO PURCHASE ESSENTIAL EQUIPMENT FOR MOTOR OFFICERS AND FLEET MAINTENANCE AND AMEND THE BUDGET ACCORDINGLY.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Constable Pct. 4 Office to utilize salary savings to purchase essential equipment for Motor Officers and Fleet Maintenance and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

Clerk's Note Agenda Item #27 RE: DISCUSSION AND POSSIBLE ACTION TO ISSUE VARIANCE FROM HAYS COUNTY RULES FOR ONSITE SEWAGE FACILITIES SECTION M FOR AN OSSF PERMIT AT 901 WILLIAMSON RD, BUDA, TX 78610. – WAS PULLED.

35422 IDENTIFY FUNDS FOR ADMINISTRATION COSTS ASSOCIATED WITH THE EMERGENCY CASH ASSISTANCE PROGRAM (ECAP) PURSUANT TO CHAPTER 381 OF THE TEXAS LOCAL GOVERNMENT CODE AND AMEND THE BUDGET ACCORDINGLY.

Court discussed the process for the loan applications to be submitted. They also discussed a timeline as to when the business owners would be notified if they will receive the awarded money. Mark Kennedy, General Counsel, spoke to the Court regarding the future meetings and plans for the committee. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to identify funds for Administration Costs associated with the Emergency Cash Assistance Program (ECAP) pursuant to Chapter 381 of the Texas Local Government Code and amend the budget accordingly. All present voted "Aye." MOTION PASSED.

35423 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 INCLUDING BUT NOT LIMITED TO APPOINTMENT AND EMPLOYMENT OF THE HAYS COUNTY FIRE MARSHAL (CONTINGENT UPON AN ACCEPTABLE BACKGROUND CHECK AND ACCEPTANCE OF AN OFFER OF EMPLOYMENT) AND/OR THE HIRING OF THE DIRECTOR OF THE OFFICE OF EMERGENCY SERVICES (CONTINGENT UPON AN ACCEPTABLE BACKGROUND CHECK AND ACCEPTANCE OF AN OFFER OF EMPLOYMENT).

Mike Jones, Director of Emergency Services, thanked the Court for the opportunity to serve Hays County. A motion was made by Commissioner Judge Becerra, seconded by Commissioner Jones to appoint Mike Jones as Director of the Emergency Services. All present voted "Aye." MOTION PASSED.

A motion was made by Judge Becerra, seconded by Commissioner Shell, to appoint Nathan Mendenhall to the position of Fire Marshal number 09800-11 at the 50th percentile of grade 115 effective August 10th, 2020. All present voted "Aye." MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JULY 21, 2020

35424 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION.

Judge Becerra stated the Fire Marshall has recommended a Burn Ban. **A motion was made by Judge Becerra, seconded by Commissioner Jones to initiate a Burn Ban beginning today for 60 days or until it is recommended by the Fire Marshall to remove the Burn Ban. 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 \$62,637.00 for the week of July 12– July 18, 2020. The number of outsourced males was 173 inmates and females were 7 inmates. The number of arrest made by agency are as follows; Buda Police Department - 3, Department of Public Safety – 4, Hays County Sheriff's Department – 42, this includes court ordered commitments, warrant pick-ups from all agencies, and self-surrender warrants from all agencies, Kyle Police Department – 26, San Marcos Police Department - 21, Texas State Police Department – 0. The number of inmates with confirmed positive cases of COVID -19 in the currently in the county jail are 65 inmates as of July 19, 2020 at 3p.m. No action 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.*

Clerk's Note Agenda Item #32 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY CENSUS PROGRAM INCLUDING UPDATES FROM JESSICA MEJIA. – WAS PULLED.*

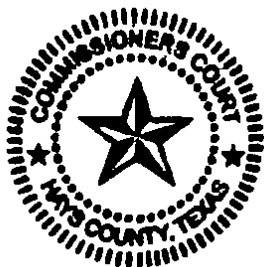
Clerk's Note Agenda Item #33 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY. POSSIBLE ACTION MAY FOLLOW. – WAS PULLED.*

Clerk's Note Agenda Item #34 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 10:33 a.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 21, 2020.



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

