

HAYS COUNTY COMMISSIONERS' COURT MINUTES



APRIL 11, 2023

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 11th DAY OF APRIL 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

*Dan Lyon made a public comment concerning County spending. Jack Gray Jr. made a public comment concerning the possibility of a road being constructed through his property. William Wagner Jr. made a public comment concerning unanswered public information requests regarding the proposed Development Agreement for Mission Oaks Condominiums. Carol Gaultney made a public comment in support of Jennifer Doinoff and the Elections Department. Randi Franks made a public comment concerning medical neglect in the Hays County Jail. Amy Kamp made a public comment concerning medical neglect in the Hays County Jail.*

**38814** Adopt a Proclamation recognizing Rosemary Burke Campise as the Founder of The Burke Foundation on its 50th anniversary.

*The Court thanked Rosemary Campise for her service to Hays County residents. Commissioner Smith spoke about the services provided by the foundation. Judge Becerra spoke about his office's effort to raise awareness for all non-profits and organizations that help community members. Charlie Campise recognized individuals and organizations that contribute to the Burke Center.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing Rosemary Burke Campise as the Founder of The Burke Foundation on its 50th anniversary.

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

**5 - 0 Passed - Unanimously**

**38815** Adopt a Proclamation declaring April 2023 as National Donate Life Month in Hays County.

*S. Lemuel Bradshaw spoke about organ donations in Hays County and encouraged residents to register to become donors. The Court thanked Bradshaw for raising awareness for organ donation and for sharing his story.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation declaring April 2023 as National Donate Life Month in Hays County.

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

**5 - 0 Passed - Unanimously**



**38816** Adopt a Proclamation recognizing April 2023 as Child Abuse Prevention and Awareness Month.

*Melissa Rodriguez, CEO of the Hays-Caldwell Women's Center, spoke about child abuse prevention and sexual assault awareness. Julia Ramsay, Executive Director of the Greater San Marcos Youth Council, thanked the Court for their year-round support. Lee Ikels, President of the Hays County Child Protective Board, spoke about the Remme Rainbow Room. Brandi Raschke, Training Coordinator for CASA of Central Texas, spoke about their need for more volunteers. The Court thanked the organizations and their volunteers for their work.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a Proclamation recognizing April 2023 as Child Abuse Prevention and Awareness Month.

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

**5 - 0 Passed - Unanimously**

**38817** Adopt a Proclamation recognizing April 2023 as World Autism Awareness Month.

*The Court thanked the Tobias family for bringing awareness to this. Angelica Tobias thanked the Court for the Proclamation and thanked caregivers and parents who care for people with autism. Jerry Hendrix, Interim City Manager for the City of Kyle, spoke about the City Council's and his own experiences with autism.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing April 2023 as World Autism Awareness Month.

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

**5 - 0 Passed - Unanimously**

**38818** Adopt a Proclamation recognizing April 9th - 15th, 2023, as National Telecommunicators Week.

*Sheriff Cutler recognized Hays County's Emergency Communication Operators and spoke about the work they do for the community. The Court thanked the Emergency Communication Operators for their service.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to adopt a Proclamation recognizing April 9th - 15th, 2023, as National Telecommunicators Week.

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

**5 - 0 Passed - Unanimously**

Update on Dripping Springs Tax Incremental Zone #1 and Zone #2 by David Edwards and Keenan Smith.

*David Edwards, Chair of the Tax Incremental Zone #1 and #2 (TIRZ), spoke about their financial health and new projects. Keenan Smith, Project Manager for TIRZ #1 and #2, spoke about the following priority projects: Old Fitzhugh Road, Town Center, Stephenson Building, Downtown Parking, Downtown Drainage, Roadways, & Sidewalks, and Downtown Restrooms. Commissioner Smith clarified the Triangle project has been dropped because the Texas Department of Transportation is working on improvements in the area. Judge Becerra spoke about the advantages of a TIRZ. The Court thanked Edwards and Smith for their work.*

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for the Dripping Springs VFW Post 2933.

*Commissioner Smith clarified the Dripping Springs VFW Post 2933 is a 501(C)(19) organization, and they experienced a COVID-related revenue loss of \$5,670.87.*

**Clerk's Note:** Judge Becerra called for a recess that began at 10:40 a.m. and resumed back into open court at 10:47 a.m.

**38819** Approve payments of County invoices.

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

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

**5 - 0 Passed - Unanimously**

**38820** Approve the payment of Juror checks.

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

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

**5 - 0 Passed - Unanimously**

**38821** Approve the payment of United Healthcare claims.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the payment of United Healthcare claims.

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

**5 - 0 Passed - Unanimously**

**38822** Approve Commissioners Court Minutes of March 28, 2023.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of March 28, 2023.

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

**5 - 0 Passed - Unanimously**

**38823** Approve the payment of the April 15, 2023 payroll disbursements in an amount not to exceed \$4,500,000.00 effective April 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve the payment of the April 15, 2023 payroll disbursements in an amount not to exceed \$4,500,000.00 effective April 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**

**38824** Authorize the acceptance of a grant award from the Department of State Health Services (DSHS), Strengthening U.S. Public Health Infrastructure Grant (PHIG) Program in the amount of \$429,194.00 and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the acceptance of a grant award from the Department of State Health Services (DSHS), Strengthening U.S. Public Health Infrastructure Grant (PHIG) Program in the amount of \$429,194.00 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**38825** Authorize Building Maintenance to move the Health Department's vaccine generator from the Remme Rainbow Room to the new Health Department building located at 101 Thermon Drive and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize Building Maintenance to move the Health Department's vaccine generator from the Remme Rainbow Room to the new Health Department building located at 101 Thermon Drive and amend the budget accordingly.



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

**5 - 0 Passed - Unanimously**

**38826** Authorize the County Judge to purchase consumable items in an amount not to exceed \$600.00 for the Mental Health First Aid Course to be held on May 16, 2023.

*Vickie Dorsett, Hays County Budget Officer, stated Countywide Contingencies has been identified as a potential funding source for this.*

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to purchase consumable items in an amount not to exceed \$600.00 for the Mental Health First Aid Course to be held on May 16, 2023.

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

**5 - 0 Passed - Unanimously**

**38827** Authorize the County Judge to execute a Professional Services Agreement with Tyler Technologies, Inc. for two days of onsite training for Financial Reporting modules used by the County Clerk, District Clerk, Treasurer and Auditor to meet County, State and Federal reporting requirements utilizing a discretionary exemption pursuant to Texas Local Government Code, Section 262.024(a)(7) and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with Tyler Technologies, Inc. for two days of onsite training for Financial Reporting modules used by the County Clerk, District Clerk, Treasurer and Auditor to meet County, State and Federal reporting requirements utilizing a discretionary exemption pursuant to Texas Local Government Code, Section 262.024(a)(7) and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**38828** Approve out-of-state travel for Criminalist Kate Frederick to attend the Forensic Ultraviolet and Infrared Photography course on June 14-16, 2023, in Palm Beach Gardens, Florida.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve out-of-state travel for Criminalist Kate Frederick to attend the Forensic Ultraviolet and Infrared Photography course on June 14-16, 2023, in Palm Beach Gardens, Florida.

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

**5 - 0 Passed - Unanimously**

**38829** Authorize the Sheriff's Office to use existing funds to purchase a training collar for the K9 Division valued at \$1,185.00 and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to use existing funds to purchase a training collar for the K9 Division valued at \$1,185.00 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**38830** Authorize the execution of a commitment of funds letter to the Texas Department of Emergency Management (TDEM), Hazard Mitigation Grant Program, Post Fire Declaration.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of a commitment of funds letter to the Texas Department of Emergency Management (TDEM), Hazard Mitigation Grant Program, Post Fire Declaration.

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

**5 - 0 Passed - Unanimously**



**38831** Authorize the acceptance of a grant award from the Department of State Health Services (DSHS), FY24 Tuberculosis Prevention and Control - State Grant Program in the amount of \$39,611.00.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the acceptance of a grant award from the Department of State Health Services (DSHS), FY24 Tuberculosis Prevention and Control - State Grant Program in the amount of \$39,611.00.

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

**5 - 0 Passed - Unanimously**

**38832** Accept the delivery of the County Auditor's Monthly Reports pursuant to Texas Local Government Code, Chapter 114.023 and 114.025 for the first quarter of Fiscal Year 2023.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to accept the delivery of the County Auditor's Monthly Reports pursuant to Texas Local Government Code, Chapter 114.023 and 114.025 for the first quarter of Fiscal Year 2023.

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

**5 - 0 Passed - Unanimously**

**38833** Discussion and possible action to authorize the County Judge to execute a Professional Services Agreement between Hays County and Burgess & Niple, Inc. to provide engineering services for the RM 2325 Sidewalk project in Precinct 3 pursuant to RFQ 2022-Q03 Engineering Services - RM 2325 Sidewalk.

*Commissioner Shell clarified the scope and funding of the project.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute a Professional Services Agreement between Hays County and Burgess & Niple, Inc. to provide engineering services for the RM 2325 Sidewalk project in Precinct 3 pursuant to RFQ 2022-Q03 Engineering Services - RM 2325 Sidewalk.

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

**5 - 0 Passed - Unanimously**

**38834** Discussion and possible action to authorize the execution of Change Order No. 5 in the amount of \$764,627.38 to the Construction Contract with Jordan Foster Construction, LLC for the Dacy Lane (IFB 2021-B02) project as part of the Hays County Road Bond Program in Precincts 2 and 1 and amend the budget accordingly.

*Commissioner Ingalsbe explained this adds another sidewalk and pedestrian lighting, and the City of Kyle will reimburse the County for the cost of the project.*

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize the execution of Change Order No. 5 in the amount of \$764,627.38 to the Construction Contract with Jordan Foster Construction, LLC for the Dacy Lane (IFB 2021-B02) project as part of the Hays County Road Bond Program in Precincts 2 and 1 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**38835** Discussion and possible action to authorize the County Judge to execute a Contract Amendment No. 1 in the amount of \$15,000.00 to the Professional Services Agreement with BGE, Inc. for bidding and construction phase services on the Robert S. Light Boulevard project (RM 967 to IH 35 SBFR) in Precinct 4, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

*Commissioner Smith explained this is for additional bidding and construction phase services and there is no overall change to the contract.*



A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Contract Amendment No. 1 in the amount of \$15,000.00 to the Professional Services Agreement with BGE, Inc. for bidding and construction phase services on the Robert S. Light Boulevard project (RM 967 to IH 35 SBFR) in Precinct 4, 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**

**38836** Discussion and possible action to authorize the County Judge to execute a Contract Amendment No. 1 to the Professional Services Agreement with Volkert, Inc. On-Call Construction, Engineering and Inspection (CEI) services to supplement subconsultant B2Z Engineering's Exhibit D rate schedule with rates for materials testing services, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Contract Amendment No. 1 to the Professional Services Agreement with Volkert, Inc. On-Call Construction, Engineering and Inspection (CEI) services to supplement subconsultant B2Z Engineering's Exhibit D rate schedule with rates for materials testing services, 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**

**38837** Discussion and possible action to authorize the County Judge to execute an Advance Funding Agreement between Hays County and the Texas Department of Transportation relating to the RM 12 at Skyline and Mountain Crest intersection improvement project and amend the budget accordingly.

*Commissioner Shell explained this is for improvements to a dangerous intersection and the construction will be funded by the State.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the County Judge to execute an Advance Funding Agreement between Hays County and the Texas Department of Transportation relating to the RM 12 at Skyline and Mountain Crest intersection improvement project and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**38838** Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bonds #CNB-41042-00 in the amount of \$583,636.64 for Anthem subd., Phase 2, and #CNB-41043-00 in the amount of \$530,905.76 for Anthem subd., Phase 3, and acceptance of the 2-year maintenance bond #800131791 in the amount of \$516,827.85 for Anthem subd., Phase 2 and Phase 3 (Pct. 4).

*Commissioner Smith explained there are two items for this project because this subdivision is in both Precincts 2 and 4.*

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to accept road construction & surface drainage improvements, release the subdivision bonds #CNB-41042-00 in the amount of \$583,636.64 for Anthem subd., Phase 2, and #CNB-41043-00 in the amount of \$530,905.76 for Anthem subd., Phase 3, and accept the 2-year maintenance bond #800131791 in the amount of \$516,827.85 for Anthem subd., Phase 2 and Phase 3 (Pct. 4).

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

**5 - 0 Passed - Unanimously**

**38839** Discussion and possible action to consider the acceptance of road construction & surface drainage improvements, release of the subdivision bond #CNB-41045-00 in the amount of \$321,316.20, and acceptance of the 2-year maintenance bond #800131790 in the amount of \$141,277.05 for Anthem subd., Phase 1C-2 (Pct. 2).

*Commissioner Smith explained there are two items for this project because this subdivision is in both Precincts 2 and 4.*



A motion was made by Commissioner Smith, seconded by Commissioner Cohen to accept road construction & surface drainage improvements, release the subdivision bond #CNB-41045-00 in the amount of \$321,316.20, and accept the 2-year maintenance bond #800131790 in the amount of \$141,277.05 for Anthem subd., Phase 1C-2 (Pct. 2).

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

**5 - 0 Passed - Unanimously**

**38840** Discussion and possible action to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$1,310,079.50 for the Hymeadow, Section 3, Phase 4, Final Plat (Subdivision Bond # LICX1975193).

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$1,310,079.50 for the Hymeadow, Section 3, Phase 4, Final Plat (Subdivision Bond # LICX1975193).

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

**5 - 0 Passed - Unanimously**

**38841** PLN-2124-NP; Discussion and possible action regarding the Ecclesia Subdivision, Final Plat (1 Lot).

*Colby Machacek, Hays County Development Services Planning Department, provided details on the property and stated it has full staff recommendation for approval.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Ecclesia Subdivision, Final Plat (1 Lot) (PLN-2124-NP).

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

**5 - 0 Passed - Unanimously**

**38842** PLN-2163-PRE; Discussion and possible action regarding the Centre on 12, Preliminary.

*Colby Machacek, Hays County Development Services Planning Department, provided details on the property and stated staff recommends conditional approval based on minor deficiencies listed in the back-up.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to conditionally approve Centre on 12, Preliminary (PLN-2163-PRE).

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

**5 - 0 Passed - Unanimously**

**38843** PLN-2165-PC; Hold a Public Hearing, followed by discussion and possible action regarding the Replat of Hays City Estates, Lot 9 and consider granting a variance to use the governing On-Site Sewage Facility Rules of 1984-1986.

*Judge Becerra opened the Public Hearing at 11:43 a.m. No comments were made. Judge Becerra closed the Public Hearing at 11:43 a.m. Marcus Pacheco, Director of Development Services, noted there is an error in the agenda item and the years for the On-Site Sewage Facility Rules should be 1986-1997. Colby Machacek, Hays County Development Services Planning Department, provided details on the property and stated staff recommends conditional approval based on deficiencies listed in the back-up. Commissioner Smith thanked the property owners for working with the County during construction near the property. Victoria Cox, property owner, thanked Commissioner Smith for working to improve safety in the area and spoke about their plans for the development, including supporting drip irrigation. Pacheco further explained the variance request, and the Court discussed limitations due to state laws and the need to update them.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to conditionally approve the Replat of Hays City Estates, Lot 9 and grant a variance to use the governing On-Site Sewage Facility Rules of 1986-1997 (PLN-2165-PC).



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

**5 - 0 Passed - Unanimously**

**38844** PLN-2100-PC; Hold a Public Hearing, followed by discussion and possible action regarding the Hurlbut Ranch West, PT of Tract 20, Replat.

*Judge Becerra opened the Public Hearing at 11:58 a.m. Elaine Cardenas, County Clerk, read an emailed public comment from Joel Jungman against the development. Judge Becerra closed the Public Hearing at 11:59 a.m. Colby Machacek, Hays County Development Services Planning Department, provided details on the property and stated staff recommends conditional approval based on deficiencies listed in the back-up.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to conditionally approve the Hurlbut Ranch West, PT of Tract 20, Replat (PLN-2100-PC).

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

**5 - 0 Passed - Unanimously**

**38845** PLN-2166-PC; Call for Public Hearing on April 25th, 2023, followed by discussion and possible action regarding the Beulah Marie Needham Estates, Lot 3, Replat.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to call for Public Hearing on April 25th, 2023, followed by discussion and possible action regarding the Beulah Marie Needham Estates, Lot 3, Replat (PLN-2166-PC).

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

**5 - 0 Passed - Unanimously**

**Clerk's Note Agenda Item #J-6 RE:** *Discussion and possible action to allow a platting exception pursuant to Section 232.010 of the Texas Local Government Code for owners of a portion of Tract 40C in Rainbow Ranch Subdivision, an unrecorded subdivision, in Precinct 3.*  
- WAS PULLED.

**38846** Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recovery Grant Agreement between Hays County and Tommy Dodd Memorial Buyers Group regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

*Commissioner Smith stated these funds will be used for all Hays County youth.*

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 Tommy Dodd Memorial Buyers Group 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**

**38847** Discussion and possible action related to the employment and duties of all individual positions within the Office of General Counsel; and related to the employment and duties of all individual positions within the Hays County Criminal District Attorney's Office.

*Kelly Higgins, District Attorney, spoke about the request to merge the Office of General Counsel with the District Attorney's Office. Gregg Cox, First Assistant District Attorney, explained the benefits of this, including consolidating staff and resources. Mark Kennedy, General Counsel, spoke about the need for this due to increased litigation and public information requests. The Court gave support for this request. Commissioner Shell clarified the space within the Historic Courthouse will remain dedicated to the staffers that are currently there, the Criminal District Attorney will work with the Office of General Counsel to ensure that the transactional and consulting legal services continue to function at a high level, the Criminal District Attorney's Office will look at any title changes that might be needed with this restructuring, and asked that the County Budget Officer move the Office of General Counsel operating budget into the Criminal District Attorney's office budget as a subset of that office's Civil Division.*



A motion was made by Commissioner Shell, seconded by Judge Becerra to authorize positions within the Office of General Counsel to be incorporated into the Hays County Criminal District Attorney's Office, with pay grades and salaries of the Office of General Counsel positions to remain unchanged; and to amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**Clerk's Note Agenda Item #K-3 RE:** *Discussion and possible action on the salary study implementation. - WAS PULLED.*

Discussion and possible action regarding countywide compensatory time.

*Daphne Tenorio, Hays County Treasurer, explained the issue of County employees with excess compensatory time and asked the Court for direction on how to address it, as well as a review of the County's compensatory time policy. The Court discussed various options, including paying out the time, allowing employees to take time off, and having department heads manage these issues. Marisol Villarreal-Alonzo, County Auditor, spoke about current County and federal policies. No action taken.*

**38848** Discussion and possible action to authorize the use of funding from the Hays County American Rescue Plan Recovery Grant for the Hays County Office of Emergency Services to purchase a Compact Rapid Deployable (CRD) for FirstNet in relation to recovery assistance for direct or indirect impacts of COVID-19; and amend the budget accordingly and authorize a discretionary exemption pursuant to Texas Local Government Code Ch 262.024(a)(2).

*Commissioner Shell noted the discretionary exemption was added to this item. Mike Jones, Director of Emergency Services, explained this will improve cellular and internet connectivity for first responders in the event of a disaster. Commissioner Shell thanked Jones and the Offices of Emergency Management and Emergency Services for their work on this.*

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the use of funding from the Hays County American Rescue Plan Recovery Grant for the Hays County Office of Emergency Services to purchase a Compact Rapid Deployable (CRD) for FirstNet in relation to recovery assistance for direct or indirect impacts of COVID-19; and amend the budget accordingly and authorize a discretionary exemption pursuant to Texas Local Government Code Ch 262.024(a)(2).

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

**5 - 0 Passed - Unanimously**

**Clerk's Note:** Executive Session began at 12:14 p.m. and resumed back into open court at 1:02 p.m.

**Clerk's Note Agenda Item #L-1 RE:** *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. - WAS PULLED.*

**38849** Executive Session pursuant to Sections 551.071 and 551.087 of the Texas Government Code: consultation with counsel and deliberation regarding economic development negotiations associated with Project Create. Possible discussion and/or action may follow in open Court.

A motion was made by Commissioner Cohen, seconded by Commissioner Shell to authorize the County Judge to execute a Chapter 381 Economic Development Incentive Agreement between Hays County and Fat Quarter Shop, LLC, as discussed and presented in Executive Session.

AYE: Commissioner Ingalsbe, Commissioner 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 Cause Numbers 22-0249-C, 22-0250-C, and 22-0251-C . Possible discussion and/or action may follow in open court.

*Commissioner Smith stated the Commissioners Court postponed moving forward with these causes in 2022 to explore options. Having done so and exhausted other viable options, this action to move forward allows the RR12/FM150 intersection project to move forward.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to instruct Right of Way counsel to move forward with special commissioners hearings for cause numbers 22-0249-C, 22-0250-C, and 22-0251-C, pursuant to resolutions determining the necessity and authorizing the use of the County's power of eminent domain to acquire that right of way, resolved and adopted by the Commissioners Court in May 2021.

AYE: Commissioner Shell, Commissioner Smith

NAY: Commissioner Ingalsbe, Commissioner Cohen, Judge Becerra

2 - 3 Failed

**Clerk's Note Agenda Item #M-1 RE:** *Discussion and possible action related to the burn ban. - WAS PULLED.*

**Clerk's Note Agenda Item #M-2 RE:** *Discussion related to the Hays County inmate population, to include current population counts and costs. - WAS PULLED.*

**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.*

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 updated the Court on bills that may impact the County, including bills regarding the West Travis County PUA and groundwater. No action taken.*

**Clerk's Note Agenda Item #M-7 RE:** *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. - WAS PULLED.*

## ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 1:04 p.m.

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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 APRIL 11, 2023.



*Elaine H. Cardenas*

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

