

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MAY 18, 2021

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 18<sup>th</sup> DAY OF MAY 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  
DEBBIE GONZALES INGALSBE  
LON A. SHELL  
WALT SMITH  
ELAINE H. CÁRDENAS

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

**WITH COMMISSIONER MARK JONES BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Chaplain Javier Maldonado of 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**

Dan Lyon made public comment. Rodrigo Amaya made public comment. Michael Lee made public comments regarding the criminal justice system and his support of local law enforcement. Linda Calvert made public comment.

**36409 ADOPT A PROCLAMATION DECLARING MAY 2021 AS ELDER ABUSE MONTH.**

Sam Cortina, Community Engagement Office with the Department of Family Protection Services, spoke to the court regarding elderly abuse and the services that are offered to families. The Commissioners thanked him for his work and taking time to speak. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation declaring May 2021 as Elder Abuse Month. All present voted "Aye." MOTION PASSED.**

**36410 ADOPT A PROCLAMATION DECLARING MAY 23-29, 2021 AS SEARCH AND RESCUE WEEK IN HAYS COUNTY.**

Justin McInnis, President and CEO of Texas Search and Rescue, stated search and rescue is a big deal in Texas. He called on Jonathan McComb to speak to the court. Jonathan McComb stated that he got involved with search and rescue after he lost his family to the Memorial Day Flood in 2015. He thanked the Commissioners for supporting and acknowledging the search and rescue groups as they are an extension of law enforcement helping people in need. The Commissioners thanked the group for their work. They noted the search and rescue teams are called out often. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 23-29, 2021 as Search and Rescue Week in Hays County. All present voted "Aye." MOTION PASSED.**

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

Mike Jones, Director of Emergency Services, announced that vaccinations are available. He stated that anyone that wants to get a vaccine will be able to receive one. He gave the phone number to contact of 833-521-2766 to arrange a homebound vaccine appointment. Judge Becerra gave an update of the Dunbar Heritage clinic. He mentioned there are new CDC guidelines regarding masks. No action was taken.

**36411 APPROVE PAYMENTS OF COUNTY INVOICES.**

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



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**36412 APPROVE THE PAYMENT OF UNITED HEALTHCARE CLAIMS.**

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

**36413 APPROVE COMMISSIONERS COURT MINUTES OF MAY 4, 2021 AND MAY 11, 2021.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Commissioners Court Minutes of May 4, 2021 and May 11, 2021. All present voted "Aye." MOTION PASSED.

**36414 APPROVE THE PAYMENT OF THE MAY 31, 2021 PAYROLL DISBURSEMENTS IN AN AMOUNT NOT TO EXCEED \$3,975,000.00 EFFECTIVE MAY 28, 2021 AND POST TOTALS FOR WAGES, WITHHOLDINGS, DEDUCTIONS AND BENEFITS ON THE HAYS COUNTY WEBSITE ONCE FINALIZED.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of the May 31, 2021 payroll disbursements in an amount not to exceed \$3,975,000.00 effective May 28, 2021 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized. All present voted "Aye." MOTION PASSED.

**36415 AUTHORIZE ON-SITE SEWAGE FACILITY PERMIT FOR AN EMPLOYEE RESTROOM LOCATED AT 101 WILLOW TERRACE, KYLE TX 78640.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize On-Site Sewage Facility Permit for an employee restroom located at 101 Willow Terrace, Kyle TX 78640. All present voted "Aye." MOTION PASSED.

**36416 AMEND THE TRANSPORTATION DEPARTMENT'S BUDGET FOR ROAD-BUILDING MATERIALS VALUED AT \$30,200.00 TO RECEIVE A SECOND ROUND OF APPROXIMATELY 400 TONS OF LIMESTONE ROCK ASPHALT, TYPE II, GRADE DS MATERIAL FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH THE 2021 TXDOT SURPLUS PROGRAM AND ADD TO THE DEPARTMENT'S INVENTORY.**

Rodrigo Amaya made a public comment against this item. Commissioner Ingalsbe stated this is an amendment to accept a donation of materials from TXDOT. Judge Becerra stated that he agreed with Commissioner Ingalsbe to accept the materials. Marisol Villarreal-Alonzo, Auditor, explained the accounting process for accepting donations. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to amend the Transportation Department's budget for road-building materials valued at \$30,200.00 to receive a second round of approximately 400 tons of Limestone Rock Asphalt, Type II, Grade DS material from the Texas Department of Transportation through the 2021 TxDOT Surplus Program and add to the department's inventory. All present voted "Aye." MOTION PASSED.

**36417 AUTHORIZE THE EXECUTION OF A CONTRACT FOR THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), FY22/23 REGIONAL AND LOCAL SERVICES/SYSTEM/LOCAL PUBLIC HEALTH SERVICES (RLSS/LPHS) RENEWAL AWARD, IN THE AMOUNT OF \$102,926.00.**

Rodrigo Amaya made a public comment against this item. Vickie Dorsett, Auditor's Office, stated this is a renewal grant. She stated these funds will be accounted for during the budget process. A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of a contract for the Texas Department of State Health Services (DSHS), FY22/23 Regional and Local Services/System/Local Public Health Services (RLSS/LPHS) renewal award, in the amount of \$102,926.00. All present voted "Aye." MOTION PASSED.

**36418 APPROVE UTILITY PERMITS.**

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

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**36419 ACCEPT THE FISCAL YEAR 2020 HAYS COUNTY EMERGENCY SERVICES DISTRICT #9 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the Fiscal Year 2020 Hays County Emergency Services District #9 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

**36420 ACCEPT THE FISCAL YEAR 2020 HAYS COUNTY EMERGENCY SERVICES DISTRICT #6 AUDIT REPORT PER TEXAS HEALTH AND SAFETY CODE 775.082.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the Fiscal Year 2020 Hays County Emergency Services District #6 Audit Report per Texas Health and Safety Code 775.082. All present voted "Aye." MOTION PASSED.

**36421 CALL FOR A PUBLIC HEARING ON JUNE 1, 2021 TO ESTABLISH A "NO DUMPING" ZONE ALONG BOTH SIDES OF ELM GROVE LANE BETWEEN FM 1626 AND THE CUL-DE-SAC.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to call for a public hearing on June 1, 2021 to establish a "No Dumping" zone along both sides of Elm Grove Lane between FM 1626 and the cul-de-sac. All present voted "Aye." MOTION PASSED.

**36422 RELEASE THE REVEGETATION BOND #107226362 IN THE AMOUNT OF \$2,990.00 FOR 6 CREEKS SUBDIVISION, PHASE 1, SECTION 2.**

A motion was made by Commissioner Smith, seconded by Commissioner Shell to release the revegetation bond #107226362 in the amount of \$2,990.00 for 6 Creeks subdivision, Phase 1, Section 2. All present voted "Aye." MOTION PASSED.

**36423 GRANT VARIANCES FROM CHAPTERS 721.5.05 AND 721.5.07(C) OF THE HAYS COUNTY DEVELOPMENT REGULATIONS; PLN-1611-NP.**

Colby Machacek, County Planner with Development Services, stated this variance is for a proposed 4 lots subdivision in precinct 3. Water services will be provided by Wimberley Water Supply Corporation, and wastewater treatment will be through individual on-site sewage facilities. The owner is requesting a variance regarding shared access driveway A motion was made by Commissioner Shell, seconded by Commissioner Smith to grant variances from Chapters 721.5.05 and 721.5.07(C) of the Hays County Development Regulations. PLN-1611-NP; Oak Terrace Estates (4 lots). All present voted "Aye." MOTION PASSED.

**36424 CALL FOR A PUBLIC HEARING ON JUNE 1ST, 2021 TO DISCUSS APPROVAL OF THE PRICE ADDITION, PH 2, LOTS 1 AND 2, REPLAT; PLN-1619-PN.**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to call for a Public Hearing on June 1st, 2021 to discuss approval of the Price Addition, Ph 2, Lots 1 and 2, Replat; PLN-1619-PN. All present voted "Aye." MOTION PASSED.

**36425 VACATE THE REVISED PLAT OF LOTS 10A & 10B IN THE ROLLING OAKS, SECTION THREE SUBDIVISION; PLN-1694.**

Marcus Pacheco, Director of Development Services, the current owners wish to vacate the revised plat to bring the configuration back to when it was platted in 1969. A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to vacate the revised plat of lots 10A & 10B in the Rolling Oaks, Section Three Subdivision; PLN-1694. All present voted "Aye." MOTION PASSED.

**Clerk's Note:** Commissioner Jones arrived in court for following proceedings.

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**36426 ESTABLISH ONE TEMPORARY PART-TIME (20 HR PER WEEK) INTERN POSITION FOR THE HAYS COUNTY CHILD PROTECTIVE BOARD EFFECTIVE JUNE 1 THROUGH SEPTEMBER 30, 2021 AND AMEND THE BUDGET ACCORDINGLY.**

Karen Brown stated that this position is greatly needed. She explained the requests have increased drastically. Judge Becerra thanked the volunteers for their work. Mark Kennedy, General Counsel, stated that an intern is being requested however, this may be a permanent position in the future. It would be something to look at during the next budget cycle. Commissioner Ingalsbe stated that this was a reasonable request. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to establish one Temporary Part-time (20 hr per week) Intern position for the Hays County Child Protective Board effective June 1 through September 30, 2021 and amend the budget accordingly. All present voted "Aye." MOTION PASSED.**

**AUTHORIZE BUDGET AMENDMENTS FROM HUMAN RESOURCES CONTRACT SERVICES AND CONTINUING EDUCATION TO TEMPORARY STAFF SALARIES.**

Dan Lyon made a public comment regarding a change made to this agenda item. Rodrigo Amaya made a public comment. Commissioner Smith stated this is an extension of a current intern position. Commissioner Shell stated there is a discrepancy from the agenda item and the backup information which maybe causing confusion. After some discussion Commissioner Smith stated he would table this item and bring it back to court. No action was taken.

**36427 ACCEPT THE RESIGNATION OF COUNTY COURT AT LAW #3 JUDGE, MILLIE THOMPSON, AND TO DISCUSS IDENTIFICATION AND APPOINTMENT OF A CANDIDATE TO FILL THE VACANCY UNTIL THE NEXT GENERAL ELECTION.**

Dan Lyon made a public comment questioning if the letter was in fact written by Millie Thompson. Rodrigo Amaya made a public comment in support of Mike Lee as a candidate for the open County Court Judge position. Laura Ewing made a public comment in support of Linda Rodriguez as a replacement for Millie Thompson. Iris Campbell submitted a public comment through email in support of Linda Rodriguez as a replacement for Millie Thompson. Elaine H. Cardenas, County Clerk, read the comment aloud in court. Mark Kennedy, General Counsel, stated that under the Election Code Chapter 201 the resignation letter would need to be in writing and signed. He also recommended the court make two separate motions, one to accept the resignation, and another for a replacement. Commissioner Ingalsbe stated that she spoke with Linda Rodriguez. She noted that Linda Rodriguez has no intention in running for the position during elections. She stated that she would support Linda Rodriguez as a replacement. Commissioner Jones stated he has talked to Linda Rodriguez and would support her. Commissioner Shell stated he has heard from several people but that he would like to accept resumes. Commissioner Smith stated he would like to have a process for a replacement. Mark Kennedy, General Counsel, stated the court can post the listing with the qualifications listed in Chapter 25 of the Government Code.

**A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept the resignation of County Court at Law #3 Judge, Millie Thompson, and to discuss identification and appointment of a candidate to fill the vacancy until the next general election. All present voted "Aye." MOTION PASSED.**

**A motion was made by Commissioner Ingalsbe, seconded by Judge Becerra to appoint Judge Linda Rodriguez for County Court at Law #3 to replace Millie Thompson. Commissioner Ingalsbe and Judge Becerra voted "Aye." Commissioner Jones, Commissioner Shell, and Commissioner Smith voted "No." MOTION FAILED.**

**36428 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MASTER SERVICES AGREEMENT BETWEEN HAYS COUNTY AND HALFF ASSOCIATES, INC., RELATED TO PROGRAM MANAGEMENT OF THE 2020 PARKS AND OPEN SPACE BOND PROGRAM; AND TO AUTHORIZE EXECUTION OF WORK AUTHORIZATION #1 AND WORK AUTHORIZATION #2, ASSOCIATED WITH SAID AGREEMENT.**

Dan Lyon made a public comment. Commissioner Shell stated he is supportive of having a program manager to keep things moving efficiently. James Jimenez, Halff Associates, spoke to the court and answered the questions from the public regarding the work authorizations. **A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Master Services Agreement between Hays County and Halff Associates, Inc., related to program management of the 2020 Parks and Open Space Bond program; and to authorize execution of Work Authorization #1 and Work Authorization #2, associated with said Agreement. All present voted "Aye." MOTION PASSED.**



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**Clerk's Note:** Executive Session began at 10:42 a.m. and resumed back into open court at 11:32 a.m.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.**

No action was taken.

**36429 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING EMPLOYMENT AND DUTIES OF ALL INDIVIDUAL POSITIONS WITHIN THE HAYS COUNTY AUDITOR'S OFFICE. POSSIBLE ACTION MAY FOLLOW.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones establish one new Senior Financial Analyst position, grade 116, effective June 1, 2021, within the County Auditor's office as presented in Executive Session. All present voted "Aye." MOTION PASSED.

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

Judge Becerra announced no burn ban is needed. No action was taken.

**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 \$48,205.00 for the week of May 2 - May 8, 2021. The number of outsourced males was 114 inmates and females were 0 inmates. The number of arrests made by agency are as follows; Buda Police Department - 11, Department of Public Safety - 0, Hays County Sheriff's Department - 56, 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 - 23, Texas State Police Department - 1. No action was taken.

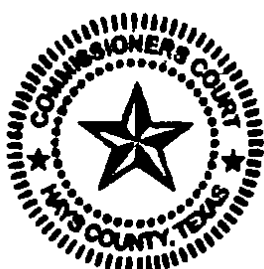
**Clerk's Note Agenda Item #27 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY. POSSIBLE ACTION MAY FOLLOW. - WAS PULLED.**

**Clerk's Note Agenda Item #28 RE: DISCUSSION AND POSSIBLE ACTION RELATED TO PROPOSED BILLS IN THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE AND TO CONSIDER ADOPTION OF RESOLUTION(S) REGARDING PROPOSED BILLS. THE COURT MAY OPT TO WITHDRAW TO EXECUTIVE SESSION DURING THIS ITEM TO CONSULT WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071.- WAS PULLED.**

## ADJOURNMENT

A motion was made by Judge Becerra, seconded by Commissioner Jones to adjourn court at 11:33 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 May 18, 2021.



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