

HAYS COUNTY COMMISSIONERS' COURT MINUTES



AUGUST 1, 2023

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 1st DAY OF AUGUST 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, Abundant Life Christian Church, 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. Diana Gonzales made a public comment recognizing Pedernales Electric Cooperative's 85th anniversary and spoke about the organization's history.*

**39230** Adopt a Proclamation recognizing August 7, 2023 as the 175th Anniversary of the Hays County Sheriff's Office.

*The Court spoke about the importance of the Sheriff's Office and thanked the employees for their work. Gary Cutler, Hays County Sheriff, thanked the Court for the recognition and spoke about the employees and their dedication to the job. Judge Becerra encouraged people to apply for the Hays County Sheriff's Citizens Academy.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Proclamation recognizing August 7, 2023 as the 175th Anniversary of the Hays County Sheriff's Office.

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

**5 - 0 Passed - Unanimously**

**39231** Adopt a Proclamation recognizing August 2023 as National Immunizations Awareness Month.

*Commissioner Ingalsbe thanked the Hays County Local Health Department for their service to the community. Commissioner Cohen thanked public health workers and spoke about an event for free vaccines. Commissioner Shell recognized the Health Department for their history of outstanding work. Commissioner Smith thanked the Health Department for their work in public health. Judge Becerra spoke about his experience managing public health and the Health Department's work. Matthew Gonzales, Local Health Department Manager, spoke about the importance and impact of vaccines, addressing vaccine hesitancy with community engagement and communication, and recognized Health Department employees.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a Proclamation recognizing August 2023 as National Immunizations Awareness Month.

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

**5 - 0 Passed - Unanimously**

**39232 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**

**39233 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**

**39234 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**

**39235 Authorize a waiver to the purchasing policy for a corrected Hofmann's quote for Building Maintenance to install ADA handrails in the amount of \$3,380.09 at the rear elected officials' entrance of the Government Center and amend the budget accordingly.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize a waiver to the purchasing policy for a corrected Hofmann's quote for Building Maintenance to install ADA handrails in the amount of \$3,380.09 at the rear elected officials' entrance of the Government Center and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**39236 Receive Annual Road Reports for each Precinct as required by the Texas Transportation Code Sect 251.005.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to receive Annual Road Reports for each Precinct as required by the Texas Transportation Code Sect 251.005.

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

**5 - 0 Passed - Unanimously**

**39237 Approve out-of-state travel for CECC Director Stephanie Robinson to attend the Tyler New World Advisory Board Meeting on September 19-20, 2023 in Troy, Michigan.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to approve out-of-state travel for CECC Director Stephanie Robinson to attend the Tyler New World Advisory Board Meeting on September 19-20, 2023 in Troy, Michigan.

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

**5 - 0 Passed - Unanimously**

**39238 Authorize an exam site renewal and fee of \$500.00 with Texas Commission on Law Enforcement for the Sheriff's Training Academy.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize an exam site renewal and fee of \$500.00 with Texas Commission on Law Enforcement for the Sheriff's Training Academy.



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

**5 - 0 Passed - Unanimously**

**39239 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**

**39240 Authorize the execution of Amendment 2 with JM Engineering to provide additional required duct work, materials, grill, and fire smoke damper, in relation to the IT-Election Building renovation in the amount of \$15,122.40 and amend the budget accordingly.**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of Amendment 2 with JM Engineering to provide additional required duct work, materials, grill, and fire smoke damper, in relation to the IT-Election Building renovation in the amount of \$15,122.40 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**39241 Authorize the Hays County Local Health Department (HCLHD) to engage services directly with local Fire, EMS and licensed medical personnel to assist with vaccine efforts for children and adults who are eligible under the Texas Vaccines for Children and Adult Safety Net Program through the Texas Department of State Health Services.**

*Tammy Crumley, Director of Countywide Operations, explained the county signed an agreement with the City of San Marcos last week, but would instead like to engage in direct agreements with local fire, EMS, and medical personnel to assist with providing immunization services. Commissioner Shell asked about the progress of the new IT/Elections building, and Crumley stated the estimated date of completion is mid-September.*

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the Hays County Local Health Department (HCLHD) to engage services directly with local Fire, EMS and licensed medical personnel to assist with vaccine efforts for children and adults who are eligible under the Texas Vaccines for Children and Adult Safety Net Program through the Texas Department of State Health Services.

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

**5 - 0 Passed - Unanimously**

**39242 Discussion and possible action to authorize the execution of Fiscal Year Work Authorizations with HNTB Corporation in the total amount of \$2,928,423.00 to continue providing General Engineering Consultant (GEC)/Program Management services for the Hays County 2016 Road Bond Program projects.**

*Dan Lyon made a public comment against the item and its cost. Commissioner Shell stated the 2016 Bond Program is wrapping up and HNTB has done good work. Carlos Lopez, HNTB Program Manager for Hays County GEC, thanked Hays County and explained that due to the county's work with the Texas Department of Transportation, the original \$131 million approved by the voters in 2016 was leveraged into over \$200 million. The Court commended Lopez and his team for their work. Commissioner Ingalsbe asked if this is expected to be the final work authorization, and Lopez stated most projects are close to being completed. Jerry Borcharding, Director of Transportation, agreed with the Court on the quality of HNTB's work. Commissioner Shell noted the overall cost for doing this work in-house would be much more expensive than this.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of Fiscal Year Work Authorizations with HNTB Corporation in the total amount of \$2,928,423.00 to continue providing General Engineering Consultant (GEC)/Program Management services for the Hays County 2016 Road Bond Program projects.



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

**5 - 0 Passed - Unanimously**

**39243** Discussion and possible action to consider the release of the 2-year maintenance bond #in the amount of \$61,623.61, and the acceptance of roads into the county road maintenance system for 6 Creeks Subdivision, Phase 1, Section 5A.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to release the 2-year maintenance bond in the amount of \$61,623.61, and accept roads into the county road maintenance system for 6 Creeks Subdivision, Phase 1, Section 5A.

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

**5 - 0 Passed - Unanimously**

**39244** Discussion and possible action to consider the release of the 2-year maintenance bond #135518C in the amount of \$89,741.66, and the acceptance of roads into the county road maintenance system for Trails at Windy Hill subdivision, Phase 3.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to release the 2-year maintenance bond #135518C in the amount of \$89,741.66, and accept roads into the county road maintenance system for Trails at Windy Hill subdivision, Phase 3.

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

**5 - 0 Passed - Unanimously**

**39245** Discussion and possible action to consider the release of the 2-year maintenance bond #PB0301680069 in the amount of \$66,811.47, and the acceptance of roads into the county road maintenance system for Great Hills subdivision, Section 7.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to release the 2-year maintenance bond #PB0301680069 in the amount of \$66,811.47, and accept roads into the county road maintenance system for Great Hills subdivision, Section 7.

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

**5 - 0 Passed - Unanimously**

**39246** PLN-2232-PC; Call for a Public Hearing on August 15th, 2023, followed by discussion and possible action regarding Fitzhugh Acres, Lot 4, Replat.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to call for a Public Hearing on August 15th, 2023, followed by discussion and possible action regarding Fitzhugh Acres, Lot 4, Replat (PLN-2232-PC).

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

**5 - 0 Passed - Unanimously**

**39247** Discussion and possible action authorizing the execution of a contract between Hays County and Securus Technologies, Inc. for digital mail services and authorize a discretionary exemption pursuant to Texas Local Government Code 262.024 (a)(7)(D).

*Commissioner Ingalsbe explained this provides digital mail for inmates and prevents items not permitted from being delivered. Captain Julie Villalpando, Hays County Sheriff Corrections Bureau, stated this will improve safety at the jail. Judge Becerra clarified that mail has always been screened before being delivered to inmates. Villalpando stated this is paid for with the commission earned from the Securus contract.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of a contract between Hays County and Securus Technologies, Inc. for digital mail services and 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**



**39248** Discussion and possible action to authorize the execution of Change Order No.1 to the Thermon building remodel agreement with The Fence Lady Inc. in the amount of \$7,066.21 and amend the budget accordingly.

*Dan Lyon made a public comment concerning change orders and the cost of the item. Commissioner Shell stated he agrees with Lyon's concerns and clarified the county requested these improvements. Tammy Crumley, Director of Countywide Operations, further explained the issues were identified by the county, not the contractor, and it will be more cost-effective to address them now rather than in the future. Crumley described the improvements that will be made, including cabinetry, gutters, and doors.*

A motion was made by Commissioner Shell, seconded by Commissioner Cohen to authorize the execution of Change Order No.1 to the Thermon building remodel agreement with The Fence Lady Inc. in the amount of \$7,066.21 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

Discussion and possible action to consider the creation of a Justice Court, Precinct 2 Place 2 under Chapter 27 of the Texas Government Code.

*Commissioner Cohen explained she believes a Justice of the Peace Place 2 should be added to Precinct 2 due to increased work load and population growth. Beth Smith, Justice of the Peace Precinct 2, spoke about the challenges she has faced due to large population growth and the potential of providing services to the eastern portion of the county. Judge Becerra spoke about plans for an East Hays County campus and gave support for another Justice Court. Sandra Bryant, Justice of the Peace Precinct 5, spoke about the large growth Hays County has experienced and gave support for another Justice Court. Tucker Furlow, Assistant Criminal District Attorney - Civil Division, spoke about the process of creating a new Justice Court and how it could affect elections. Commissioner Ingalsbe spoke about providing more services to the eastern portion of the county. Commissioner Shell spoke about the possibility of creating a precinct on the east side of the county and having a medical examiner, and inquired about the costs associated with the creation of a new Justice Court. The Court discussed with Judge Smith and Judge Bryant the staff and office space that would be needed. Commissioner Smith gave support for more services on the east side of the county and spoke about maintaining convenience for citizens. The Court discussed with Furlow the possibility of creating a 6th precinct and gave direction for the creation of a committee to evaluate options and provide a recommendation, and for Countywide Operations to search for office space on the east side of the county. No action taken.*

Discussion and possible action regarding the Fiscal Year 2024 budget including a presentation of the Budget Office recommended budget and selection of dates for budget workshops.

*Vickie Dorsett, Hays County Budget Officer, presented the recommended budget to the Court and stated Budget Workshops are scheduled for 11 a.m. on August 8th and August 15th, and the Public Hearing to vote on a proposed budget and proposed tax rate is scheduled for 1 p.m. on August 22nd. The Court thanked Dorsett for all her work on the budget and discussed inflation, the tax rate, and salary increases. No action taken.*

**Clerk's Note:** Executive Session began at 11:42 a.m. and resumed back into open court at 12:18 p.m.

**39249** 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.

*Commissioner Smith clarified the Office of General Counsel has been moved under the Criminal District Attorney's Office, and this just transfers all duties.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to confirm that past Parks-related authorizations for the Office of General Counsel are now given to the Civil Division of the Hays County Criminal District Attorney's Office, including but not limited to authority to engage Surveying or Appraisal services for Parks Bond projects, and authority to execute all documents incidental to Closing a transaction approved by Commissioners Court.



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

**5 - 0 Passed - Unanimously**

**39250** 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 Hot Pursuit and Project Midnight Blue. Possible action may follow in open court.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize the Civil Division of the Hays County Criminal District Attorney's Office to send a letter of support in regard to Project Midnight Blue, as presented in Executive Session.

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 562 for the week of July 23, 2023, with a peak of 572 inmates on July 29, 2023. The estimated cost for outsourcing inmates this week was \$150,650. The average number of outsourced males is 240 and females is 0. This week's inmates were housed in the following counties: Atascosa, Comal, Haskell, and Maverick. The number of "paper-ready" inmates who are now wardens of the state is 48.*

**Clerk's Note:** Judge Becerra called for a recess that began at 11:13 a.m. and resumed back into open court at 11:21 a.m.

**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.*

**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.*

**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 of Pre-Trial Services Randy Focken. - WAS PULLED.*

## **ADJOURNMENT**

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 12:20 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 AUGUST 1, 2023.



*Elaine H. Cardenas*

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

