

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 14, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th DAY OF MARCH 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

Elaine Cardenas, County Clerk, read an emailed public comment from Lisa Rodriguez concerning possible re-grading of Justice Clerk positions. John Clark made a public comment concerning election integrity. James Reece made a public comment concerning the use of the courthouse grounds for vendors. Mary Mitchell made a public comment concerning election integrity. Laura Nunn made a public comment concerning election integrity. Rodrigo Amaya made a public comment concerning various County employees and their job performance, and the death of Joshua Wright. Dan Lyon made a public comment concerning high taxes. Daphne Tenorio, Hays County Treasurer, made a public comment updating the Court on employee W-2s, the Treasurer's Reports, and County investments. Randi Franks made a public comment concerning medical care in the Hays County Jail. Tatum Schutt made a public comment concerning medical care in the Hays County Jail. Elle Cross made a public comment concerning medical care in the Hays County Jail.

38688 Adopt a Proclamation recognizing March 24, 2023 as World TB Day for Hays County.

Amy Wolf, Hays County TB Communicable Disease Coordinator, presented TB case numbers for Hays County and spoke about the importance of treating cases as soon as possible to prevent the spread of the disease.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing March 24, 2023 as World TB Day for Hays County.

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

5 - 0 Passed - Unanimously

38689 Adopt a Proclamation recognizing March 18, 2023 as Public Defender Day in Hays County.

Jeff Hohl, Chief Public Defender/Supervising Attorney at Neighborhood Defender Service, spoke in support of the Proclamation and all those who work to provide indigent defense services. Rodrigo Amaya made a public comment concerning conditions in the Hays County Jail.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing March 18, 2023 as Public Defender Day in Hays County.



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

5 - 0 Passed - Unanimously

38690 Adopt a Proclamation recognizing March 2023 as Women's History Month to recognize the women of Hays County.

Anita Collins, Community Liason for the Hays County Judge and Representative of the Council for the Indigenous and Tejano Community, provided additional information that is to be included in the Proclamation, and recognized the named women who were present in the courtroom. Commissioner Smith suggested working with the Historical Commission to include more women in future Proclamations. Margie Villalpando, co-founder of Centro Cultural Hispano de San Marcos, spoke about the creation of the center and their mission. Rosina Valle, co-founder of Centro Cultural Hispano de San Marcos, thanked the Court for their support and spoke about the center's work.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a Proclamation recognizing March 2023 as Women's History Month to recognize the women of Hays County.

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

5 - 0 Passed - Unanimously

38691 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

38692 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

38693 Ratify the payment of the February 15, 2023 payroll disbursements as follows: Gross wages \$2,351,736.33, Withholdings & Deductions \$660,349.00, Benefits \$706,492.02. Payroll totals will be posted on the Hays County website.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to ratify the payment of the February 15, 2023 payroll disbursements as follows: Gross wages \$2,351,736.33, Withholdings & Deductions \$660,349.00, Benefits \$706,492.02. Payroll totals will be posted on the Hays County website.

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

5 - 0 Passed - Unanimously

38694 Ratify the payment of the February 28, 2023 payroll disbursements as follows: Gross wages \$3,133,877.96, Withholdings & Deductions \$903,800.70, Benefits \$880,771.53. Payroll totals will be posted on the Hays County website.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to ratify the payment of the February 28, 2023 payroll disbursements as follows: Gross wages \$3,133,877.96, Withholdings & Deductions \$903,800.70, Benefits \$880,771.53. Payroll totals will be posted on the Hays County website.

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

5 - 0 Passed - Unanimously



38695 Approve the payment of the March 15, 2023 payroll disbursements in an amount not to exceed \$3,900,000.00 effective March 15, 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 March 15, 2023 payroll disbursements in an amount not to exceed \$3,900,000.00 effective March 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

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

5 - 0 Passed - Unanimously

38696 Approve Commissioners Court Minutes of February 10, 2023 and February 14, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Commissioners Court Minutes of February 10, 2023 and February 14, 2023.

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

5 - 0 Passed - Unanimously

38697 Approve the cancelation of the Hays Commissioners Court on the following dates in 2023: July 18, August 29, September 26, October 3, 17, 31, November 14, 28 and December 12.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve the cancelation of the Hays Commissioners Court on the following dates in 2023: July 18, August 29, September 26, October 3, 17, 31, November 14, 28 and December 12.

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

5 - 0 Passed - Unanimously

38698 Authorize the County Judge to execute the annual renewal agreement between Hays County Building Maintenance and Johnson Controls in the amount of \$10,900.00 for the preventative maintenance and repairs of the County's remote access thermostat system.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute the annual renewal agreement between Hays County Building Maintenance and Johnson Controls in the amount of \$10,900.00 for the preventative maintenance and repairs of the County's remote access thermostat system.

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

5 - 0 Passed - Unanimously

38699 Authorize the County Judge to sign a resolution of support for the establishment of a No Parking Zone on RM 12.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to sign a resolution of support for the establishment of a No Parking Zone on RM 12.

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

5 - 0 Passed - Unanimously

38700 Authorize the execution of an agreement between Building Maintenance and Flair Data Systems, Inc. for the preventative maintenance and repair services of the Uninterruptible Power Supply (UPS) devices located at the Public Safety Building.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of an agreement between Building Maintenance and Flair Data Systems, Inc. for the preventative maintenance and repair services of the Uninterruptible Power Supply (UPS) devices located at the Public Safety Building.

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

5 - 0 Passed - Unanimously



38701 Accept the 2022 Racial Profiling Report and the 2022 Annual Activity Report from Hays County Constable Office, Pct. 4.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to accept the 2022 Racial Profiling Report and the 2022 Annual Activity Report from Hays County Constable Office, Pct. 4.

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

5 - 0 Passed - Unanimously

38702 Authorize the enrollment and requirement of all Hays County employees and elected officials who have access to a local government computer system or database to complete a cybersecurity training program certified by the Texas Department of Information Resources (DIR) at least annually.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the enrollment and requirement of all Hays County employees and elected officials who have access to a local government computer system or database to complete a cybersecurity training program certified by the Texas Department of Information Resources (DIR) at least annually.

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

5 - 0 Passed - Unanimously

38703 Authorize the County Judge to execute a renewal service agreement with Smiths Detection, Inc. in the amount of \$9,386.00 for the general maintenance, inspections, and repairs of the industrial X-Ray security scanners located at the Hays County Government Center; authorize a discretionary exemption pursuant to Texas Local Government Code Chapter 262.024 (a)(7)(D).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute a renewal service agreement with Smiths Detection, Inc. in the amount of \$9,386.00 for the general maintenance, inspections, and repairs of the industrial X-Ray security scanners located at the Hays County Government Center; authorize a discretionary exemption pursuant to Texas Local Government Code Chapter 262.024 (a)(7)(D).

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

5 - 0 Passed - Unanimously

38704 Authorize the Office of Emergency Services to transfer funds to continuing education in the Fire Marshal Fee Code Fund and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Office of Emergency Services to transfer funds to continuing education in the Fire Marshal Fee Code Fund and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38705 Approve out-of-state travel for Assistant Criminal District Attorney, Miranda Ebersole utilizing the DA Asset Forfeiture Funds to attend the Investigating and Prosecuting Sexual Assault conference in Atlanta Georgia.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve out-of-state travel for Assistant Criminal District Attorney, Miranda Ebersole utilizing the DA Asset Forfeiture Funds to attend the Investigating and Prosecuting Sexual Assault conference in Atlanta Georgia.

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

5 - 0 Passed - Unanimously

38706 Ratify the execution of a Temporary Construction Easement between Hays County and The United States of American, Department of Labor regarding the relocation of utility easements on the Gary Job Corps Center property for the FM 110 construction project.



A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to ratify the execution of a Temporary Construction Easement between Hays County and The United States of American, Department of Labor regarding the relocation of utility easements on the Gary Job Corps Center property for the FM 110 construction project.

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

5 - 0 Passed - Unanimously

38707 Authorize the resubmission of a grant application to FEMA. (Federal Emergency Management Agency) in the amount of \$307,733.80.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the resubmission of a grant application to FEMA. (Federal Emergency Management Agency) in the amount of \$307,733.80.

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

5 - 0 Passed - Unanimously

38708 Approve Utility Permits.

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

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

5 - 0 Passed - Unanimously

38709 Authorize the execution of an extension to RFP 2016-P06 Bank Depository with Sage Capital Bank, N.A. for a period not to exceed 91 days (June 30, 2023) for \$5,000.00 monthly, plus any additional Letter of Credit Fees and authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(4).

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of an extension to RFP 2016-P06 Bank Depository with Sage Capital Bank, N.A. for a period not to exceed 91 days (June 30, 2023) for \$5,000.00 monthly, plus any additional Letter of Credit Fees 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

38710 Authorize the submission of a grant application to the Department of Justice, State Criminal Alien Assistance Program (SCAAP).

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the submission of a grant application to the Department of Justice, State Criminal Alien Assistance Program (SCAAP).

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

5 - 0 Passed - Unanimously

38711 Authorize the Hays County Criminal District Attorney to purchase on (1) replacement Dell Laptop with accessories valued at \$1,694.97 utilizing DA- Drug Forfeiture Funds and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the Hays County Criminal District Attorney to purchase on (1) replacement Dell Laptop with accessories valued at \$1,694.97 utilizing DA- Drug Forfeiture Funds and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38712 Approve renewal of IFB 2022-B04 Cemetery Maintenance with Kyle Landscaping Services with the proposed 22% price increase.



Dan Lyon made a public comment against the price increase.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve renewal of IFB 2022-B04 Cemetery Maintenance with Kyle Landscaping Services with the proposed 22% price increase.

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

5 - 0 Passed - Unanimously

38713 Accept three proposals from Beckwith Electronic Systems, LLC. for Courtroom 7 (\$3,112.00), Courtroom 9 (\$19,189.00), and Courtroom 10 (\$27,909.00); authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(7)(D).

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept three proposals from Beckwith Electronic Systems, LLC. for Courtroom 7 (\$3,112.00), Courtroom 9 (\$19,189.00), and Courtroom 10 (\$27,909.00); authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(7)(D).

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

5 - 0 Passed - Unanimously

38714 Accept the 2022 Racial Profiling Report for the Hays County Sheriff's Office.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to accept the 2022 Racial Profiling Report for the Hays County Sheriff's Office.

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

5 - 0 Passed - Unanimously

38715 Approve out-of-state travel using Sheriff Drug Forfeiture Funds to send Sheriff Cutler, Sergeant Ryan Hayden, Sergeant Mark Opiela, Corporal David Marshall, Corporal David Maddocks, Detective Eric Zediker, Detective Brian Wahlert, and Deputy Anthony Hipolito to National Police Week on May 11-16, 2023, in Washington, D.C., and amend the budget accordingly.

Dan Lyon made a public comment against the item.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve out-of-state travel using Sheriff Drug Forfeiture Funds to send Sheriff Cutler, Sergeant Ryan Hayden, Sergeant Mark Opiela, Corporal David Marshall, Corporal David Maddocks, Detective Eric Zediker, Detective Brian Wahlert, and Deputy Anthony Hipolito to National Police Week on May 11-16, 2023, in Washington, D.C., and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38716 Authorize the Sheriff's Office to accept a donation of \$500.00 from the Wimberley VFW Post 6441 and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Sheriff's Office to accept a donation of \$500.00 from the Wimberley VFW Post 6441 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38717 Approve the appointment of Commissioner Michelle Gutierrez Cohen and reconfirm the appointment of Commissioner Debbie Gonzales Ingalsbe to the City of Kyle Tax Reinvestment Zone No. 2 board.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the appointment of Commissioner Michelle Gutierrez Cohen and reconfirm the appointment of Commissioner Debbie Gonzales Ingalsbe to the City of Kyle Tax Reinvestment Zone No. 2 board.



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

5 - 0 Passed - Unanimously

38718 Authorize the Transportation Department to purchase eight (8) TAPCO Post Mounted Speed Feedback Signs Street Smart Rentals, LLC. in the amount of \$36,684.00 and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Transportation Department to purchase eight (8) TAPCO Post Mounted Speed Feedback Signs Street Smart Rentals, LLC. in the amount of \$36,684.00 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

Authorize the Jail to use existing funds for repairs to the thermaduct system valued at \$25,595.58 and amend the budget accordingly.

Dan Lyon made a public comment concerning the cost of the item. Commissioner Cohen spoke about her concerns with the system. Judge Becerra suggested tabling the item until more information is available. No action taken.

38719 Approve the Appointment of Judge Chris Johnson, County Court at Law # 2, as the County Court at Law Representative for the Hays County Bail Bond Board Committee.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Appointment of Judge Chris Johnson, County Court at Law # 2, as the County Court at Law Representative for the Hays County Bail Bond Board Committee.

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

5 - 0 Passed - Unanimously

Authorize the County Judge to execute an Alarm System Monitoring Agreement and a Proposal with Security One, Inc. related to the addition of security camera's and equipment to the Precinct 3 Building.

Jordan Powell, Assistant General Counsel, stated the agreement is still being worked on and asked that this item be tabled. No action taken.

38720 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 4 in the amount of \$385,000.00 to the Professional Services Agreement between with 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 Darden Hill at Sawyer Ranch Roundabout; authorize a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4) and amend the budget accordingly.

Commissioner Smith provided background on the project. Dan Lyon made a public comment against the item.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Contract Amendment No. 4 in the amount of \$385,000.00 to the Professional Services Agreement between with 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 Darden Hill at Sawyer Ranch Roundabout; authorize 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

38721 Discussion and possible action to authorize the County Judge to execute a Professional Services Agreement between Hays County and Volkert, Inc. to provide construction, engineering & inspection (CE&I) services on an On-Call basis related to road improvement projects in Hays County.



Commissioner Smith stated this adds Volkert to the list of on-call providers for the County. Commissioner Shell stated there is no contract associated with this.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Professional Services Agreement between Hays County and Volkert, 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 Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra

5 - 0 Passed - Unanimously

38722 Discussion and possible action to amend a Professional Services Agreement between Hays County and Cobb Fendley & Associates Inc. to add an additional \$43,000.00 in Right of Way acquisition services described in Exhibit C related to the proposed improvement of Windy Hill Road from the Kyle City Limits east to FM 2001; authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(4).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to amend a Professional Services Agreement between Hays County and Cobb Fendley & Associates Inc. to add an additional \$43,000.00 in Right of Way acquisition services described in Exhibit C related to the proposed improvement of Windy Hill Road from the Kyle City Limits east to FM 2001; authorize a discretionary exemption pursuant to Texas Local Government Code 262.024(a)(4).

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

5 - 0 Passed - Unanimously

38723 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 2 in the amount of \$80,000.00 to the Professional Services Agreement between Hays County and BGE, Inc. for the RM 967 project from UPRR to IH-35 in Precinct 4, as part of the 2016 Road Bond Program. This action utilizes a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

Dan Lyon made a public comment against the item. Jerry Borcharding, Director of Transportation, stated this will cover additional TXDOT reviews and utility coordination which were not included in the original scope of work.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute Contract Amendment No. 2 in the amount of \$80,000.00 to the Professional Services Agreement between Hays County and BGE, Inc. for the RM 967 project from UPRR to IH-35 in Precinct 4, as part of the 2016 Road Bond Program. This action utilizes 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

38724 Discussion and possible action to consider the release of the subdivision performance bonds #7901063583 in the amount of \$372,201.25 for Phase 4, and #7901063582 in the amount of \$863,725.25 for Phase 5 of the Trails at Windy Hill subdivision.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to release the subdivision performance bonds #7901063583 in the amount of \$372,201.25 for Phase 4, and #7901063582 in the amount of \$863,725.25 for Phase 5 of the Trails at Windy Hill subdivision.

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

5 - 0 Passed - Unanimously

38725 Discussion and possible action to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$69,260.00 (Letter of Credit No. 20234029).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$69,260.00 (Letter of Credit No. 20234029).



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

5 - 0 Passed - Unanimously

38726 PLN-2099-PC: Las Lomas, Sec 2, Lot 3-C, Replat; Hold a Public Hearing followed by discussion with possible action regarding Las Lomas, Sec 2, Lot 3-C, Replat.

Judge Becerra opened the Public Hearing at 2:15 p.m. Elaine Cardenas, County Clerk, read an emailed public comment from Ellen and Mark Edwards against the proposed subdivision due to a lack of information, followed by a second comment stating no objection. Judge Becerra closed the Public Hearing at 2:17 p.m. Colby Machacek, Hays County Development Services Planning Department, gave background on the property and stated it has full staff recommendation.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve Las Lomas, Sec 2, Lot 3-C, Replat (PLN-2099-PC).

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

5 - 0 Passed - Unanimously

38727 PLN-2116-NP; Discussion and possible action regarding the Rocky Creek Estates subdivision final plat.

Colby Machacek, Hays County Development Services Planning Department, gave background on the property and stated it has full staff recommendation.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Rocky Creek Estates subdivision final plat (PLN-2116-NP).

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

5 - 0 Passed - Unanimously

38728 PLN-2162-PC; Call for a Public Hearing on March 28th, 2023 followed by discussion and possible action regarding the Oakridge Park at Kinnicinik, Lot 7 & Part of Lot 6, Replat.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to call for a Public Hearing on March 28th, 2023 followed by discussion and possible action regarding the Oakridge Park at Kinnicinik, Lot 7 & Part of Lot 6, Replat (PLN-2162-PC).

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

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #K-1 RE: *Discussion and possible action to authorize the County Judge to execute a proposal from Basic IDIQ Inc. for the repairs and awning replacements to the shade structures at 5 Mile Dam in the amount of \$36,240.41 and amend the budget accordingly. - WAS PULLED.*

Clerk's Note Agenda Item #K-2 RE: *Discussion and possible action to approve vendors for the September 23rd Mermaid Capital of Texas Fest organized by the San Marcos Mermaid Society in accordance with the Hays County Property Use Policy. - WAS PULLED.*

Presentation, discussion, and possible action of Classification and Compensation Study Report by Management Advisory Group International.

Dr. Russell Campbell, Senior Vice President of Management Advisory Group, reviewed the timeline of the project and explained the County delays. He spoke about various issues with the initial draft of the report, including it matching the pre-budgeted amount, salary compression throughout the County, and a lack of a mechanism to move forward in the salary structure. He presented a step and grade system and addressed inequities, position discrepancies, outdated policies and job descriptions, and morale problems. He recommended giving a 10% increase to employees that did not receive one in February, and implementing the study in October. The Court thanked Dr. Campbell for his work and discussed their concerns with the recommendation.

Clerk's Note: Judge Becerra called for a recess that began at 11:29 a.m. and resumed back into open court at 12:01 p.m.



Clerk's Note: Agenda Item K-3 was opened in Executive Session at 12:01 p.m. and resumed back into open court at 12:06 p.m.

The following elected official and department heads spoke in favor of the final report and expressed various concerns: Judge Jimmy Alan Hall, County Court at Law 1; David Peterson, Constable Precinct 1; Judge Sandra Bryant, Justice of the Peace Precinct 5; Kelly Higgins, District Attorney; Jennifer Doinoff, Elections Administrator; Jeff McGill, Director of Information Technology; Michael Berlad, Development Manager for Development Services, on behalf of Marcus Pacheco, Director of Development Services; Ron Hood, Constable Precinct 4; Jerry Borcharding, Director of Transportation; Beverly Crumley, Director of Countywide Operations; Elaine Cardenas, County Clerk. Vickie Dorsett, Hays County Budget Officer, presented various implementation plans at the request of the Court. The Court held a lengthy discussion on implementation plans and concluded the item should be brought back at the next meeting to allow elected officials and department heads the chance to review their employees' positions within the plan and request changes. No action taken.

38729 Discussion and possible action to authorize the County Judge to execute the Social Service Funding Agreement between Hays County and San Marcos Texas Community Radio Association, KZSM, regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

Commissioner Ingalsbe asked if this would transmit emergency services communication beyond city limits. Rob Rourke, Station Manager for KZSM, spoke about their radio and internet capabilities.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the County Judge to execute the Social Service Funding Agreement between Hays County and San Marcos Texas Community Radio Association, KZSM, 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

38730 Discussion and possible action to add TLIE insurance for CCaL Judges Johnson, Brown, and Hall.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to add TLIE insurance for CCaL Judges Johnson, Brown, and Hall.

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

5 - 0 Passed - Unanimously

38731 Discussion and possible action to commit \$2,500.00 to the Hays Consolidated Independent School District related to transformers needed to add street lighting on FM 150 near Simon Middle School and Hemphill Elementary School and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to commit \$2,500.00 to the Hays Consolidated Independent School District related to transformers needed to add street lighting on FM 150 near Simon Middle School and Hemphill Elementary School and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38732 Discussion and possible action to approve Amendment #2 to the Texas General Land Office (GLO) CDBG-MIT Grant Administration Contract with Langford Community Management Services, Inc. related to updating the County's Hazard Mitigation Plan.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Amendment #2 to the Texas General Land Office (GLO) CDBG-MIT Grant Administration Contract with Langford Community Management Services, Inc. related to updating the County's Hazard Mitigation Plan.

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

5 - 0 Passed - Unanimously



38733 Discussion and possible action to provide staff with direction regarding the implementation of the 10% pay increase to employees in Grades 106 to 113 who are not bound by the Collective Bargaining Agreement which was approved by the Commissioners Court on January 31, 2023.

Daphne Tenorio, Hays County Treasurer, asked the Court for guidance on how to proceed with increases to employee salaries for those already at the maximum of their pay range. Vickie Dorsett, Hays County Budget Officer, stated those over the maximum usually receive a lump sum at the beginning of the fiscal year. Tenorio suggested monthly stipend payments to assure only those currently employed receive the payment.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to implement the 10% pay increase to employees in Grades 106 to 113 who are not bound by the Collective Bargaining Agreement and who are at the maximum of their pay grade, which was approved by the Commissioners Court on January 31, 2023, as a monthly stipend payment.

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

5 - 0 Passed - Unanimously

38734 Discussion and possible action to adopt a resolution, to support the passage of legislation, including an amendment to the Constitution of the State of Texas that would prohibit the imposition of unfunded mandates on Texas Counties.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a resolution, to support the passage of legislation, including an amendment to the Constitution of the State of Texas that would prohibit the imposition of unfunded mandates on Texas Counties.

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

5 - 0 Passed - Unanimously

38735 Discussion and possible action to execute a service order with Astound Business Solutions related to fiber and data services for the building located at 101 Thermon Drive, San Marcos; authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(7)(D).

Jeff McGill, Director of Information Technology, explained this is for fiber and data services for the new building for Countywide Operations, and is a standard agreement that exists for other Hays County buildings.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to execute a service order with Astound Business Solutions related to fiber and data services for the building located at 101 Thermon Drive, San Marcos; authorize a discretionary exemption pursuant to Texas Local Government Code, Ch. 262.024(a)(7)(D).

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

5 - 0 Passed - Unanimously

38736 Discussion and possible action to establish an operating budget for the Combined Emergency Communications Center (CECC) department and amend the budget accordingly.

Commissioner Shell introduced Stephanie Robinson, the new Director of the Combined Emergency Communications Center department. Commissioner Ingalsbe thanked her for her service. Stephanie Robinson thanked the Court for the opportunity.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to establish an operating budget for the Combined Emergency Communications Center (CECC) department and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38737 Discussion and possible action to review and approve a preliminary Hays County budget calendar for Fiscal Year 2024.



Vickie Dorsett, Hays County Budget Officer, spoke about the upcoming FY24 budget calendar.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve a preliminary Hays County budget calendar for Fiscal Year 2024.

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

5 - 0 Passed - Unanimously

38738 Discussion and possible action to authorize the Commissioner Pct. 2 Office to submit Community Project Funding requests to the House Appropriations Committee through Congressman Greg Casar, 35th District of Texas.

Judge Becerra spoke about his excitement for this project. Commissioner Cohen spoke about various projects, including a ladder for the Kyle Fire Department and a community center on the East side of the County. Commissioner Smith spoke about his experience on this Congressional Committee and offered his assistance in the submission process.

A motion was made by Commissioner Cohen, seconded by Commissioner Smith to authorize the Commissioner Pct. 2 Office to submit Community Project Funding requests to the House Appropriations Committee through Congressman Greg Casar, 35th District of Texas.

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

5 - 0 Passed - Unanimously

38739 Discussion and possible action to execute a Participation Agreement between Hays County and Choice Partners Cooperative related to participating in Food/Cafeteria related contracts with Choice Partners Cooperative for the 2022-2023 school year.

Commissioner Ingalsbe stated this is a yearly agreement.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to execute a Participation Agreement between Hays County and Choice Partners Cooperative related to participating in Food/Cafeteria related contracts with Choice Partners Cooperative for the 2022-2023 school year.

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

5 - 0 Passed - Unanimously

Discussion and possible action to adopt the use of Texas Local Government Code 232.110; and to direct staff towards implementation.

Elaine Cardenas, County Clerk, read an emailed public comment from Ann Clearkin asking for a delay in the approval of the resolution until more information can be provided to residents. Carrie Napiorkowski made a public comment against the construction of an amphitheater and the effects it may have on traffic and safety. Commissioner Smith explained the resolution and the process of passing an ordinance that would set standards for use of this statute. Mark Kennedy, General Counsel, clarified this resolution provides direction to staff. Commissioner Smith spoke about the impact this would have on Hays County. Commissioner Smith and Carrie Napiorkowski discussed the need for a feasibility study and safety concerns. Commissioner Shell asked for more time before voting. No action taken.

38740 Discussion and possible action to award a contract for IFB 2023-B13 Contractor for IT-Elections Building Renovation to Trimbuilt Construction, Inc., \$1,088,798.73 and amend the budget accordingly.

Jennifer Doinoff, Elections Administrator, provided additional information about the bid received. Commissioner Shell reminded the Court it was known that the building would need to be modified when it was purchased, and there will be future bids for electrical, HVAC, and plumbing work, which is being contracted separately.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to award a contract for IFB 2023-B13 Contractor for IT-Elections Building Renovation to Trimbuilt Construction, Inc., \$1,088,798.73 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously



38741 Discussion regarding the proposed Mission Oaks Development Agreement; and possible action to consider tabling the item for a later date.

Commissioner Smith explained he would like to delay this item while the agreement is being worked on. Mark Kennedy, General Counsel, clarified the rules for posting notices and asked Commissioner Smith to identify a future court date for this.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to table the proposed Mission Oaks Development Agreement until March 28, 2023.

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

5 - 0 Passed - Unanimously

Discussion and possible action regarding the contract between Hays County and McCreary, Veselka, Bragg, and Allen, PC for delinquent collections.

Mark Kennedy, General Counsel, explained this item is needed in order for the contract for delinquency collection for District and County Courts at Law to open for bids and not auto-renew. Stacy Gold, Shareholder with McCreary, Veselka, Bragg, and Allen, asked for the item to be tabled to give adequate time to prepare for discussion. Daphne Tenorio, Hays County Treasurer, spoke against auto-renewing contracts and about the importance of receiving competitive bids. No action taken.

38742 Discussion and possible action to approve a resolution in support of the creation of a District Court within Hays County.

Commissioner Shell explained the County has done this in the past. Commissioner Smith suggested looking at County Court at Law courts in the future as well.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve a resolution in support of the creation of a District Court within Hays County.

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

5 - 0 Passed - Unanimously

38743 Discussion and possible action to award RFP 2023-P04 Countywide Electrical to CT Electric and authorize staff and General Counsel to negotiate a contract.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to award RFP 2023-P04 Countywide Electrical to CT Electric and authorize staff and General Counsel to negotiate a contract.

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

5 - 0 Passed - Unanimously

Clerk's Note: Executive Session began at 3:33 p.m. and resumed back into open court at 3:46 p.m.

38744 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 Windy Hill Road in Pct. 1 & 2. Possible discussion and/or action may follow in open court.

Commissioner Ingalsbe explained that since this is a "whole take", the landowner will be relocating to another location, yet to be determined.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize execution of a Purchase Agreement for Parcel 66 of the Windy Hill project located in Precinct 1, owned by Augustin Gonzalez, as presented in Executive Session; to authorize counsel to execute all documents incidental to closing; and to authorize staff and consultants to carry out the process of providing relocation services and support to landowner, using TXDOT standards to do so.

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

5 - 0 Passed - Unanimously



A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize execution of a Purchase Agreement for Parcel 38 of the Windy Hill project located in Precinct 2, owned by Thomas and Theresa Lemman, as presented in Executive Session; and to authorize counsel to execute all documents incidental to closing.

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

5 - 0 Passed - Unanimously

38745 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 Darden Hill Road in Pct. 4. Possible discussion and/or action may follow in open court.

Commissioner Smith stated this is for 2.595 acres of property that will help service Phase II of the Darden Hill project, and in return, Hays County contractors will build the roundabout project to help service the school onsite.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize execution of a Right of Way Agreement for the Darden Hill Roundabout project between Dripping Springs Independent School District and Hays County, as presented in Executive Session; to authorize execution of Right of Way License Agreement between the same parties; and to authorize counsel to execute all documents incidental to closing.

AYE: Commissioner Ingalsbe, Commissioner 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 615 for the week of March 5, 2023, with a peak of 625 inmates on March 10, 2023. The estimated cost for outsourcing inmates this week was \$163,700. The average number of outsourced males is 249 and females is 13. 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 28.

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.*

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, spoke about the recently held Community Visioning Session and the Vision Statement that was created as a result, upcoming assessments, and outreach efforts.

Clerk's Note Agenda Item #M-6 RE: *Discussion and possible action related to proposed bills in the 87th Regular Session of the Texas Legislature and to consider adoption of resolution(s) regarding proposed bills. The Court may opt to withdraw to Executive Session during this item to consult with legal counsel pursuant to Texas Government Code 551.071. - WAS PULLED.*

Updates on measurable advancement of Pretrial Services to include the areas of staffing, equipment, training, operations and policy, by Director Pre-Trial Services Randy Focken.



Randy Focken, Director of Court and Pre-Trial Services, introduced the new Assistant Director, Albert Sierra, and updated the Court on the progress of the newly formed department. He spoke about how the delays with the salary study have impacted the office and its ability to recruit employees. He praised Jeff McGill, the Director of Information Technology, for his commitment and involvement in developing the technological aspect of the department. He spoke about the need for more mental health services and specialists, his collaboration with other department heads and elected officials, risk assessments, and diversion programs. He provided a target month of May for starting inmate interviews.

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 3:48 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 MARCH 14, 2023.



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

