

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 19, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19th DAY OF SEPTEMBER 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, Hays County Chaplain, 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 against salary increases for elected officials.

39439 Adopt a Proclamation recognizing October 1-7, 2023 as National 4-H Week.

The Court congratulated the 4-H members present and spoke about all the program offers. Marlena Moore, Penelope Soto, Benjamin Soto, and Kaitlyn Miller, 4-H members, spoke about their involvement in the program. Sierra Murray, Hays County 4-H and Youth Program Coordinator, stated the Hays County 4-H Council will host a blood drive on October 6th, 2023 from 10 a.m. to 2 p.m. at the Hays County Precinct 3 Office.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt a Proclamation recognizing October 1-7, 2023 as National 4-H Week.

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

5 - 0 Passed - Unanimously

39440 Adopt a Proclamation recognizing September 15-October 15, 2023 as Hispanic Heritage Month.

Commissioner Ingalsbe expressed appreciation for the recognition of Hispanic Heritage Month. Commissioner Cohen spoke about the importance of Hispanic history. Commissioner Shell thanked the Historical Commission and other groups for their work on preserving Hispanic heritage and history. Commissioner Smith spoke about working with the Historical Commission on additional recognition and funding a facility through the Parks and Open Space bond. Judge Becerra spoke about unity and recognizing history. Gina Alba-Rogers, Chair of the Council for the Indigenous and Tejano Community, thanked the Court for the Proclamation and spoke about new historical findings. Miguel Arredondo, Chair of the Hispanic Heritage Committee, thanked the Court for the Proclamation.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a Proclamation recognizing September 15-October 15, 2023 as Hispanic Heritage Month.

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

5 - 0 Passed - Unanimously



Presentation of Hays County Employee Service and Retirement Awards.

Shari Miller, Hays County Human Resources Director, presented employees with service milestone and retirement awards. The Court, Mike Jones, Director of the Office of Emergency Services, Lieutenant Dennis Gutierrez, Hays County Sheriff's Office, Shari Miller, Director of Human Resources, and Marisol Villarreal-Alonzo, Hays County Auditor, recognized Mark Kennedy, General Counsel, for his retirement from Hays County and thanked him for over 20 years of service.

Presentation by the Hays County Office of Emergency Services to include a recap of the 2023 Preparedness Fair and to announce the winning department for the best overall basket in the employee raffle basket contest.

Mike Jones, Director of the Office of Emergency Services, spoke about the 2023 Preparedness Fair and thanked its sponsors and participating Hays County departments. The Hays County Auditor's Office was presented with the first place award for the raffle basket contest.

39441 Approve payments of County invoices.

A motion was made by Commissioner Smith, 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

39442 Approve the payment of Juror checks.

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

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

5 - 0 Passed - Unanimously

39443 Approve the payment of United Healthcare claims.

A motion was made by Commissioner Smith, 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

39444 Approve Commissioners Court Minutes of September 12, 2023.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Commissioners Court Minutes of September 12, 2023.

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

5 - 0 Passed - Unanimously

39445 Approve the payment of the September 30, 2023 payroll disbursements in an amount not to exceed \$4,700,000 effective September 30, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve the payment of the September 30, 2023 payroll disbursements in an amount not to exceed \$4,700,000 effective September 30, 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

39446 Approve Resolution Amending Authorized Representatives agreement with TexPool.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Resolution Amending Authorized Representatives agreement with TexPool.



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

5 - 0 Passed - Unanimously

39447 Authorize Countywide Operations to renew the annual Commercial General Liability and Excess Liability Insurance related to the Gay Ruby Dahlstrom Nature Preserve in the amount of \$10,009.85; authorize a waiver to the purchasing policy.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize Countywide Operations to renew the annual Commercial General Liability and Excess Liability Insurance related to the Gay Ruby Dahlstrom Nature Preserve in the amount of \$10,009.85; authorize a waiver to the purchasing policy.

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

5 - 0 Passed - Unanimously

39448 Authorize the execution of the First Contract Renewal for the Statewide Automated Victim Notification Service (SAVNS) with Apriss Insights, LLC.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of the First Contract Renewal for the Statewide Automated Victim Notification Service (SAVNS) with Apriss Insights, LLC.

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

5 - 0 Passed - Unanimously

39449 Authorize the Hays County Criminal District Attorney's Office to purchase four (4) HotDocs user licenses for document assembly software related to Child Protection Court cases.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the Hays County Criminal District Attorney's Office to purchase four (4) HotDocs user licenses for document assembly software related to Child Protection Court cases.

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

5 - 0 Passed - Unanimously

39450 Authorize the execution of a renewal agreement for \$39,355.08 for Westlaw Patron Access for use by Hays County Law Library patrons.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a renewal agreement for \$39,355.08 for Westlaw Patron Access for use by Hays County Law Library patrons.

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

5 - 0 Passed - Unanimously

39451 Authorize the execution of a renewal agreement for \$31,376.76 Westlaw online legal research services for use by Hays County Courts judges and staff with funds budgeted for FY2024 budget.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the execution of a renewal agreement for \$31,376.76 Westlaw online legal research services for use by Hays County Courts judges and staff with funds budgeted for FY2024 budget.

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

5 - 0 Passed - Unanimously

39452 Approve Utility Permits.

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

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

5 - 0 Passed - Unanimously



39453 Authorize payment to Richard Cowell Tactical where the amount was \$554.50 to purchase a vest carrier for the Constable Pct. 3 office in which no purchase order was issued as required per the County Purchasing Policy.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize payment to Richard Cowell Tactical where the amount was \$554.50 to purchase a vest carrier for the Constable Pct. 3 office in which no purchase order was issued as required per the County Purchasing Policy.

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

5 - 0 Passed - Unanimously

39454 Authorize the acceptance of additional funds from the Texas Indigent Defense Commission for the Regional Padilla Compliance Program in the amount of \$136,451.00 and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the acceptance of additional funds from the Texas Indigent Defense Commission for the Regional Padilla Compliance Program in the amount of \$136,451.00 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39455 Authorize payment to Panoramic Software Inc. Vetpro software in the amount of \$1,800.00 for the Veteran's Administration Office in which no purchase order was issued as required per County Purchasing Policy.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize payment to Panoramic Software Inc. Vetpro software in the amount of \$1,800.00 for the Veteran's Administration Office in which no purchase order was issued as required per County Purchasing Policy.

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

5 - 0 Passed - Unanimously

39456 Authorize the County Judge to execute the First Amendment for a time extension to the Contract between Hays County and Vista Planning and Design for work on Sentinel Peak Preserve Master Plan Phase 2 A&B.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute the First Amendment for a time extension to the Contract between Hays County and Vista Planning and Design for work on Sentinel Peak Preserve Master Plan Phase 2 A&B.

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

5 - 0 Passed - Unanimously

39457 Authorize the County Judge to execute a Contract Amendment with Texas Disposal Systems related to Hauling Solid Waste pursuant to IFB 2020-B02, adding a \$15.00 monthly weight report fee for each location, Driftwood and Wimberley.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Contract Amendment with Texas Disposal Systems related to Hauling Solid Waste pursuant to IFB 2020-B02, adding a \$15.00 monthly weight report fee for each location, Driftwood and Wimberley.

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

5 - 0 Passed - Unanimously

39458 Approve contract change orders for Diamondback Landscaping and Lawn care, Inc. (\$20,021.10) pursuant to IFB 2023-B13 for additional scope of work for the Courthouse Grounds Renovation Project.



Dan Lyon made a public comment concerning guarantees on equipment replacements and repairs. Judge Becerra and Tammy Crumley, Director of Countywide Operations, explained why the sprinkler replacements are needed. Commissioner Ingalsbe stated this project is winding down and she will be requesting additional funding from the Tax Increment Reinvestment Zone (TIRZ).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve contract change orders for Diamondback Landscaping and Lawn care, Inc. (\$20,021.10) pursuant to IFB 2023-B13 for additional scope of work for the Courthouse Grounds Renovation Project.

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

5 - 0 Passed - Unanimously

39459 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 (December 31, 2023) for \$5,000.00 monthly, plus any additional Letter of Credit Fees and authorize a discretionary exemption pursuant to Section 262.024 (a)(4) of the Texas Local Government Code.

A motion was made by Commissioner Smith, seconded by Commissioner Shell 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 (December 31, 2023) for \$5,000.00 monthly, plus any additional Letter of Credit Fees and authorize a discretionary exemption pursuant to Section 262.024 (a)(4) of the Texas Local Government Code.

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

5 - 0 Passed - Unanimously

39460 Accept Delivery of the Quarterly Audit Report for the Fire Marshal Office and the Parks Department for the audit period January 2023 through March 2023.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept Delivery of the Quarterly Audit Report for the Fire Marshal Office and the Parks Department for the audit period January 2023 through March 2023.

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

5 - 0 Passed - Unanimously

39461 Accept delivery of the Internal Examination report for the District Attorney's Office.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept delivery of the Internal Examination report for the District Attorney's Office.

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

5 - 0 Passed - Unanimously

39462 Approve specifications for RFQ 2023-Q01 Public Improvement District (PID) Bond Underwriting Services and authorize Purchasing to solicit for proposals and advertise.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve specifications for RFQ 2023-Q01 Public Improvement District (PID) Bond Underwriting Services and authorize Purchasing to solicit for proposals and advertise.

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

5 - 0 Passed - Unanimously

39463 Amend various departmental operating, special revenue and capital project budget funds in preparation for the County's Fiscal Year 2023 year-end process.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to amend various departmental operating, special revenue and capital project budget funds in preparation for the County's Fiscal Year 2023 year-end process.

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

5 - 0 Passed - Unanimously



39464 Authorize payment to AMG Print & Mailing in the amount of \$1,015.72 for the Treasurer's Office in which no purchase order was issued as required per County Purchasing Policy.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize payment to AMG Print & Mailing in the amount of \$1,015.72 for the Treasurer's Office in which no purchase order was issued as required per County Purchasing Policy.

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

5 - 0 Passed - Unanimously

39465 Approve Commissioner Pct 4 to contribute community funds to the following: Dripping Springs Independent School District Education Foundation (\$1,000.00), Hays Independent School District Education Foundation (\$1,000.00), and Foster Village (\$1,000.00).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Commissioner Pct 4 to contribute community funds to the following: Dripping Springs Independent School District Education Foundation (\$1,000.00), Hays Independent School District Education Foundation (\$1,000.00), and Foster Village (\$1,000.00).

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

5 - 0 Passed - Unanimously

39466 Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 4 in the amount of \$40,000.00 to the Professional Services Agreement with WSB & Associates, Inc. for the US 290 West at Trautwein Road Intersection project in Precinct 4, as part of the 2016 Road Bond Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

Commissioner Smith explained this amendment addresses changes that need to be made to the intersection plan due to a new development in the area.

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 \$40,000.00 to the Professional Services Agreement with WSB & Associates, Inc. for the US 290 West at Trautwein Road Intersection project in Precinct 4, as part of the 2016 Road Bond Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

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

5 - 0 Passed - Unanimously

39467 Discussion and possible action to authorize the County Judge to execute Change Order No. 3 in the amount of \$92,978.49 to the Professional Services Agreement with BGE, Inc. for the RM 12 Safety Improvements near the intersection of Mountain Crest and Skyline Drive project in Precinct 3, as part of the 2016 Road Bond Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

Commissioner Shell stated Texas Department of Transportation will pay for construction and this increase is mainly due to additional coordination that is needed with property owners.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Change Order No. 3 in the amount of \$92,978.49 to the Professional Services Agreement with BGE, Inc. for the RM 12 Safety Improvements near the intersection of Mountain Crest and Skyline Drive project in Precinct 3, as part of the 2016 Road Bond Program, utilizing a discretionary exemption pursuant to Texas Local Government Code Ch. 262.024(a)(4).

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

5 - 0 Passed - Unanimously

39468 Hold a public hearing with possible action to establish a 3-way stop at the intersection of Green Pastures Road and Country Lane.

Judge Becerra opened the Public Hearing at 1:02 p.m. No comments were made. Judge Becerra closed the Public Hearing at 1:02 p.m.



A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to establish a 3-way stop at the intersection of Green Pastures Road and Country Lane.

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

5 - 0 Passed - Unanimously

39469 Hold a public hearing with possible action to establish a 3-way stop at the intersection of Bunton Lane, Heidenreich Lane, and Dairy Road.

Judge Becerra opened the Public Hearing at 1:02 p.m. No comments were made. Judge Becerra closed the Public Hearing at 1:02 p.m.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to establish a 3-way stop at the intersection of Bunton Lane, Heidenreich Lane, and Dairy Road.

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

5 - 0 Passed - Unanimously

39470 Discussion and possible action to accept fiscal surety for street and drainage improvements in the amount of \$381,390.20 for the Driftwood, Phase 1, Lot 2, Revised Plat (Irrevocable Standby Letter of Credit No. 1103466966).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept fiscal surety for street and drainage improvements in the amount of \$381,390.20 for the Driftwood, Phase 1, Lot 2, Revised Plat (Irrevocable Standby Letter of Credit No. 1103466966).

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

5 - 0 Passed - Unanimously

39471 Discussion and possible action to consider the release of the subdivision performance bond #7901063583 in the amount of \$372,201.25 for phase 4, and #7901063582 in the amount \$863,725.25 for phase 5, and the acceptance of the roads into the County Road Maintenance System for Trails at Windy Hills Subdivision Phase 4 and 5.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to release the subdivision performance bond #7901063583 in the amount of \$372,201.25 for phase 4, and #7901063582 in the amount \$863,725.25 for phase 5, and accept the roads into the County Road Maintenance System for Trails at Windy Hills Subdivision Phase 4 and 5.

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

5 - 0 Passed - Unanimously

39472 Discussion and possible action to accept fiscal surety for the construction of roadway and drainage improvements in the amount of \$2,855,411.19 for the Sunset Oaks, Section 4, Phase 3B, Final Subdivision (Bond # 6131050164).

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 \$2,855,411.19 for the Sunset Oaks, Section 4, Phase 3B, Final Subdivision (Bond # 6131050164).

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

5 - 0 Passed - Unanimously

39473 PLN-2208-PC; Call for a Public Hearing on October 10th, 2023, followed by discussion and possible action regarding Carol Oaks, Lot 6, Replat.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to call for a Public Hearing on October 10th, 2023, followed by discussion and possible action regarding Carol Oaks, Lot 6, Replat (PLN-2208-PC).

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

5 - 0 Passed - Unanimously



39474 PLN-2293-PC; Call for a Public Hearing on October 10th, 2023, followed by discussion and possible action regarding 272 AC Fitzhugh, Lots 18 & 28, Replat.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to call for a Public Hearing on October 10th, 2023, followed by discussion and possible action regarding 272 AC Fitzhugh, Lots 18 & 28, Replat (PLN-2293-PC).

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

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #J-3 RE: PLN-2313-NP; Discussion and possible action regarding the Hawk Ridge, Phase 2, Final Plat (27 Lots). - WAS PULLED.

39475 Discussion and possible action to authorize the execution of a \$2,000,000.00 Letter of Agreement between Hays County and CHRISTUS Santa Rosa Hospital (CSRSM) as budgeted for FY2024 related to Indigent health care costs' authorize a discretionary exemption pursuant to Texas Local Government Code 262.024 (a)(4).

Judge Becerra inquired about opening this to other parties in the future. Commissioner Shell provided background on this program and recognized Christus for working with Hays County to enhance the indigent health services provided.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the execution of a \$2,000,000.00 Letter of Agreement between Hays County and CHRISTUS Santa Rosa Hospital (CSRSM) as budgeted for FY2024 related to Indigent health care costs' 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

39476 Discussion and possible action to adopt an order of the Commissioners Court of Hays County, Texas accepting and approving the 2023 Annual Service Plan Update to the Service and Assessment Plan (SAP) including updated Major Improvement Area assessment roll, Neighborhood Improvement Area #1 assessment roll, Neighborhood Improvement Area #2 assessment roll, and Neighborhood Improvement Area #3 assessment roll for the La Cima Public Improvement District (PID); making and adopting findings; providing a cumulative repealer clause; and providing an effective date.

Jordan Powell, Assistant Criminal District Attorney - Civil Division, stated this is an annual update to the SAP and reviewed the changes.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to adopt an order of the Commissioners Court of Hays County, Texas accepting and approving the 2023 Annual Service Plan Update to the Service and Assessment Plan (SAP) including updated Major Improvement Area assessment roll, Neighborhood Improvement Area #1 assessment roll, Neighborhood Improvement Area #2 assessment roll, and Neighborhood Improvement Area #3 assessment roll for the La Cima Public Improvement District (PID); making and adopting findings; providing a cumulative repealer clause; and providing an effective date.

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

5 - 0 Passed - Unanimously

39477 Hold a public hearing in accordance with Section 293.101 of the Texas Health and Safety Code, to discuss, consider, and take appropriate action on the proposed mandatory payment rate to be assessed on institutional healthcare providers in fiscal year (FY) 2024 pursuant to the County Health Care Provider Participation Program.

Judge Becerra opened the Public Hearing at 10:56 a.m. Robin Oldham, representative for Adelanto HealthCare Ventures, spoke about the benefits of the program and stated the providers are requesting a rate of 6%, which would generate over \$50 million. Judge Becerra closed the Public Hearing at 10:59 a.m. Commissioner Shell spoke about the creation of the Hays County Local Provider Participation Fund (LPPF) and how it has assisted hospitals in treating uninsured and underinsured patients.



A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to set a rate of 6% for the Hays County Local Provider Participation Fund.

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

5 - 0 Passed - Unanimously

39478 Discussion and possible action to execute an Equipment Relocation Request for the Personal Health Department (\$417.38) and the Election's Office (\$417.38) copiers and amend the budget accordingly.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to execute an Equipment Relocation Request for the Personal Health Department (\$417.38) and the Election's Office (\$417.38) copiers and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39479 Discussion and possible action to appoint a Justice of the Peace, Precinct 2 Place 2 effective 10/1/2023 pursuant to Texas Local Government Code Chapter 87.041.

Commissioner Cohen reviewed the selection process and stated J.R. Mendoza is recommended by the selection committee for the new Justice of the Peace, Precinct 2 Place 2 position. Commissioner Ingalsbe thanked Andy Cable, Justice of the Peace Precinct 3, for being involved in the interview process. Judge Becerra explained why this position is appointed now and elected in November. Commissioner Shell and Commissioner Smith thanked Commissioner Cohen and Commissioner Ingalsbe for their work on this recommendation.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to appoint J.R. Mendoza to fill the vacancy in the office of the Justice of the Peace, Precinct 2 Place 2 effective 10/1/2023 pursuant to Texas Local Government Code Chapter 87.041.

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

5 - 0 Passed - Unanimously

39480 Discussion and possible action to set the off-duty County Patrol Vehicle fees for the Constable and Sheriff Departments under Texas Local Government Code Section 118.131.

Commissioner Smith spoke about the process of determining the fees. Vickie Dorsett, Hays County Budget Officer, explained why increases are being recommended. Ron Hood, Constable Precinct 4, stated a majority of the constables have agreed to a \$20 fee for use of a County vehicle, a \$25 fee for the use of a County vehicle with an officer present, and a \$100 fee for the continuous use of a County vehicle during an event. Funeral escorts will continue to be performed free of charge. The Court discussed the recommended fees and whether to allow County vehicles to be used outside of Hays County. Lieutenant Dennis Gutierrez, Hays County Sheriff's Office, spoke about the rate recommendations and suggested hourly rates instead of flat fees for continuous use. Tucker Furlow, Assistant Criminal District Attorney - Civil Division, stated the fees will need to be set before October 1st but can become effective in January. Commissioner Smith suggested keeping the flat rate for continuous use up to a certain amount of time, and implementing an hourly rate if an event goes past that time. Commissioner Shell suggested \$100 for up to 4 hours, and \$40 per hour after that. Judge Becerra clarified the flat rates of \$20 and \$25 will be kept for basic use of County vehicles. The Court further discussed the use of vehicles outside of Hays County and concluded they can be used in adjacent counties for public events. Constable Hood asked for the hourly rate after 4 hours for continuous use to be changed to \$25 per hour.

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to set the off-duty County Patrol Vehicle fees for the Constable and Sheriff Departments under Texas Local Government Code Section 118.131 as discussed in court.

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

5 - 0 Passed - Unanimously

Clerk's Note: Judge Becerra called for a recess that began at 10:38 a.m. and resumed back into open court at 10:47 a.m.



39481 Discussion and possible action to authorize the execution of the Equipment Calibration & Maintenance Program Agreement with FarrWest pursuant to HGAC Contract EP11-20, in the amount of \$14,469.72 annually, effective October 1, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of the Equipment Calibration & Maintenance Program Agreement with FarrWest pursuant to HGAC Contract EP11-20, in the amount of \$14,469.72 annually, effective October 1, 2023.

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

5 - 0 Passed - Unanimously

1:00pm - Hold a final public hearing for the Fiscal Year 2024 Hays County Proposed Budget.

Judge Becerra opened the Public Hearing at 1:06 p.m. Dan Lyon spoke against County spending and salary increases. Ellen Ermis, Communications Coordinator and Grant Writer for the Kyle Area Senior Zone, thanked the Court for their contribution and spoke about their need for a community center. Judge Becerra closed the Public Hearing at 1:10 p.m. Vickie Dorsett, Hays County Budget Officer, reviewed budget requests and changes with the Court, including funding for the new Justice of the Peace Precinct 2 Place 2, a new Purchasing Department, and personnel changes. The Court discussed Commissioner Smith's request for additional staff in his office and using ARPA funds for a temporary position. Deedee Rodgers, Hays County Clerk Chief Deputy, spoke about employee placement within the salary step plan and longevity. The Court discussed the implementation of the salary step plan and concluded employees will be placed in the step plan on October 1, 2023 based on their date of promotion, and department heads will be allowed to use the remaining funding to place their employees in the plan based on date of hire at their own discretion on February 1, 2024. Dorsett reviewed additional changes to the budget, including inmate outsourcing and jail funding, personnel and equipment requests from various departments, and ARPA fund allocations. Commissioner Smith and Marcus Pacheco, Director of Development Services, discussed new requested planner positions and additional work that will be created for the department by the new annexation law. Commissioner Shell granted \$10,000 of his ARPA allocation to each of the following social service organizations: Pet Prevent a Litter of Central Texas (PALS), Southside Community Center, Hays-Caldwell Women's Center, Greater San Marcos Youth Shelter, and CASA of Central Texas. Commissioner Smith stated he plans to allocate his remaining ARPA funds by the end of the year. Commissioner Ingalsbe granted \$10,000 of her ARPA allocation to PALS, \$25,000 to KZSM Radio Station, \$7,500 to the Council for the Indigenous and Tejano Community (CITC), and \$10,000 to Southside Community Center. Commissioner Cohen granted \$5,000 of her ARPA allocation to PALS, \$7,500 to CITC, and \$5,000 to Southside Community Center. Commissioner Smith explained why the Behavioral Advisory Team (BAT) can be funded by the Opioid Settlement Fund. Shari Miller, Director of Human Resources, presented updated employee service gifts.

39482 Discussion and possible action to set the Fiscal Year 2024 salaries and allowances for Hays County Elected Officials.

Commissioner Smith stated he will not vote for a pay raise for himself.

A motion was made by Commissioner Shell, seconded by Commissioner Cohen to set the salaries and allowances for Hays County Elected Officials, including longevity payments for those eligible as posted and presented for Fiscal Year 2024.

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

4 - 1 Passed

39483 Discussion and possible action to adopt the Fiscal Year 2024 Hays County budget after making final changes as a result of the public hearing.

A motion was made by Commissioner Shell, seconded by Commissioner Cohen to adopt the Fiscal Year 2024 Hays County Budget to include all changes approved and presented during the final budget hearing.

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

5 - 0 Passed - Unanimously



39484 Discussion and possible action to ratify the property tax increase reflected in the Fiscal Year 2024 Hays County budget.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to ratify the property tax increase reflected in the Fiscal Year 2024 Hays County Budget. This budget will raise more revenue from property taxes than last year's budget by an amount of \$12,771,921 or 12.03% increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$7,717,538.

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

5 - 0 Passed - Unanimously

39485 Discussion and possible action to approve an order adopting the tax rate for Fiscal Year 2024 and levy the taxes.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe that the Fiscal Year 2024 property tax rate be set by the adoption of a tax rate of .3075 cents as follows; .2046 cents - General Maintenance & Operations, .0829 cents - General Debt, .0200 cents - Road & Bridge Maintenance & Operations.

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

5 - 0 Passed - Unanimously

11:00 a.m. - Budget Workshop regarding the Fiscal Year 2024 budget. Possible action may follow.

Judge Becerra opened the Budget Workshop at 11:05 a.m. Gina Alba-Rogers, Chair of the Council for the Indigenous and Tejano Community (CITC), presented the council's work over the past year and requested \$25,000 in funding from Hays County. Justin Randolph, Assistant Professor of History at Texas State University, spoke in support of CITC and additional funding. Elaine Cardenas, Hays County Clerk, read letters of support for CITC from Professor Justin Randolph and Steven Gonzales, Executive Director of El Camino Real de los Tejas National Historic Trail Association. Alba-Rogers spoke about plans for a museum exhibit. Commissioner Ingalsbe offered to provide the additional funding for CITC through her ARPA allocation. Commissioner Smith expressed concerns over fully funding a social service organization and suggested alternative funding sources. Vickie Dorsett, Hays County Budget Officer, reviewed with the Court various budget requests, including personnel regrades, promotions, and placement of employees into the step and grade salary plan. The Court had a lengthy discussion with Dorsett, Shari Miller, Director of Human Resources, and Elaine Cardenas, County Clerk, on whether to place employees in the step plan based on their date of hire or their date of most recent promotion. Commissioner Shell suggested placing employees in the step plan based on their date of promotion, and allowing department heads to use the remaining funding to place their employees in the plan based on date of hire at their own discretion on February 1, 2024. Judge Becerra closed the Budget Workshop at 12:50 p.m. No action taken.

Clerk's Note: Executive Session began at 2:54 p.m. and resumed back into open court at 3:13 p.m.

39486 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 Shell stated this is a follow-up to the Court's previous action regarding the Elsik transaction, and closing costs are \$13,323.33, which includes title insurance and fees.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to amend the budget to provide closing costs for the transaction, bringing the total amount of the transaction to \$2,513,323.33, to be paid from Parks and Open Space Bond funds.

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

5 - 0 Passed - Unanimously



39487 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. 2. Possible discussion and/or action may follow in open court.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to accept the landowner's counteroffer and authorize execution of a Purchase Agreement for Parcel 11 of the Windy Hill Road Project owned by Joshua B. Walker and Anne M. Walker, as presented in Executive Session, and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #N-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 554 for the week of September 10, 2023, with a peak of 563 inmates on September 13, 2023. The estimated cost for outsourcing inmates this week was \$168,260. The average number of outsourced males is 251 and females is 8. This week's inmates were housed in the following counties: Comal, Haskell, and Maverick. The number of "paper-ready" inmates who are now wardens of the state is 49.

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

Clerk's Note Agenda Item #N-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 #N-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 3:17 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 SEPTEMBER 19, 2023.




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

