

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MAY 2, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2nd DAY OF MAY 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 and growth. David Patterson emailed a public comment concerning the effects of county growth and its cost to residents.

38908 Adopt a Proclamation declaring May 15-21, 2023 as Police Week and May 18, 2023 as Peace Officers Memorial Day.

Lt. Ronnie Strain, Hays County Sheriff's Office, thanked the Court for the Proclamation and invited the public to a Memorial Day at the Government Center. The Court spoke about the importance of police and peace officers and thanked them and their families for their sacrifices.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to adopt a Proclamation declaring May 15-21, 2023 as Police Week and May 18, 2023 as Peace Officers Memorial Day.

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

5 - 0 Passed - Unanimously

38909 Adopt a Proclamation recognizing May 9, 2023 as National Fentanyl Awareness Day.

Commissioner Cohen read a statement from the Hays County Local Health Department about the impact of fentanyl and the importance of awareness and action. Deputy Anthony Hipolito, Hays County Sheriff's Office, thanked the Court for the Proclamation and spoke about the outreach the office is doing with grant money it was awarded.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing May 9, 2023 as National Fentanyl Awareness Day.

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

5 - 0 Passed - Unanimously

38910 Adopt a Proclamation recognizing May 2023 as Mental Health Awareness Month.

Cristal Lopez, Youth Services Director for the SMTX Mental Health Coalition, thanked the Court for the Proclamation and invited the public to attend upcoming events.



A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a Proclamation recognizing May 2023 as Mental Health Awareness Month.

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

5 - 0 Passed - Unanimously

Presentation to update the Commissioners Court on the Plum Creek Watershed Partnership & Watershed Protection Plan by the new Coordinator, Sean Melvin.

Sean Melvin, Plum Creek Watershed Coordinator, updated the Court on the current state of the watershed and spoke about upcoming events and initiatives.

38911 Approve payments of County invoices.

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

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

5 - 0 Passed - Unanimously

38912 Approve the payment of Juror checks.

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

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

5 - 0 Passed - Unanimously

38913 Approve the payment of United Healthcare claims.

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

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

5 - 0 Passed - Unanimously

38914 Approve Commissioners Court Minutes of April 25, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve Commissioners Court Minutes of April 25, 2023.

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

5 - 0 Passed - Unanimously

38915 Approve the payment of the May 15, 2023 payroll disbursements in an amount not to exceed \$4,000,000.00 effective May 15, 2023 and post totals for wages, withholdings, deductions and benefits on the Hays County website once finalized.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve the payment of the May 15, 2023 payroll disbursements in an amount not to exceed \$4,000,000.00 effective May 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

38916 Authorize the County Judge to execute a no-cost, time extension to the Half Associates, Inc. Work Authorization #3 Agreement, related to the 2020 Parks and Open Space Bond Program master Services Agreement.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute a no-cost, time extension to the Half Associates, Inc. Work Authorization #3 Agreement, related to the 2020 Parks and Open Space Bond Program master Services Agreement.



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

5 - 0 Passed - Unanimously

38917 Authorize the County Judge to execute a General and No Litigation Certificate of Hays related to the issuance of bonds by Capital Area Housing Finance Corporation for Preserve at Mustang Creek, Williamson County, Texas.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute a General and No Litigation Certificate of Hays related to the issuance of bonds by Capital Area Housing Finance Corporation for Preserve at Mustang Creek, Williamson County, Texas.

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

5 - 0 Passed - Unanimously

38918 Authorize Building Maintenance to purchase and install two new Herman Miller cubicle spaces valued at \$13,354.01 for the Development Services Office and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize Building Maintenance to purchase and install two new Herman Miller cubicle spaces valued at \$13,354.01 for the Development Services Office and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38919 Authorize the acceptance of an amended grant award from the Office of the Governor, Bullet Resistant Shield Grant Program to reflect the total number of shields to be purchased as 41 instead of 38 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the acceptance of an amended grant award from the Office of the Governor, Bullet Resistant Shield Grant Program to reflect the total number of shields to be purchased as 41 instead of 38 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 #G-10 RE: *Authorize the County Judge to execute an Order Form with Flock Group, Inc. for the Constable Pct. 4 Office to purchase a software subscription for one Falcon Flex LPR Camera System under the Sheriff's Office Master Agreement; authorize a purchasing wavier to the purchasing policy. - WAS PULLED.*

38920 Approve the Consent to Assignment of IFB 2020-B02 Hauling Solid Waste with JJ's Waster and Recycling (formerly Central Waste & Recycling) to Central Texas Refuse, LLC.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve the Consent to Assignment of IFB 2020-B02 Hauling Solid Waste with JJ's Waster and Recycling (formerly Central Waste & Recycling) to Central Texas Refuse, LLC.

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

5 - 0 Passed - Unanimously

38921 Authorize the County Judge to execute an updated Proposal with Firetrol Protection Systems for \$95,285 to purchase and install the required items for the IT-Election Building Renovation.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute an updated Proposal with Firetrol Protection Systems for \$95,285 to purchase and install the required items for the IT-Election Building Renovation.

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

5 - 0 Passed - Unanimously



38922 Authorize the County Judge to execute Contract Amendment No. 5 with Pritchard Industries, SW, formerly known as PBS of Texas, related to RFP 2020-P02 Countywide Janitorial Services, adding janitorial services at 101 Thermon Drive, total monthly amount \$1,725.00 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute Contract Amendment No. 5 with Pritchard Industries, SW, formerly known as PBS of Texas, related to RFP 2020-P02 Countywide Janitorial Services, adding janitorial services at 101 Thermon Drive, total monthly amount \$1,725.00 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

38923 Authorize the Hays County Judge to execute an amendment and renewal of the Interlocal Agreement with the Guadalupe-Blanco River Authority regarding the funding and implementation of the Plum Creek Watershed Protection Plan (PCWPP) executed on or about July 11, 2011.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Hays County Judge to execute an amendment and renewal of the Interlocal Agreement with the Guadalupe-Blanco River Authority regarding the funding and implementation of the Plum Creek Watershed Protection Plan (PCWPP) executed on or about July 11, 2011.

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

5 - 0 Passed - Unanimously

38924 Authorize the submission of a grant application to the City of San Marcos's Community Block Development Grant program (CDBG) in the amount of \$30,000.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the submission of a grant application to the City of San Marcos's Community Block Development Grant program (CDBG) in the amount of \$30,000.00.

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

5 - 0 Passed - Unanimously

38925 PLN-1956-PC; Call for a Public Hearing on May 23, 2023, followed by discussion and possible action regarding the 3-G Ranch Addition, Section 3, Lot 5, Replat.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a Public Hearing on May 23, 2023, followed by discussion and possible action regarding the 3-G Ranch Addition, Section 3, Lot 5, Replat (PLN-1956-PC).

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

5 - 0 Passed - Unanimously

38926 PLN-2090-NP; Discussion and possible action regarding the Hays Commons Subdivision, Preliminary Plan; and to provide feedback to staff regarding preliminary plans under Chapter 705 of the Hays County Development Regulations.

Keith Whittington made a public comment against the proposed development due to road and flooding concerns. Jeff Kaufmann made a public comment against the proposed development and the need for interjurisdictional cooperation and development process transparency. Jeff Howard, representative for the applicant, made a public comment regarding the applicant's status within the approval process. Robert Levinski made a public comment against the proposed development and expressed concerns over compliance with the development agreement. Carol Gordon emailed a public comment against the proposed development and its possible effect on water quality. Carol Pennington emailed a public comment against the proposed development and its lot sizes and water plans. Mike Clifford with the Greater Edwards Aquifer Alliance emailed a public comment against the proposed development and how it may affect the environment. Brian Zabcik with the Save Barton Creek Association emailed a public comment against the proposed development and how it may affect the environment.



The Court discussed with Mark Kennedy, General Counsel, and Marcus Pacheco, Director of Development Services, the county's process for approving preliminary plans, Hays County's authority over this particular development, approval timelines, and issues with this preliminary plan, as well as how the court should address conditional approvals of plans moving forward.

A motion was made by Judge Becerra, seconded by Commissioner Cohen to deny the Hays Commons Subdivision, Preliminary Plan (PLN-2090-NP).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Judge Becerra

NAY: Commissioner Shell, Commissioner Smith

3 - 2 Passed

38927 Discussion and possible action to adopt an order authorizing the sale of fireworks beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May 2023.

Commissioner Shell stated the Fire Marshal has approved this.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to adopt an order authorizing the sale of fireworks beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May 2023.

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

5 - 0 Passed - Unanimously

38928 Discussion and possible action to authorize the County Judge to execute an Amended and Restated Interlocal Agreement Regarding the City of Kyle Tax Increment Reinvestment Zone Number Two between Hays County and the City of Kyle.

Commissioner Cohen explained this will extend the agreement from 2038 to 2057. Commissioner Smith suggested standardizing the amount of time these can be extended. Commissioner Shell suggested edits to the agreement. Stephanie Leibe, City of Kyle Bond Counsel with Norton Rose Fulbright, answered questions from the court. Judge Becerra summarized the TIRZ should not be used for general maintenance. Mark Kennedy, General Counsel, clarified a difference in the agenda item posting and the back-up.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Amended and Restated Interlocal Agreement Regarding the City of Kyle Tax Increment Reinvestment Zone Number Two between Hays County and the City of Kyle.

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

5 - 0 Passed - Unanimously

38929 Discussion and possible action on implementation of salary progression plans within the new salary chart.

Commissioner Shell explained there are existing salary progression plans within the county pay structure that need to be adjusted. Shari Miller, Director of Human Resources, further clarified this request is to continue these plans within the newly adopted pay structure and reviewed the budget impact.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to continue the pay progression plans as provided by Human Resources and presented 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 10:54 a.m. and resumed back into open court at 11:03 a.m.

38930 Discussion and possible action to consider granting a variance from Section 705.2.01 of the Hays County Development Regulations and allow issuance of development permits to the owner(s) of a portion of Tract 40C in Rainbow Ranch Subdivision, an unrecorded subdivision, in Precinct 3.



Marcus Pacheco, Director of Development Services, explained there will be no additional development on the property, just the installation of a water tank for fire suppression needs.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to grant a variance from Section 705.2.01 of the Hays County Development Regulations and allow issuance of development permits to the owner(s) of a portion of Tract 40C in Rainbow Ranch Subdivision, an unrecorded subdivision, in Precinct 3.

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

5 - 0 Passed - Unanimously

38931 Discussion and possible action to authorize each County Courts at Law Judge to procure a credit card in an amount not to exceed \$2,000.00 per card from the County depository bank.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize each County Courts at Law Judge to procure a credit card in an amount not to exceed \$2,000.00 per card from the County depository bank.

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

5 - 0 Passed - Unanimously

38932 Discussion and possible action to authorize the re-grade of one Bookkeeper/Purchasing Coordinator position in the Transportation Department, grade 114 to Financial Specialist I, grade 115, effective May 1, 2023.

Judge Becerra explained this is a continuation of the action taken at the last meeting and will create uniformity between departments. Commissioner Shell stated he will not support further re-grade requests until the budget process begins.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Smith to authorize the re-grade of one Bookkeeper/Purchasing Coordinator position in the Transportation Department, grade 114 to Financial Specialist I, grade 115, effective May 1, 2023.

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

5 - 0 Passed - Unanimously

38933 Discussion and possible action to consider a continuance of the Local Disaster Declaration originally proclaimed by the County Judge on or about February 3, 2023, and extended by Commissioners Court on February 10, 2023.

Mike Jones, Director of Emergency Services, spoke about the ongoing clean-up efforts. Mark Kennedy, General Counsel, recommended extending the declaration 91 days so it ends on August 1, 2023, a Commissioners Court date.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to extend the Local Disaster Declaration originally proclaimed by the County Judge on or about February 3, 2023, and extended by Commissioners Court on February 10, 2023, by 91 days.

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

5 - 0 Passed - Unanimously

38934 Discussion and possible action to call for a public hearing on May 23, 2023 to hear and finalize changes to the Hays County Food Establishment Regulations.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a public hearing on May 23, 2023 to hear and finalize changes to the Hays County Food Establishment Regulations.

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

5 - 0 Passed - Unanimously

Clerk's Note: Executive Session began at 11:28 a.m. and resumed back into open court at 11:43 a.m.



38935 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 the agreement will have a Not to Exceed amount of \$250,000, this is a collaboration between Hays County, ICI, and Texas State University, and once diligence is completed and the site is deemed viable, the County and ICI will execute a Parks and Open Space Agreement, committing the remainder of the POSAC recommended \$5,000,000 for this project.

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Diligence Funding Agreement between the Indigenous Cultures Institute and Hays County, Texas for the performance of due diligence on a prospective property for the establishment of an Indigenous Cultures Institute Center, 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

38936 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 authorize execution of a Purchase Agreement for Parcel 39 of the Windy Hill Road Improvement Project located in Precinct 2, owned by Heriberto Hernandez, 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 #L-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 563 for the week of April 23, 2023, with a peak of 572 inmates on April 25, 2023. The estimated cost for outsourcing inmates this week was \$145,220. The average number of outsourced males is 231 and females is 1. 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 34.

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

Clerk's Note Agenda Item #L-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 #L-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 11:46 a.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 MAY 2, 2023.



Elaine H. Cardenas

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

