

HAYS COUNTY COMMISSIONERS' COURT MINUTES



FEBRUARY 14, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th DAY OF FEBRUARY 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:

Pastor Darius Todd 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

Lila Knight made a public comment concerning a meeting of the Hays County Historical Commission that was called and the need for a chairman. Dan Lyon made a public comment concerning a bond for projects at SMCISD and the effect it might have on taxes. Robert Eby made a public comment regarding San Marcos Community Organizations Active in Disasters and the work they do. Laura Nunn made a public comment concerning election integrity. Natalie Freeman made a public comment concerning the death of Joshua Wright. Amy Kamp made a public comment concerning the death of Joshua Wright. Karen Munoz made a public comment concerning the death of Joshua Wright.

38587 Adopt a Proclamation recognizing February 22, 2023 as President George Washington Day.

Cliff Caskey and Joe Cox, members of the Texas Society of the Sons of the American Revolution William Hightower Chapter 35, thanked the Court for the recognition and spoke about the organization's mission. Judge Becerra spoke about the importance of unity. Commissioner Smith suggested hosting an event for President George Washington Day in the future.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing February 22, 2023 as President George Washington Day.

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

5 - 0 Passed - Unanimously

38588 Adopt a Proclamation recognizing the month of February 2023 as Black History Month in Hays County.

Pastor Jonafa Banbury, Secretary of the Dunbar Heritage Association, encouraged the public to find their local events and spoke about the importance of this month. Mary Peterson Earls, President of the Hays County League of Women Voters, spoke about the importance of Black History Month and local leaders in the community. David Peterson, Constable Precinct 1, recognized various attendees and their contributions to the community.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing the month of February 2023 as Black History Month in Hays County.

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

5 - 0 Passed - Unanimously

Presentation Recognizing The County Clerk's Office For Receiving The Five-Star Award From The Texas Department Of State Health Services - Vital Statistics Section.

Elaine Cardenas, County Clerk, recognized her staff for exceeding state requirements. Roxanne Rodriguez, Chief Deputy of the Records Division of the Hays County Clerk's Office, spoke about her staff's achievements and thanked the Court for their recognition.

Updates of community health assessment by local health department.

Matthew Gonzales, Health Equity and Community Engagement Program Manager with the Hays County Local Health Department, explained the purpose of the community health assessment and gave an update on its progress. The Court thanked Matthew and all others involved in this project. Tammy Crumley, Director of Countywide Operations, thanked Matthew for his work and encouraged the Court to be involved.

38589 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 Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38590 Approve the payment of Juror checks.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the payment of Juror checks.

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

5 - 0 Passed - Unanimously

38591 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 Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38592 Approve Amended Commissioners Court Minutes of January 3, 2023 and Commissioners Court Minutes of January 17, 2023 and January 31, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Amended Commissioners Court Minutes of January 3, 2023 and Commissioners Court Minutes of January 17, 2023 and January 31, 2023.

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

5 - 0 Passed - Unanimously

38593 Approve and confirm the appointment of Michael Dwayne Fuentes as a regular full-time Deputy Constable in the Hays County Constable Precinct 3 Office.

Don Montague, Constable Precinct 3, presented the officer and stated he will work as a school resource officer.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve and confirm the appointment of Michael Dwayne Fuentes as a regular full-time Deputy Constable in the Hays County Constable Precinct 3 Office.

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

5 - 0 Passed - Unanimously

38594 Accept the 2022 Racial Profiling Report from the Hays County Constable Office Precinct 3.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to accept the 2022 Racial Profiling Report from the Hays County Constable Office Precinct 3.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38595 Authorize the acceptance of a grant award from the General Land Office (GLO), Community Development Block Grant (CDBG), Local Hazard Mitigation Planning Program (LHMPP) in the amount of \$100,000.00 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the acceptance of a grant award from the General Land Office (GLO), Community Development Block Grant (CDBG), Local Hazard Mitigation Planning Program (LHMPP) in the amount of \$100,000.00 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

Authorize Building Maintenance to have Sullivan Contracting Services install a new roof on the Kyle WIC Building in the amount of \$71,958.90.

Dan Lyon made a public comment concerning the cost of the new roof. Tammy Crumley, Director of Countywide Operations, stated an employee could clarify the inspection fees for the Court later in the meeting. Judge Becerra tabled the item.

Clerk's Note: Item G-8 was reopened at 10:52 a.m.

Chris Deichmann, Countywide Operations, explained the inspection is needed due to animals getting into the building. Marisol Villarreal-Alonzo, County Auditor, stated the bid received is competitive. The Court discussed the necessity of the roof replacement and its cost, and asked for new bids. No action taken.

Clerk's Note: Judge Becerra called for a recess that began at 11:01 a.m. and resumed back into open court at 11:10 a.m.

38596 Authorize the County Judge to execute renewal liability coverage for storage tank systems with Commerce and Industry Insurance Company for a renewal premium of \$1,381.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute renewal liability coverage for storage tank systems with Commerce and Industry Insurance Company for a renewal premium of \$1,381.00.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38597 Authorize the Commissioner Pct. 1 Office to support Rodriguez Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for students, families and staff.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Commissioner Pct. 1 Office to support Rodriguez Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for students, families and staff.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38598 Authorize Building Maintenance to purchase two (2) Rubbermaid Commercial Utility Carts in the amount of \$1,692.94 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize Building Maintenance to purchase two (2) Rubbermaid Commercial Utility Carts in the amount of \$1,692.94 and amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra
5 - 0 Passed - Unanimously

38599 Approve Utility Permits.

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

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

5 - 0 Passed - Unanimously

38600 Amend various departmental operating, special revenue and capital project budgets in preparation for the County's Fiscal Year 2022 year-end process.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to amend various departmental operating, special revenue and capital project budgets in preparation for the County's Fiscal Year 2022 year-end process.

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

5 - 0 Passed - Unanimously

38601 Approve the appointment of Patrick Gibson to the Claiborne Kyle Log House Board to replace Pauline Villegas.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the appointment of Patrick Gibson to the Claiborne Kyle Log House Board to replace Pauline Villegas.

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

5 - 0 Passed - Unanimously

38602 Authorize the Office of Emergency Services to utilize \$10,000.00 of donated funds for the Community Emergency Response Team (CERT) to purchase one trailer with accessories and CERT volunteer uniforms and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Office of Emergency Services to utilize \$10,000.00 of donated funds for the Community Emergency Response Team (CERT) to purchase one trailer with accessories and CERT volunteer uniforms and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38603 Authorize the County Judge to execute an Amended Software Agreement with Tyler Technologies, Inc. to add one Enterprise Justice Judge Edition Software for the 483rd Judicial District Judge.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute an Amended Software Agreement with Tyler Technologies, Inc. to add one Enterprise Justice Judge Edition Software for the 483rd Judicial District Judge.

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

5 - 0 Passed - Unanimously

38604 Amend various departmental operating, special revenue and capital project budgets in preparation for FY 2023 quarterly financial reporting.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to amend various departmental operating, special revenue and capital project budgets in preparation for FY 2023 quarterly financial reporting.

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

5 - 0 Passed - Unanimously

38605 Approve the addition of intercoms and upgrading the jail visitation areas in the Hays County Jail with Cornerstone Detention Products, Inc. pursuant to the GSA Contract GA-07F-269AA, and authorize a discretionary exemption pursuant to Texas Local Government Code Chapter 262.024 (a)(7)(D) for all open market items.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the addition of intercoms and upgrading the jail visitation areas in the Hays County Jail with Cornerstone Detention Products, Inc. pursuant to the GSA Contract GA-07F-269AA, and authorize a discretionary exemption pursuant to Texas Local Government Code Chapter 262.024 (a)(7)(D) for all open market items.

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

5 - 0 Passed - Unanimously

38606 Authorize the submission of a grant renewal to the Department of State Health Services (DSHS), FY24 Immunizations Grant Program in the amount of \$192,341.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the submission of a grant renewal to the Department of State Health Services (DSHS), FY24 Immunizations Grant Program in the amount of \$192,341.00.

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

5 - 0 Passed - Unanimously

38607 Approve the purchase for the Hays County Jail of MPACS 200 Food Assembly Box Assembly from Millennium Access Control Technology Inc. in the amount of \$71,985.00 and authorize a discretionary exemption pursuant to Texas Local Government Code 262.024 (a)(7) (A).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the purchase for the Hays County Jail of MPACS 200 Food Assembly Box Assembly from Millennium Access Control Technology Inc. in the amount of \$71,985.00 and authorize a discretionary exemption pursuant to Texas Local Government Code 262.024 (a)(7)(A).

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

5 - 0 Passed - Unanimously

38608 Authorize the County Judge to execute a Contract Amendment with CML Security, LLC. related to Electronic Security Upgrades pursuant to RFP 2022-P07, adding a temporary gate control to the elected officials gate located at the Government Center, in the amount of \$2,553.20.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute a Contract Amendment with CML Security, LLC. related to Electronic Security Upgrades pursuant to RFP 2022-P07, adding a temporary gate control to the elected officials gate located at the Government Center, in the amount of \$2,553.20.

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

5 - 0 Passed - Unanimously

38609 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 2 in the amount \$60,000.00 to the Professional Services Agreement between Hays County and RPS Infrastructure, Inc. for additional design services and construction phase services on the RM 12 at RM 3237 Intersection Improvements project in Precinct 3, as part of the Hays County Road Bond Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

Commissioner Shell explained the original bids were too high, so the project is being split up and rebid.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute Contract Amendment No. 2 in the amount \$60,000.00 to the Professional Services Agreement between Hays County and RPS Infrastructure, Inc. for additional design services and construction phase services on the RM 12 at RM 3237 Intersection Improvements project in Precinct 3, as part of the Hays County Road Bond Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

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

5 - 0 Passed - Unanimously

38610 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 3 in the amount of \$610,000.00 to the Professional Services Agreement between Hays County and BGE, Inc. to provide construction engineering, inspection & testing (CE&I) services as part of the On-Call CE&I contract related to the 2016 Road Bond Program Dacy Lane project, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4) and amend the budget accordingly.

Commissioner Ingalsbe explained this will authorize BGE to oversee the construction engineering and inspection services for the Dacy Lane project and ensure the construction is in compliance with Hays County specifications.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute Contract Amendment No. 3 in the amount of \$610,000.00 to the Professional Services Agreement between Hays County and BGE, Inc. to provide construction engineering, inspection & testing (CE&I) services as part of the On-Call CE&I contract related to the 2016 Road Bond Program Dacy Lane project, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4) and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38611 Discussion and possible action to accept the maintenance bond rider extension from Lockhart Excavation, LLC for an additional two months to July 14, 2023 for Heaton Hollow subdivision (Maintenance bond #61BSBID3153 in the amount of \$80,548.01).

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to accept the maintenance bond rider extension from Lockhart Excavation, LLC for an additional two months to July 14, 2023 for Heaton Hollow subdivision (Maintenance bond #61BSBID3153 in the amount of \$80,548.01).

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

5 - 0 Passed - Unanimously

38612 Hold a public hearing with possible action to establish a No Dumping zone on Old Bastrop Hwy on the cul-du-sac south of Redwood Road.

Judge Becerra opened the public hearing at 10:38 a.m. No comments were made. Judge Becerra closed the public hearing at 10:38 a.m. Commissioner Ingalsbe stated there has been a lot of illegal dumping at this site. Mark Kennedy, General Counsel, spoke about a more enhanced program that is in the works for enforcing No Dumping zones.

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

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

5 - 0 Passed - Unanimously

38613 Hold a public hearing with possible action to establish a 3-way stop location on Longbow Lane at the intersection with Whistling Wind Lane in the Woodcreek North subdivision.

Judge Becerra opened the public hearing at 10:41 a.m. No comments were made. Judge Becerra closed the public hearing at 10:41 a.m. Commissioner Shell explained the initial proposal was for a different location, but after further analysis this location was chosen and should improve safety issues.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe 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 Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38614 Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bond #30166330 in the amount of \$1,035,391.42, acceptance of the 2-year maintenance bond #PB03016800942 in the amount of \$55,051.65, and acceptance of the 1-year revegetation bond #PB03016800941 in the amount of \$26,400.82 for 6 Creeks subd., Phase 1, Section 13B.

A motion was made by Commissioner Shell, seconded by Commissioner Cohen to accept road construction & surface drainage improvements, release the subdivision bond #30166330 in the amount of \$1,035,391.42, accept the 2-year maintenance bond #PB03016800942 in the amount of \$55,051.65, and accept the 1-year revegetation bond #PB03016800941 in the amount of \$26,400.82 for 6 Creeks subd., Phase 1, Section 13B.

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

5 - 0 Passed - Unanimously

38615 Discussion and possible action to accept fiscal surety for street and drainage improvements in the amount of \$1,834,350.00 for the 272 AC Fitzhugh Subdivision.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept fiscal surety for street and drainage improvements in the amount of \$1,834,350.00 for the 272 AC Fitzhugh Subdivision.

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

5 - 0 Passed - Unanimously

38616 PLN-2089-NP; Discussion and possible action regarding the Anthem, Phase 4B, Final Plat.

Marcus Pacheco, Director of Development Services, gave background on the property and stated it has full staff recommendation.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the Anthem, Phase 4B, Final Plat (PLN-2089-NP).

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

5 - 0 Passed - Unanimously

38617 Discussion and possible action to authorize the execution of an agreement with HDR Architecture, Inc. for Phase 2 of the long-term Facility Space Needs Assessment for the Precinct 4 offices in Dripping Springs and authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

Commissioner Smith explained plans for a shared facility for Hays County and the City of Dripping Springs. Judge Becerra gave support for this idea.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of an agreement with HDR Architecture, Inc. for Phase 2 of the long-term Facility Space Needs Assessment for the Precinct 4 offices in Dripping Springs and authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

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

5 - 0 Passed - Unanimously

38618 Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Centro Cultural Hispano de San Marcos, Inc regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

Commissioner Ingalsbe stated she expects to come back with more funding opportunities in the next few weeks. Judge Becerra thanked those who contributed to this effort.

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

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

5 - 0 Passed - Unanimously

38619 Discussion and possible action to consider granting a variance to Section 10.W.1 of the Hays County Rules for On-Site Sewage Facilities and allow issuance of On-Site Sewage System permit to the owner of 1324 Old Martindale Rd., San Marcos, TX.

Commissioner Ingalsbe stated these variances have been granted recently. Marcus Pacheco, Director of Development Services, explained the issue with the City of San Marcos that caused this request.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to grant a variance to Section 10.W.1 of the Hays County Rules for On-Site Sewage Facilities and allow issuance of On-Site Sewage System permit to the owner of 1324 Old Martindale Rd., San Marcos, TX.

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

5 - 0 Passed - Unanimously

38620 Discussion and possible action to award a contract for IFB 2023-B07 Precinct 2 Office - Parking Lot Expansion with Faulkenberg Construction Company Inc. in the amount of \$572,458.76.

Commissioner Cohen explained this will create more parking at the Precinct 2 Office.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to award a contract for IFB 2023-B07 Precinct 2 Office - Parking Lot Expansion with Faulkenberg Construction Company Inc. in the amount of \$572,458.76.

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

5 - 0 Passed - Unanimously

38621 Discussion and possible action to adopt and reaffirm Civil Rights Policies and Procedures to include the HUD Section 3 presentation for the TxCDBG Hays County Cedar Oaks Mesa Waterline Improvement Project, Contract CDV21-0346.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt and reaffirm Civil Rights Policies and Procedures to include the HUD Section 3 presentation for the TxCDBG Hays County Cedar Oaks Mesa Waterline Improvement Project, Contract CDV21-0346.

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

5 - 0 Passed - Unanimously

38622 Discussion and possible action to authorize a salary exception at the 25th percentile retroactive to January 19, 2023 for the Executive Assistant position in the Office of the Hays County Judge and amend budget accordingly.

Judge Becerra explained this is an administrative item. Commissioner Smith reminded department heads that percentile changes must be brought to the Court for approval.

A motion was made by Commissioner Ingalsbe, seconded by Judge Becerra to authorize a salary exception at the 25th percentile retroactive to January 19, 2023 for the Executive Assistant position in the Office of the Hays County Judge and amend budget accordingly.

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

5 - 0 Passed - Unanimously

38623 Discussion and possible action to approve vendors for the April 29th Dia del Nino event by Community Action in accordance with the Hays County Property Use Policy.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve vendors for the April 29th Dia del Nino event by Community Action in accordance with the Hays County Property Use Policy.

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

5 - 0 Passed - Unanimously

38624 Discussion and possible action to declare an emergency use of General Fund reserves pursuant to Texas Local Government Code, Ch. 111.010(c) for debris removal as a result of the Winter Storm on January 30th through February 2, 2023 and amend the budget accordingly.

Commissioner Shell explained the County must declare an emergency in order to use General Fund reserves after the adoption of the budget, and that some programs to put those funds towards have been identified. Mike Jones, Director of Emergency Services, suggested committing \$250,000. The Court discussed debris clean up strategies and the need to avoid fueling wildfires. Commissioner Shell amended his motion to use up to \$500,000 from General Fund reserves for debris removal.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to declare an emergency use of General Fund reserves pursuant to Texas Local Government Code, Ch. 111.010(c) for debris removal up to \$500,000 as a result of the Winter Storm on January 30th through February 2, 2023 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38625 Discussion and possible action to re-grade the Assistant Pre-trial Services Director grade 114 to a grade 115 effective February 16, 2023.

Commissioner Shell explained the need for a re-grade for this new position. Randy Focken, Director of Court and Pretrial Services, stated this re-grade would provide separation between positions and avoid compression. Shari Miller, Director of Human Resources, provided more details about the projected growth of the office and the need for a re-grade. Focken stated the position will most likely need to be re-graded to 116 after the salary study is complete. Vickie Dorsett, Hays County Budget Officer, provided the fiscal impact of re-grading to 116. Commissioner Shell amended his motion to change the re-grade from 115 to 116.

A motion was made by Commissioner Shell, seconded by Judge Becerra to re-grade the Assistant Pre-trial Services Director grade 114 to a grade 116 effective February 16, 2023.

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

5 - 0 Passed - Unanimously

38626 Discussion and possible action to authorize the Juvenile Detention Center to hire a Licensed Mental Health Counselor position, slot 0921-002 at the 50th percentile effective February 16, 2023.

Brett Littlejohn, Juvenile Detention Center Facility Administrator, stated this position has been vacant and this is the only applicant since last August.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Juvenile Detention Center to hire a Licensed Mental Health Counselor position, slot 0921-002 at the 50th percentile effective February 16, 2023.

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

5 - 0 Passed - Unanimously

38627 Discussion and possible action to authorize a salary exception at the 22.71 percentile for the Customer Service Representative, slot 0342-018 in the Development Services Department effective February 21, 2023.

Marcus Pacheco, Director of Development Services, explained the candidate's qualifications, including being bilingual, and stated there is no additional funding requested due to a retirement. Judge Becerra spoke about the need for more bilingual employees and additional compensation for them. Commissioner Smith spoke about the high volume of work Development Services handles.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize a salary exception at the 22.71 percentile for the Customer Service Representative, slot 0342-018 in the Development Services Department effective February 21, 2023.

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

5 - 0 Passed - Unanimously

38628 Discussion and possible action to add two replacement leased vehicles through the Enterprise Master Services Agreement and police lighting through Dana Safety Supply for the Constable Pct. 1 Office and amend the budget accordingly.

Judge Becerra called on David Peterson, Constable Precinct 1, and Deputy Daniel Law to answer questions about the vehicles being replaced. The Court discussed the County's permitted uses of cars, including for personal use and transportation to other employment, and suggested revisiting and reconsidering the policy. Marisol Villarreal-Alonzo, County Auditor, asked the Court to also revisit reporting requirements so that they can be standardized across the County.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to add two replacement leased vehicles through the Enterprise Master Services Agreement and police lighting through Dana Safety Supply for the Constable Pct. 1 Office and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38629 Discussion and possible action to authorize execution of an Interlocal Agreement between Hays County and the City of San Marcos, Texas, related to the 2022 Byrne Justice Assistant Grant Program Award.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize execution of an Interlocal Agreement between Hays County and the City of San Marcos, Texas, related to the 2022 Byrne Justice Assistant Grant Program Award.

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

5 - 0 Passed - Unanimously

Clerk's Note: Executive Session began at 12:03 p.m. and resumed back into open court at 1:59 p.m.

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.

No action taken.

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.

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.

No action taken.

38630 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.

Commissioner Ingalsbe stated the Court already authorized execution of the Purchase Agreement, and General Counsel typically attends closing and signs the remainder of documents related to the transaction.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize General Counsel to take all actions and execute all documents incidental to closing the transaction between Hays County and landowners for the County's purchase of 2400 N IH-35 in San Marcos, Precinct 1.

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

5 - 0 Passed - Unanimously

Executive Session pursuant to Section 551.071 of the Texas Government Code: consultation with counsel regarding the County's Reinvestment Zone Policy; and regarding Tax Increment Reinvestment Zone (TIRZ) #2 in Kyle. Possible deliberation and/or action may follow in open court.

No action taken.

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding Cause Numbers 22-0249-C, 22-0250-C, and 22-0251-C . Possible discussion and/or action may follow in open court.

No action taken.

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 614 for the week of February 5, 2023, with a peak of 627 inmates on February 10, 2023. The estimated cost for outsourcing inmates this week was \$170,042. The average number of outsourced males is 255 and females is 17. 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 21.

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.*

Clerk's Note Agenda Item #M-5 RE: *Updates of community health assessment by local health department. - WAS PULLED.*

38631 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.

Commissioner Smith spoke about the issue of the Texas Department of Criminal Justice not accepting its inmates in a timely manner, resulting in the County having to hold and transport state inmates without reimbursement. Commissioner Ingalsbe further spoke about unfunded mandates from the State and what actions counties can take during the legislative session.

A motion was made by Commissioner Smith, seconded by Judge Becerra to adopt a Resolution regarding Texas Department of Criminal Justice Inmates.

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

5 - 0 Passed - Unanimously

Commissioner Smith spoke about the need for County land use authority in order to maintain some local control over development, especially in areas with both rural and suburban development like Hays County. Commissioner Ingalsbe stated this has been an issue with the State Legislature since the late 1990s.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Resolution regarding County Land Use Authority.

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

5 - 0 Passed - Unanimously

Commissioner Smith explained West Travis County Public Utility Agency does not have the same abilities as other water providers in Texas, and spoke about the need to reduce stress on the aquifer. Judge Becerra gave support for protecting the aquifer.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Resolution regarding the Procurement of Adequate Water Resources and Equitable Water Service Provider Authority by the West Travis County Public Utility Agency (WTCPUA).

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

5 - 0 Passed - Unanimously

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 2:00 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 FEBRUARY 14, 2023.



A handwritten signature in cursive script that reads "Elaine H. Cardenas".

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

