

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JANUARY 31, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31st DAY OF JANUARY A.D., 2023, 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
MICHELLE COHEN	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:

Chad Chaddick, First Baptist Church San Marcos, 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

Harvey Jenkins made a public comment concerning high taxes and County representation. Dan Lyon made a public comment concerning taxes and the Greater San Marcos Partnership. Rodrigo Amaya made a public comment concerning the Office of General Counsel and asking for the release of the body camera footage related to the death of Joshua Wright. Daphne Tenorio, Hays County Treasurer, made a public comment concerning the operations of the Treasurer's Office and asking for a GSA audit of the Treasurer's and District Clerk's Offices. Elaine Cardenas, County Clerk, read an emailed public comment from Sam Brannon concerning transparency within the Elections Office and the selection of new voting equipment.

38524 Adopt a Proclamation recognizing February 2023 as Dating Violence Awareness Month.

Commissioner Smith spoke about the Mock Trial that is held by the Hays-Caldwell Women's Center and Dripping Springs Independent School District, and encouraged the other school districts in the County to hold their own event.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing February 2023 as Dating Violence Awareness Month.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38525 Adopt a Proclamation recognizing February 2023 as American Heart Month in Hays County.

Mike Thrasher, President of the San Marcos Lions Club, thanked the Court for the proclamation and stated the Lions Club will be funding the purchase of Automated External Defibrillators (AEDs) for the County.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Michelle Cohen to adopt a Proclamation recognizing February 2023 as American Heart Month in Hays County.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38526 Adopt a Proclamation recognizing February 2023 as Spay/Neuter Awareness Month.

Cara Stewart, Marketing Coordinator for PAWS of Central Texas, thanked the Court for the proclamation and spoke about the benefits of spaying/neutering pets.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Michelle Cohen to adopt a Proclamation recognizing February 2023 as Spay/Neuter Awareness Month.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #F-4 RE: Presentation Recognizing The County Clerk's Office For Receiving The Five-Star Award From The Texas Department Of State Health Services - Vital Statistics Section. - WAS PULLED.

38527 Approve payments of County invoices.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve payments of County invoices.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #G-2 RE: Approve the payment of Juror checks. - WAS PULLED.

38528 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.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38529 Approve the payment of the January 31, 2023 payroll disbursements in an amount not to exceed \$4,323,074.31 effective January 31, 2023 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 January 31, 2023 payroll disbursements in an amount not to exceed \$4,323,074.31 effective January 31, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38530 Approve Commissioners Court Minutes of January 3, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Commissioners Court Minutes of January 3, 2023.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38531 Approve and confirm the appointment of Gabriel D. Cunnion as a regular full-time Deputy Constable in the Hays County Constable, Precinct 2 Office.

Michael Torres, Constable Precinct 2, explained this is an existing position that must be approved by the Commissioners Court and presented the nominee. The Court welcomed Deputy Cunnion.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve and confirm the appointment of Gabriel D. Cunnion as a regular full-time Deputy Constable in the Hays County Constable, Precinct 2 Office.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38532 Authorize the County Judge to execute a rental agreement between the Hays County Local Health Department and Dripping Springs Ranch Park in the amount of \$1,006.25 for the venue location of the June 2023 Hays County Local Health Department Summer Health Fair.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a rental agreement between the Hays County Local Health Department and Dripping Springs Ranch Park in the amount of \$1,006.25 for the venue location of the June 2023 Hays County Local Health Department Summer Health Fair.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38533 Authorize the Hays County Constable Pct. 4 Office to accept a donation of \$1,646.50 from the Knights of Columbus Council #11695 and amend the budget accordingly.

Commissioner Smith thanked the Knights of Columbus for the donation.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Hays County Constable Pct. 4 Office to accept a donation of \$1,646.50 from the Knights of Columbus Council #11695 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38534 Authorize the County Judge to execute an Interlocal Agreement for Use of Jail Facility between Atascosa County and Hays County for the care and custody of Hays County inmates, effective January 1, 2023.

Dan Lyon made a public comment concerning grammatical mistakes in the agreement. Rodrigo Amaya made a public comment against the agreement and outsourcing inmates. Mark Kennedy, General Counsel, explained this is an amended and reinstated agreement with changes to the cost per day and medical billing procedures. Jordan Powell, Assistant General Counsel, further explained the medical billing change. Commissioner Smith stated this is normal change to a contract and asked that public comments stay on the same topic as the posted agenda item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute an Interlocal Agreement for Use of Jail Facility between Atascosa County and Hays County for the care and custody of Hays County inmates, effective January 1, 2023.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38535 Approve the purchase amount of \$1,527.50 for batteries and seals for routine maintenance on election equipment; authorize a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a) (7) (D).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the purchase amount of \$1,527.50 for batteries and seals for routine maintenance on election equipment; authorize a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a) (7) (D).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38536 Authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Specialty Courts Program for the Hays County Mental Health Court in the amount of \$259,949.62.

Commissioner Smith stated this is funding for the Mental Health Court and thanked Commissioner Ingalsbe for her help with other mental health initiatives.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Specialty Courts Program for the Hays County Mental Health Court in the amount of \$259,949.62.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38537 Authorize the Office of Emergency Services Community Emergency Response Team (CERT) division to accept a donation from the San Marcos Lions Club in the amount of \$5,400.00 and amend the budget accordingly.

Rodrigo Amaya made a public comment expressing concerns about promoting favoritism. The Court thanked the Lions Club for their donation and gave assurance that the CERT volunteers serve everyone.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Office of Emergency Services Community Emergency Response Team (CERT) division to accept a donation from the San Marcos Lions Club in the amount of \$5,400.00 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38538 Approve Utility Permits.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Utility Permits.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38539 Authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Homeland Security Grant Program in the amount of \$33,975.63.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Homeland Security Grant Program in the amount of \$33,975.63.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38540 Authorize the execution of a resolution and submission of a grant application to the Office of the Governor (OOG) Homeland Security Grant Program, in the amount of \$494,100.00.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a resolution and submission of a grant application to the Office of the Governor (OOG) Homeland Security Grant Program, in the amount of \$494,100.00.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38541 Authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Criminal Justice Division grant program for Body Worn Cameras project for the Hays County Fire Marshal's Office in the amount of \$11,753.10.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Criminal Justice Division grant program for Body Worn Cameras project for the Hays County Fire Marshal's Office in the amount of \$11,753.10.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38542 Authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Victim Assistance, First Responder Mental Health grant program in the amount of \$10,081.25.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Victim Assistance, First Responder Mental Health grant program in the amount of \$10,081.25.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38543 Authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, State Homeland Security Grant Program for the Hays County HazMat Team Monitor Maintenance project in the amount of \$14,470.00.

Rodrigo Amaya made a public comment asking for more information on this item. Tammy Crumley, Director of Countywide Operations, stated this is a maintenance program for monitors the County already owns. Mike Jones, Director of Emergency Services, explained this is an annual occurrence for public safety and grant funds are used, not County funds. Judge Becerra spoke about the importance of these drills.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, State Homeland Security Grant Program for the Hays County HazMat Team Monitor Maintenance project in the amount of \$14,470.00.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38544 Authorize the submission of a grant renewal to the Department of State Health Services (DSHS) Tuberculosis (TB) State Grant Program in the amount of \$39,611.00.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the submission of a grant renewal to the Department of State Health Services (DSHS) Tuberculosis (TB) State Grant Program in the amount of \$39,611.00.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38545 Approve the reappointment of Tom Richey to the Board of Emergency Services District #3 for a two-year term ending December 31, 2024.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the reappointment of Tom Richey to the Board of Emergency Services District #3 for a two-year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38546 Approve the appointment of Chase Stapp to the Board of Emergency Services District #3, effective February 1, 2023, for a two-year term ending December 31, 2024.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the appointment of Chase Stapp to the Board of Emergency Services District #3, effective February 1, 2023, for a two-year term ending December 31, 2024.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38547 Accept the 2022 Racial Profiling Report from the Hays County Constable Office Precinct 5.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept the 2022 Racial Profiling Report from the Hays County Constable Office Precinct 5.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #G-23 RE: *Amend various departmental operating, special revenue and capital project budgets in preparation for FY 2023 quarterly financial reporting.* - **WAS PULLED.**

38548 Accept donations totaling \$12,067.14 on behalf of the Hays County Child Protective Board and amend the budget accordingly.

Commissioner Smith thanked those who donated to the Child Protective Board.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept donations totaling \$12,067.14 on behalf of the Hays County Child Protective Board and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38549 Authorize the execution of the Pre-Award Project Verification for the Texas Department of Agriculture, Community Block Development Grant for the Cedar Oaks Mesa Waterline Improvement Project.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of the Pre-Award Project Verification for the Texas Department of Agriculture, Community Block Development Grant for the Cedar Oaks Mesa Waterline Improvement Project.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38550 Approve specifications for RFP 2023-P04 Countywide Electrical and authorize Purchasing to solicit for proposals and advertise.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve specifications for RFP 2023-P04 Countywide Electrical and authorize Purchasing to solicit for proposals and advertise.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38551 Authorize the County Judge to execute a Contract Amendment with Parabellum Research pursuant to IFB 2022-B01 Duty & Training Ammunition, adding two additional items to the contract.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Contract Amendment with Parabellum Research pursuant to IFB 2022-B01 Duty & Training Ammunition, adding two additional items to the contract.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38552 Authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Rifle Resistant Body Armor Grant program in the amount of \$23,034.40.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of a resolution and the submission of a grant application to the Office of the Governor, Rifle Resistant Body Armor Grant program in the amount of \$23,034.40.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38553 Approve specifications for IFB 2023-B03 Robert S Light Boulevard and authorize Purchasing to advertise and solicit for bids.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve specifications for IFB 2023-B03 Robert S Light Boulevard and authorize Purchasing to advertise and solicit for bids.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38554 Authorize the execution of a resolution and the acceptance of a renewal grant award from the Texas Indigent Defense Commission (TIDC) for the FY23 Improvement Grant Program in the amount of \$41,806.00.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of a resolution and the acceptance of a renewal grant award from the Texas Indigent Defense Commission (TIDC) for the FY23 Improvement Grant Program in the amount of \$41,806.00.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38555 Discussion and possible action to authorize the County Judge to execute a Professional Service Agreement between Hays County and Raba Kistner, Inc. to provide construction, engineering & inspection (CE&I) services on an On-Call basis related to road improvement projects in Hays County.

Jerry Borcharding, Transportation Director, and Mark Kennedy, General Counsel, provided clarification on the item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a Professional Service Agreement between Hays County and Raba Kistner, Inc. to provide construction, engineering & inspection (CE&I) services on an On-Call basis related to road improvement projects in Hays County.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38556 Discussion and possible action to accept Santa Fe Run and Great Northern into the County road maintenance system.

Commissioner Ingalsbe spoke about the poor conditions of the road and the lack of cooperation from the developers to resolve the issues. Jerry Borcharding, Transportation Director, stated the road was built to County standards but was not maintained. Commissioner Shell clarified the road was constructed per County specifications, but the County failed to take the road into its system. Borcharding stated maintenance was attempted in 2002 but was not done.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept Santa Fe Run and Great Northern, which were originally built as County roads, into the County road maintenance system.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38557 Discussion and possible action to call for a public hearing on February 14, 2023 to establish a 3-way stop location on Longbow Lane at the intersection with Whistling Wind Lane in the Woodcreek North subdivision.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to call for a public hearing on February 14, 2023 to establish a 3-way stop location on Longbow Lane at the intersection with Whistling Wind Lane in the Woodcreek North subdivision.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38558 Discussion and possible action to rescind the previous court action from December 6, 2022 establishing a 3-way stop location on Longbow Lane at Indian Princess in Woodcreek North subdivision.

Commissioner Shell stated the original location had right-of-way and visibility issues, and that after further analysis, a better 3-way stop location was identified.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to rescind the previous court action from December 6, 2022 establishing a 3-way stop location on Longbow Lane at Indian Princess in Woodcreek North subdivision.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38559 Discussion and possible action to accept the maintenance bond rider extension from Lockhart Excavation, LLC until April 14, 2023 for Heaton Hollow subd. - Maintenance bond #61BSBID3153 in the amount of \$80,548.01.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept the maintenance bond rider extension from Lockhart Excavation, LLC until April 14, 2023 for Heaton Hollow subd. - Maintenance bond #61BSBID3153 in the amount of \$80,548.01.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38560 Discussion and possible action to call for a public hearing on February 14, 2023 to establish a No Dumping zone on Old Bastrop Hwy on the cul-du-sac south of Redwood Road.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to call for a public hearing on February 14, 2023 to establish a No Dumping zone on Old Bastrop Hwy on the cul-du-sac south of Redwood Road.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38561 PLN-2116-NP; Discussion and possible action regarding the Rocky Creek Estates, Preliminary Plan.

Marcus Pacheco, Development Services Director, gave background on the property and stated staff recommends approval upon the conditions in the back-up being met.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to conditionally approve the Rocky Creek Estates, Preliminary Plan (PLN-2116-NP).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38562 PLN-2079-NP; Discussion and possible action regarding the Brownson Acres subdivision.

Marcus Pacheco, Development Services Director, gave background on the property and stated staff recommends approval upon the conditions in the back-up being met.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to conditionally approve the Brownson Acres subdivision (PLN-2079-NP).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38563 Discussion and possible action to confirm members to the Hays County Historical Commission.

Commissioner Ingalsbe nominated Irma Gaitan, Frank Arredondo, and Lupe Costilla. Commissioner Cohen nominated Patrick Gibson, Anthony Davis, Jeremy Garrett, James Herbert, and Lila Knightt. Judge Becerra nominated Faye Haskins, Johnny Flores, Jonafa Banbury, Anita Collins, Robert Rizo, and Alex Banbury.

Clerk's Note: Alex Banbury was later removed from the list of nominees from Judge Becerra.

A motion was made by Judge Becerra, seconded by Commissioner Ingalsbe to confirm the members nominated in Commissioners Court to the Hays County Historical Commission.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38564 Discussion and possible action to authorize a \$10,000.00 annual salary increase for one Attorney V position, slot 0784-009 effective February 1st that has been serving as an Acting Court Chief since 1/1/2023, now to be confirmed in that position as official Court Chief for the Hays County Criminal District Attorney's Office.

Kelly Higgins, Hays County District Attorney, gave background on the position. Commissioner Smith complimented Higgins for following through and compiling the necessary information from Human Resources and the Budget Office.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize a \$10,000.00 annual salary increase for one Attorney V position, slot 0784-009 effective February 1st that has been serving as an Acting Court Chief since 1/1/2023, now to be confirmed in that position as official Court Chief for the Hays County Criminal District Attorney's Office.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38565 Discussion and possible action to accept a Proposal from Water & Earth Technologies (WET) related a replacement Data Collection Unit (DCU) located on the northwest corner of Hugo Road and Cascade Trail; authorize a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a)(7)(D) and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept a Proposal from Water & Earth Technologies (WET) related a replacement Data Collection Unit (DCU) located on the northwest corner of Hugo Road and Cascade Trail; authorize a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a)(7)(D) and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38566 Discussion and possible action to authorize County Court at Law to hire the County Court Reporter slot 0765-002 at the 73.48 percentile of the current salary range effective February 20, 2023.

Judge Elaine Brown made a public comment concerning hiring issues and the shortage of court reporters. Judge Jimmy Alan Hall made a public comment concerning the difficulties in holding court with limited staff and the delay of justice. Commissioner Ingalsbe inquired about inconsistencies this may create with the other court reporter position salaries. Judge Brown explained this individual has more experience, but they hope to raise all court reporter salaries in the future. Commissioner Cohen gave support for the item. Commissioner Smith spoke about the need to standardize court reporter salaries across all courts. Judge Becerra spoke about the long delay of the salary study and the need to assist the newly elected officials in hiring. The Court discussed with the Judges how these issues can be solved.

A motion was made by Commissioner Michelle Cohen, seconded by Commissioner Shell to authorize County Court at Law to hire the County Court Reporter slot 0765-002 at the 73.48 percentile of the current salary range effective February 20, 2023.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38567 Discussion and possible action to authorize the County Judge to execute an agreement between Hays County and SI Mechanical, LLC. for Countywide Plumbing Services, pursuant to RFP 2023-P03.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute an agreement between Hays County and SI Mechanical, LLC. for Countywide Plumbing Services, pursuant to RFP 2023-P03.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38568 Discussion and possible action to authorize the County Judge to execute a \$50,000.00 capital funding contract with Central Texas Dispute Resolution Center (DRC) as approved during the FY23 budget process.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a \$50,000.00 capital funding contract with Central Texas Dispute Resolution Center (DRC) as approved during the FY23 budget process.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38569 Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Greater San Marcos Youth Council Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

Commissioner Shell stated he would like to add an additional \$100,000 from the Precinct 3 allocation and amend the Agreement.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Greater San Marcos Youth Council Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38570 Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Dripping Springs Community Missions Partnership Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Dripping Springs Community Missions Partnership Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38571 Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Wimberley 4-H Buyers Pool, Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

Commissioner Smith stated these funds will go toward the facility used by all 4-H members countywide.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Wimberley 4-H Buyers Pool, Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38572 Discussion and possible action to establish a budget for the Local Assistance and Tribal Consistency Fund (LATCF) under the American Rescue Plan Act totaling \$100,000.00.

Commissioner Smith stated a portion of these funds will go toward the Sheriff's Office for fentanyl outreach and education.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to establish a budget for the Local Assistance and Tribal Consistency Fund (LATCF) under the American Rescue Plan Act totaling \$100,000.00.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38573 Discussion and possible action to approve the naming of a private driveway in Precinct 3, Amber Sky Lane.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the naming of a private driveway in Precinct 3, Amber Sky Lane.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

Discussion on status of salary study conducted by Management Advisory Group International, Inc.

Shari Miller, Director of Human Resources, reviewed the timeline of the salary study and presented its findings. The Court expressed concern with the study's timeline and discussed what is needed moving forward, including a meeting with Management Advisory Group (MAG) and County leadership. Daphne Tenorio, Hays County Treasurer, Marisol Villarreal-Alonso, Hays County Auditor, and Vickie Dorsett, Hays County Budget Officer, provided insight on having department heads and elected officials involved in the study and the selection committee during the RFP process. Elaine Cardenas, Hays County Clerk, spoke about the urgent need for action and her disappointment with the initial report. She recommended forming a committee independent of Human Resources and giving a 10% cost of living increase to employees in the meantime. Cynthia Millonzi, Assistant County Clerk, spoke about issues with the contract and initial report and offered a plan moving forward that involves collaboration between all departments. The Court concluded more communication is needed between all departments.

Clerk's Note: Judge Becerra called for a recess that began at 11:48 a.m. and resumed back into open court at 12:03 p.m.

38574 Discussion and possible action to increase by 10% the pay of all employees in Hays County whose salary is under \$100,000 and who are not bound by the Collective Bargaining Agreement effective February 1, 2023.

Judge Becerra spoke about the difficulties employees are having due to low pay and implementing a 10% increase to bring Hays County closer to the market average. Commissioner Ingalsbe spoke about the need to address salaries. Vickie Dorsett, Hays County Budget Officer, outlined several pay increase plans and the effect they would have on the budget.

Clerk's Note: Judge Becerra called for a recess that began at 12:11 p.m. and resumed back into open court at 1:18 p.m.

The Court discussed with Dorsett salary increase options and possible issues, including budgeting, creating discrepancies between employees, the amount of discretion given to department heads, and whether to set the cut-off at a salary dollar amount or a position grade. Commissioner Smith suggested a one-time allocation for employees until the salary study is complete.

A motion was made by Commissioner Michelle Cohen, seconded by Judge Becerra to increase by 10% the pay of all employees in Hays County whose salary is under \$100,000 and who are not bound by the Collective Bargaining Agreement effective February 1, 2023.

AYE: Commissioner Michelle Cohen, Judge Becerra

NAY: Commissioner Ingalsbe, Commissioner Shell, Commissioner Smith

2 - 3 Failed

Clerk's Note: Item K-13 was reopened at 2:05 p.m.

The Court further discussed which grades to include in a 10% increase. Commissioner Smith expressed concern over how the cut-off will be decided. Commissioner Shell stated he believes this should be decided in a more collaborative manner with all department heads and elected officials.

A motion was made by Commissioner Ingalsbe, seconded by Judge Becerra to increase by 10% the pay of all employees in Hays County from grades 106 to 113 and who are not bound by the Collective Bargaining Agreement effective February 1, 2023.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Smith, Judge Becerra

NAY: Commissioner Shell

4 - 1 Passed

Clerk's Note: Executive Session began at 2:23 p.m. and resumed back into open court at 6:05 p.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 taken.

38575 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 the Government Center Security positions within the office of the Hays County Sheriff's Office. Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to transfer Deputy slot 0550-072 and 5 vacant Deputy slots with associated law enforcement equipment, cars and agreed upon operational expenses from the Sheriff's Office to the Constable Precinct 1 Office for Government Center security operations, transitional date to be determined by the Sheriff and Constable as presented in Executive Session.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

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 office of Hays County Human Resources. Possible discussion and/or action may follow in open court.

No action taken.

38576 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of real property associated with Parks and Open Space Projects being considered by Hays County. Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize adoption of a Resolution related to a Recreational Trails Grant for the trails associated with property owned by ByrdNest Ventures, LLC, over which Hays County holds a conservation easement, as presented in Executive Session.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38577 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of real property located at 101 Thermon Drive, San Marcos. Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to Authorize Execution of a Commercial Letter of Intent to Purchase between Hays County and Old GGCA 1660, LLC, related to the purchase of the property located at 101 Thermon Drive, San Marcos, Texas; to authorize funding the Purchase with funding from the General Fund - Miscellaneous Capital Improvements; and to authorize General Counsel to take all actions and Execute all documents incidental to Closing the transaction.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38578 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire fee simple interest in 4.429 acres, and drainage easement rights in 0.7077 acres and 0.689 acres from property located along FM 2001, owned by Triple Ewald Farms, LLC a Texas limited liability company, and which are required for the construction of the proposed FM 2001 roadway improvements, and take other appropriate action (Parcels 76, 76E1 and 76E2). Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the use of the County's power of eminent domain to acquire: fee simple title in and to approximately 4.429 acres (Parcel 76); and drainage easement rights in and across approximately 0.7077 acres and 0.6890 acres (Parcels 76E1 and 76E2) from property located along FM 2001, owned by Triple Edward Farms, LLC, a Texas limited liability company, and which are required for the construction of the proposed FM 2001 roadway improvements and related public utility adjustments, and take other appropriate action (Parcels 76, 76E1, and 76E2).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith,
Judge Becerra

5 - 0 Passed - Unanimously

38579 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire easement interest in 0.7486 acres from property located along FM 2001, owned by Lesley M. Nickel n/k/a Lesley M. Simpson, and which is required for the construction of the proposed FM 2001 roadway improvements, and take other appropriate action (Parcel 80E). Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the use of the County's power of eminent domain to acquire easement interest in and to approximately 0.7486 acres (Parcel 80E) located along FM 2001 owned by Lesley M Nickel n/k/a Lesley M. Simpson and which is required for the construction of the proposed FM 2001 roadway improvements and related public utility adjustments, and take other appropriate action (Parcels 80E).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith,
Judge Becerra

5 - 0 Passed - Unanimously

38580 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire fee simple interest in 5.389 acres, and drainage and utility easement rights in 0.1433 acres and 0.395 acres from property located along FM 2001, owned by Mark L. Simpson and Lesley M. Simpson, and which are required for the construction of the proposed FM 2001 roadway improvements, and take other appropriate action (Parcels 81, 81E1 and 81E2). Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the use of the County's power of eminent domain to acquire: fee simple title in and to approximately 5.389 acres (Parcel 81); and drainage easement rights in and across approximately 0.1433 acres and 0.3950 acres (Parcels 81E1 and 81E2) from property located along FM 2001, owned by Mark L. Simpson and Lesley M. Simpson and which is required for the construction of the proposed FM 2001 roadway improvements and related public utility adjustments, and take other appropriate action (Parcels 81, 81E1, and 81E2).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith,
Judge Becerra

5 - 0 Passed - Unanimously

38581 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire fee simple interest in 1.563 acres from property located along FM 2001, owned by Terrell Lee Olle, and which is required for the construction of the proposed FM 2001 roadway improvements, and take other appropriate action (Parcel 90). Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the use of the County's power of eminent domain to acquire fee simple interest in 1.563 acres from property located along FM 2001, owned by Terrell Lee Olle, which is required for the construction of the proposed FM 2001 roadway improvements and related public utility adjustments, and take other appropriate action (Parcel 90).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith,
Judge Becerra

5 - 0 Passed - Unanimously

38582 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity and authorizing the use of the County's power of eminent domain to acquire fee simple interest in 6.10 acres, and drainage and utility easement rights in 0.1143 acres, 0.1189 acres and 0.1143 acres from property located along FM 2001, owned by Geraldine Fogle McCormick, individually and as Trustee of the Family Trust created under the last will and testament of Thaddeus Charles McCormick, Jr., and which are required for the construction of the proposed FM 2001 roadway improvements, and take other appropriate action (Parcels 91, 91E1, 91E2 and 91E3). Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the use of the power of eminent domain to acquire fee simple interest in 6.10 acres, and drainage and utility easement rights in 0.1143 acres, 0.1189 acres and 0.1143 acres from property located along FM 2001, owned by Geraldine Fogle McCormick, individually and as Trustee of the Family Trust created under the last will and testament of Thaddeus Charles McCormick, Jr., and which are required for the construction of the proposed FM 2001 roadway improvements and related utility adjustments, and take other appropriate action (Parcels 91, 91E1, 91E2, and 91E3).

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith,
Judge Becerra

5 - 0 Passed - Unanimously

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of real property located at 2400 N IH 35, San Marcos. Possible discussion and/or action may follow in open court.

No action taken.

38583 Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, lease and/or value of Right of Way located at or near FM 1626. Possible discussion and/or action may follow in open court.

Commissioner Smith clarified this is a Temporary Construction Easement that was put in place for work on an agricultural pond that needed to be modified because of the FM 1626 Project, and the Easement is no longer needed.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to Authorize Execution of a Release of Temporary Construction Easement related to the FM 1626 Improvement Project, as presented in Executive Session.

AYE: Commissioner Ingalsbe, Commissioner Michelle Cohen, Commissioner Shell, Commissioner Smith,
Judge Becerra

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #M-1 RE: *Discussion and possible action related to the burn ban.* - **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. Current maximum jail capacity is 410 inmates. Jail Standards recommends holding 10% open, lowering current capacity to 368 inmates. The jail's daily average was 626 for the week of January 22, 2023, with a peak of 635 inmates on January 27, 2023. The estimated cost for outsourcing inmates this week was \$169,777. The average number of outsourced males is 264 and females is 12. This week's inmates were housed in the following counties: Atascosa, Blanco, Burnet, Comal, Fort Bend, Haskell, and Maverick. The number of "paper-ready" inmates who are now wardens of the state is 20.

Clerk's Note Agenda Item #M-3 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 #M-4 RE: *Discussion and possible action regarding Hays County's use of federal or other grant funding related to COVID-19 response including but not limited to the American Rescue Plan Act (ARPA) and the Emergency Rental Assistance Program (ERAP).* - **WAS PULLED.**

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 6:14 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 31, 2023.



Elaine H. Cardenas

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

