

HAYS COUNTY COMMISSIONERS' COURT MINUTES



AUGUST 22, 2023

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 22nd 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 Jeff Latham, Westover Baptist 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 COMMENT

*Dan Lyon made a public comment regarding water conservation efforts. Amy Kamp made a public comment regarding concerns with the legal system in Hays County. Cyrus Gray made a public comment regarding concerns with the legal system in Hays County.*

**39319** Adopt a proclamation declaring September 2023 as Emergency Preparedness Month in Hays County.

*Mike Jones, Director of the Office of Emergency Services, thanked the Court and spoke about the importance of preparedness. Michelle Villegas, Emergency Preparedness Coordinator, invited the public to the 6th annual Hays County Emergency Preparedness Fair. Judge Becerra spoke about Emergency Service Districts (ESDs) and the ongoing work against wildfires. Commissioner Smith spoke about the ESDs in Dripping Springs. The Court thanked all emergency workers and volunteers.*

A motion was made by Commissioner Smith, seconded by Commissioner Ingalsbe to adopt a proclamation declaring September 2023 as Emergency Preparedness Month in Hays County.

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

**5 - 0 Passed - Unanimously**

Presentation of Hays County Employee Service Awards.

*Kim Jeter, Hays County HR Manager, presented service milestone awards to Hays County employees.*

Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for TruChoice Pregnancy Resource Center.

*Christopher Pitts and Terry Cummings made public comments against the item. Elaine H. Cardenas, Hays County Clerk, read an emailed public comment from Lianne Staff against the item. Judge Becerra noted this will not be voted on today. Eric Boehning, Ardurra Senior Project Manager, stated the ARPA grant would be used to purchase an ultrasound machine and exam table. Commissioner Shell explained the ARPA fund process and spoke about correspondence received against this item.*



Presentation by Ardurra regarding use of American Rescue Plan Act (ARPA) funds for Capital IDEA.

*Eric Boehning, Ardurra Senior Project Manager, stated the funds would be used to enroll students into their career expressway and would cover childcare, college prep, tuition, and supplies. Commissioner Ingalsbe stated \$90,000 is to be given over the next two years. Commissioner Smith thanked Commissioner Ingalsbe for this item and spoke about the work Capital IDEA has done within the county. Boehning explained the intent of the American Rescue Plan Act and how local governments are able to use the funds to mitigate the effects of the COVID-19 pandemic. Commissioner Smith further elaborated on the broad definition of the "effects of COVID" and how these funds can be used for non-profits and organizations that experienced revenue loss during the pandemic.*

Presentation by Dr. George Naufal, Texas A&M Associate Research Scientist, regarding Counsel at First Appearance (CAFA) Study Results.

*Dr. George Naufal, Texas A&M Associate Research Scientist, presented a study on how the presence of defense counsel at Magistration impacts defendant outcomes. The Court discussed the study results with Dr. Naufal, including comparisons to other counties the study was conducted in, the impact of the pandemic on court proceedings, and possible savings for the county. Chevo Pastrano, local attorney, expressed concerns over the implementation of CAFA and possible ethical issues. Gregg Cox, First Assistant Criminal District Attorney, gave support for giving defense counsel access to Magistration and spoke about recent changes to the Hays County legal system, including Pre-Trial Services and the Public Defender's Office.*

**39320 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**

**39321 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**

**39322 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**

**39323 Approve Commissioners Court Minutes of August 15, 2023.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve Commissioners Court Minutes of August 15, 2023.

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

**5 - 0 Passed - Unanimously**

**39324 Approve the payment of the August 31, 2023 payroll disbursements in an amount not to exceed \$5,150,000 effective August 31, 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 August 31, 2023 payroll disbursements in an amount not to exceed \$5,150,000 effective August 31, 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**

**39325** Adopt a resolution reflecting the creation of Justice Court, Precinct 2, Place 2, in accordance with action of the Hays County Commissioners Court on August 15, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to adopt a resolution reflecting the creation of Justice Court, Precinct 2, Place 2, in accordance with action of the Hays County Commissioners Court on August 15, 2023.

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

**5 - 0 Passed - Unanimously**

**39326** Authorize the Transportation Department to purchase a replacement fuel transfer tank valued at \$792.07 and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Transportation Department to purchase a replacement fuel transfer tank valued at \$792.07 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**39327** Accept donations totaling \$4,425.00 on behalf of the Hays County Child Protective Board and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to accept donations totaling \$4,425.00 on behalf of the Hays County Child Protective Board and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**39328** Authorize the execution of Amendment Number 2 to the Department of State Health Services (DSHS) Health Disparities Grant contract.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of Amendment Number 2 to the Department of State Health Services (DSHS) Health Disparities Grant contract.

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

**5 - 0 Passed - Unanimously**

**39329** Approve out-of-state travel for Emergency Communications Manager Megan Jones to attend the Tyler Advisory Board Meeting on September 19-20, 2023, in Troy, Michigan.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve out-of-state travel for Emergency Communications Manager Megan Jones to attend the Tyler 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**

**39330** Authorize the Sheriff's Office to purchase law enforcement equipment valued at \$1,198.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Sheriff's Office to purchase law enforcement equipment valued at \$1,198.00.

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

**5 - 0 Passed - Unanimously**



**39331** Authorize the execution of the FY 2024 Capital Area Council of Governments (CAPCOG) Interlocal Agreement for 9-1-1 Geographic Information System Database Management with the Capital Area Emergency Communications District (CAECD) for emergency communications Geographic Information Systems (GIS) services to be provided by Hays County with no County matching funds required.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of the FY 2024 Capital Area Council of Governments (CAPCOG) Interlocal Agreement for 9-1-1 Geographic Information System Database Management with the Capital Area Emergency Communications District (CAECD) for emergency communications Geographic Information Systems (GIS) services to be provided by Hays County with no County matching funds required.

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

**5 - 0 Passed - Unanimously**

**39332** Authorize the Commissioner Precinct 1 Office to support Rodriguez Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Commissioner Precinct 1 Office to support Rodriguez Elementary in the San Marcos Consolidated Independent School District (SMCISD) with activities for SMCISD students, families and staff.

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

**5 - 0 Passed - Unanimously**

**39333** Authorize the County Judge to use \$1500.00 of his Community Program Expense to support the San Marcos Kiwanis Club (\$500), Centro Cultural Hispano de San San Marcos (\$500) and SMTX Pride (\$500).

*Dan Lyon made a public comment against the item. Elaine H. Cardenas, County Clerk, read a letter submitted by SMTX Pride requesting support.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to use \$1500.00 of his Community Program Expense to support the San Marcos Kiwanis Club (\$500), Centro Cultural Hispano de San San Marcos (\$500) and SMTX Pride (\$500).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Judge Becerra

NAY: Commissioner Shell, Commissioner Smith

**3 - 2 Passed**

**39334** Authorize the submission of a grant application to the Department of Justice (DOJ), Bureau of Justice Assistance (BJA), FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$37,601.00.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the submission of a grant application to the Department of Justice (DOJ), Bureau of Justice Assistance (BJA), FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$37,601.00.

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

**5 - 0 Passed - Unanimously**

**39335** Authorize the County Judge to execute a renewal agreement between Hays County Building Maintenance and Stanley Allegion Access Technologies LLC for preventative maintenance and repairs of the four (4) Stanley Automatic doors at the Public Safety Building; authorize a waiver to the purchasing policy.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute a renewal agreement between Hays County Building Maintenance and Stanley Allegion Access Technologies LLC for preventative maintenance and repairs of the four (4) Stanley Automatic doors at the Public Safety Building; authorize a waiver to the purchasing policy.



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

**5 - 0 Passed - Unanimously**

**39336** Authorize the County Judge to execute an agreement between Hays County Building Maintenance and Stanley Allegion Access Technologies LLC for preventative maintenance and repairs of the nine (9) Stanley Automatic doors at the Government Center; authorize a waiver to the purchasing policy.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute an agreement between Hays County Building Maintenance and Stanley Allegion Access Technologies LLC for preventative maintenance and repairs of the nine (9) Stanley Automatic doors at the Government Center; authorize a waiver to the purchasing policy.

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

**5 - 0 Passed - Unanimously**

**39337** Amend various departmental operating, special revenue and capital project budgets in preparation for Fiscal Year 2023 quarterly financial reporting.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to amend various departmental operating, special revenue and capital project budgets in preparation for Fiscal Year 2023 quarterly financial reporting.

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

**5 - 0 Passed - Unanimously**

**39338** Authorize the execution of a First Amendment to the Professional Services Contract between Hays County and Neighborhood Defender Service, Inc., effective October 1, 2023.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of a First Amendment to the Professional Services Contract between Hays County and Neighborhood Defender Service, Inc., effective October 1, 2023.

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

**5 - 0 Passed - Unanimously**

**39339** Approve Utility Permits.

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

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

**5 - 0 Passed - Unanimously**

**39340** Approve Contract Change orders 1 (decrease \$670.64), 2 (increase \$7,790.00), and 3 (increase \$8,665.34) for Trimbuilt Construction, Inc. pursuant to IFB 2023-B13 Contractor for IT-Elections Building Renovation, increasing the overall contract by 1% and amend the budget accordingly.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to approve Contract Change orders 1 (decrease \$670.64), 2 (increase \$7,790.00), and 3 (increase \$8,665.34) for Trimbuilt Construction, Inc. pursuant to IFB 2023-B13 Contractor for IT-Elections Building Renovation, increasing the overall contract by 1% and amend the budget accordingly.

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 10:55 a.m. and resumed back into open court at 11:01 a.m.



**39341** Discussion and possible action to authorize the execution of a Supplemental No. 12 to the Professional Services Agreement with HNTB Corporation and Fiscal Year Work Authorization for the Hays County/TxDOT Partnership Program General Engineering Consultant (GEC)/Program Management services in Hays County, increasing the Compensation Cap by \$211,074.00 from \$7,782,695.30 to \$7,993,769.30 and extending the termination date of the contract to September 30, 2024; authorizing a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a)(4).

*Commissioner Shell stated this Partnership Program has only a few projects left.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of a Supplemental No. 12 to the Professional Services Agreement with HNTB Corporation and Fiscal Year Work Authorization for the Hays County/TxDOT Partnership Program General Engineering Consultant (GEC)/Program Management services in Hays County, increasing the Compensation Cap by \$211,074.00 from \$7,782,695.30 to \$7,993,769.30 and extending the termination date of the contract to September 30, 2024; authorizing a discretionary exemption pursuant to Texas Local Government Code Chpt. 262.024 (a)(4).

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

**5 - 0 Passed - Unanimously**

**39342** Discussion and possible action authorizing the County Judge to execute a Supplemental Work Authorization 1 to the Professional Services Agreement with Doucet & Associates to increase the amount payable from \$52,800.00 to \$66,400.00 for additional design services related to parking lot expansion at the Pct. 2 office building and amend the budget accordingly.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Supplemental Work Authorization 1 to the Professional Services Agreement with Doucet & Associates to increase the amount payable from \$52,800.00 to \$66,400.00 for additional design services related to parking lot expansion at the Pct. 2 office building and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**39343** Discussion and possible action to authorize the County Judge to execute Contract Amendment No. 3 in the amount of \$40,000.00 to the Professional Services Agreement with RPS Infrastructure, Inc. for the FM 621 Safety Improvements project in Precinct 1, 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 thanked Commissioner Ingalsbe for this project and spoke about the safety issues on this road.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute Contract Amendment No. 3 in the amount of \$40,000.00 to the Professional Services Agreement with RPS Infrastructure, Inc. for the FM 621 Safety Improvements project in Precinct 1, 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**

**39344** Discussion and possible action to award a contract for IFB 2023-B16 Centerpoint Road with Capital Excavation in the amount of \$1,724,962.85.

*Commissioner Ingalsbe explained this is a safety improvement project that will lower two blind hills on Centerpoint Road and Beback Inn Road, and thanked Jerry Borcharding, Director of Transportation, for locating contractors to do this work.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to award a contract for IFB 2023-B16 Centerpoint Road with Capital Excavation in the amount of \$1,724,962.85.



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

**5 - 0 Passed - Unanimously**

**39345** Discussion and possible action to call for a public hearing on September 5, 2023 to establish a 25 MPH speed limit on Great Northern and Santa Fe Run.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a public hearing on September 5, 2023 to establish a 25 MPH speed limit on Great Northern and Santa Fe Run.

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

**5 - 0 Passed - Unanimously**

**39346** Discussion and possible action to call for a public hearing on September 5, 2023 to establish a 25 MPH speed limit on Rolling Meadows Lane.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a public hearing on September 5, 2023 to establish a 25 MPH speed limit on Rolling Meadows Lane.

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

**5 - 0 Passed - Unanimously**

**39347** Discussion and possible action to call for a public hearing on September 5, 2023, to establish a 4-way stop at the intersection of Hillside Terrace, Green Meadows Lane, and Heron Drive.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a public hearing on September 5, 2023, to establish a 4-way stop at the intersection of Hillside Terrace, Green Meadows Lane, and Heron Drive.

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

**5 - 0 Passed - Unanimously**

**39348** Discussion and possible action to call for a public hearing on September 5, 2023, to establish a 35 MPH speed limit on Sawyer Ranch Road.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a public hearing on September 5, 2023, to establish a 35 MPH speed limit on Sawyer Ranch Road.

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

**5 - 0 Passed - Unanimously**

**39349** Discussion and possible action to call for a public hearing on September 5, 2023, to establish a 25 MPH speed limit within the Green Pastures Subdivision.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to call for a public hearing on September 5, 2023, to establish a 25 MPH speed limit within the Green Pastures Subdivision.

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

**5 - 0 Passed - Unanimously**

**39350** PLN-2171-NP; Discussion and possible action regarding the Aveyns Court Subdivision, Final Plat.

*Marcus Pacheco, Director of Development Services, provided information on the property and stated staff recommends approval.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to approve the Aveyns Court Subdivision, Final Plat (PLN-2171-NP).



AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra  
**5 - 0 Passed - Unanimously**

**39351** Discussion and possible action to authorize the County Judge to execute a Development Agreement for the Haney Park Subdivision between Hays County and Haney Park, LLC.

*Marcus Pacheco, Director of Development Services, provided information on the property and stated staff and counsel have reviewed the agreement.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute a Development Agreement for the Haney Park Subdivision between Hays County and Haney Park, LLC.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra  
**5 - 0 Passed - Unanimously**

**39352** PLN-2232-PC; Discussion and possible action regarding Fitzhugh Acres, Lot 4, Replat.

*Marcus Pacheco, Director of Development Services, provided information on the property and stated deficiencies have been addressed and staff recommends approval.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to approve Fitzhugh Acres, Lot 4, Replat (PLN-2232-PC).

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra  
**5 - 0 Passed - Unanimously**

**39353** Discussion and possible action to authorize the County Judge to execute the Hays County American Rescue Plan Recover Grant Agreement between Hays County and Hays County Emergency Services District #6 regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

*Chief Scott Collard, Hays County Emergency Services District #6, thanked the Court for the contribution. Judge Becerra spoke about the importance of the ESDs and their work.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute the Hays County American Rescue Plan Recover Grant Agreement between Hays County and Hays County Emergency Services District #6 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**

**39354** Discussion and possible action to authorize use of funding from the Hays County American Rescue Plan Recovery Grant for the Hays County Mental Health Court Incentive Program regarding recovery assistance for direct or indirect impacts of COVID-19; and to amend the budget accordingly.

*Commissioner Cohen stated the Hays County Mental Health Court will receive \$10,000 for their Incentive Program. Commissioner Ingalsbe noted she plans to match this contribution in the future.*

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize use of funding from the Hays County American Rescue Plan Recovery Grant for the Hays County Mental Health Court Incentive Program regarding recovery assistance for direct or indirect impacts of COVID-19; and to amend the budget accordingly.

AYE: Commissioner Ingalsbe, Commissioner Cohen, Commissioner Shell, Commissioner Smith, Judge Becerra  
**5 - 0 Passed - Unanimously**





**39355** Discussion and possible action authorizing the County Judge to execute the Hays County Social Services Funding Agreement between Hays County and Forever 15 Project regarding recovery assistance for direct or indirect impacts of COVID-19 and amend the budget accordingly.

*Commissioner Cohen spoke about the organization and thanked Janel Rodriguez and her family for their dedication to ending the fentanyl crisis. The Court recognized the Rodriguez family for their strength and commitment to this issue. Eric Boehning, Ardurra Senior Project Manager, spoke about the eligible use categories for ARPA funds and stated the Forever 15 Projects falls under mental health and substance abuse prevention. Commissioner Smith and Commissioner Shell offered to contribute \$10,000 from each of their allocations, making the total contribution \$40,000.*

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Hays County Social Services Funding Agreement between Hays County and Forever 15 Project 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**

**39356** Discussion and possible action to consider granting a variance to Section 10 (D)(1)(C) (1) of the Hays County Rules for On-Site Sewage Facilities and allow issuance of On-Site Sewage System permit to the owner of the property located at 12909 Nutty Brown Road, Austin, TX 78737.

*Commissioner Smith explained the property does not meet county size requirements for nonresidential lots due to 0.10 acres being used by Hays County as a Right-of-Way. Marcus Pacheco, Director of Development Services, further explained that the county acquired a portion of the lot for the Nutty Brown Road expansion project in 2005 and the new property owners have nonresidential plans for the lot.*

A motion was made by Commissioner Smith, seconded by Commissioner Shell to grant a variance to Section 10 (D)(1)(C)(1) of the Hays County Rules for On-Site Sewage Facilities and allow issuance of On-Site Sewage System permit to the owner of the property located at 12909 Nutty Brown Road, Austin, TX 78737.

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

**5 - 0 Passed - Unanimously**

**39357** Discussion and possible action to authorize the Hays County Criminal District Attorney's Office to double-fill the First Assistant Civil District Attorney, slot 0781-001 for a four-week period effective September 1st through September 30, 2023 and amend the budget accordingly.

*Kelly Higgins, Hays County Criminal District Attorney, explained that Mark Kennedy, Assistant Criminal District Attorney - General Counsel, is retiring, and Jordan Powell, Assistant Criminal District Attorney - Civil Division, will be filling his position as the new Civil First Assistant. Kennedy stated double-filling this position for a month will allow for additional training for both Powell and their new hire.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the Hays County Criminal District Attorney's Office to double-fill the First Assistant Civil District Attorney, slot 0781-001 for a four-week period effective September 1st through September 30, 2023 and amend the budget accordingly.

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

**5 - 0 Passed - Unanimously**

**39358** Discussion and possible action to create the Hays County Salary Grievance Committee for the remainder of the fiscal year Pursuant to Chapter 152 of the Local Government Code.

*Jordan Powell, Assistant Criminal District Attorney - Civil Division, explained that if a salary grievance is filed, the Court has the option to choose either a committee comprised of members of the public that have recently served on a grand jury, or a committee comprised of six elected officials and 3 members of the public.*



*The County Judge presides over the committee but does not vote. The Court discussed their options and chose a committee of elected officials and members of the public. Judge Becerra pulled the following names from the 2022 grand jury panels: Scott Alexander Umble, Janis Ramsey, Matt Murphree, Deborah Richardson, Glen Briggs, Staci Rives, Mark Edward Phillips Jr., Charles Edwin Bonowitz IV, Adriana Guerrero, Dana McFadden, Justin Cantu, Laurie Stearns, Ashley Marie Telles, Brandon Wilson, Shelby Annette Shockley, Andrew Christopher Minke, Daniel Oates, Christopher Morris, Gwendolyn Balboa, and Linda Arredondo.*

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to create the Hays County Salary Grievance Committee for the remainder of the fiscal year Pursuant to Chapter 152 of the Local Government Code.

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

**5 - 0 Passed - Unanimously**

**39359** Discussion and possible action to order the County Auditor to perform an audit and issue a report of the fiscal accounts and records for ESD 7 in accordance with Section 775.082 of the Texas Health and Safety Code.

*Commissioner Shell explained that in the event the ESD does not complete their audit, this would give the authority to complete it to the County Auditor's Office. Marisol Villarreal-Alonzo, Hays County Auditor, spoke about the statute and her authority to perform this audit, and stated the estimated cost is \$5,000, which the ESD would reimburse the county for.*

A motion was made by Commissioner Shell, seconded by Commissioner Smith to order the County Auditor to perform an audit and issue a report of the fiscal accounts and records for ESD 7 in accordance with Section 775.082 of the Texas Health and Safety Code.

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 1:01 p.m. and resumed back into open court at 1:13 p.m.

**39360** Hold a public hearing on the Fiscal Year 2024 Hays County Proposed Budget - 1:00 p.m.

*Judge Becerra opened the Public Hearing at 1:13 p.m. Ellen Ermis, Kyle Area Senior Zone Communications and Grants Director, thanked the court for their previous allocations and asked for the court to consider allocating additional funds for the FY24 budget. Judge Becerra closed the Public Hearing at 1:15 p.m. Vickie Dorsett, Hays County Budget Officer, reviewed requests made during the Budget Workshops. Budget requests discussed by the Court include a January 1st start date for a new Administrative Assistant II for the DPS License and Weight Sergeant, elected official salary increases, a start date of October 1st for the newly to be appointed Justice of the Peace Precinct 2 Place 2, the Emergency Communications Center budget, and regrades for the 9 Investigator positions in the District Attorney's Office. Capital projects discussed by the Court include a constituent engagement system, new development regulations, Government Center expansion, a new Precinct 2 office, and using TIRZ funding for a dual city and county services location in Dripping Springs.*

A motion was made by Commissioner Shell, seconded by Commissioner Cohen to accept the Budget Office's budget as proposed with changes made both on paper and verbally in Commissioners Court.

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

NAY: Commissioner Smith

**4 - 1 Passed**

A motion was made by Commissioner Shell, seconded by Commissioner Ingalsbe to set the Fiscal Year 2024 salaries and allowances for Elected Officials as discussed and to accept the changes for the Fiscal Year 2024 Proposed Budget as presented by the County Budget Office; set a Final Public Hearing to adopt the Fiscal Year 2024 Budget and levy the taxes to be held on September 19, 2023, at 1:00 p.m. in the Hays County Commissioner Courtroom located at 111 E. San Antonio St., San Marcos, Texas.



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

NAY: Commissioner Smith

**4 - 1 Passed**

A motion was made by Commissioner Shell, seconded by Commissioner Smith to set the Fiscal Year 2024 tax rate at .3075 cents as follows: .2046 cents for the General Maintenance and Operation rate, .0829 cents for the Debt rate, and .0200 cents for the Road and Bridge Maintenance and Operation rate.

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

**5 - 0 Passed - Unanimously**

*Commissioner Ingalsbe noted the tax rate is lower than the previous year, and Commissioner Shell explained it will still generate additional revenue. Dorsett stated a tax rate Public Hearing will be held on September 5th, 2023 at 11:00 a.m.*

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

*Vickie Dorsett, Hays County Budget Officer, stated there are no departments signed up to speak, and the compensation committee will be presenting salary recommendations. Shari Miller, Director of Human Resources, spoke on the findings of the compensation committee including a recommended 15-step salary plan, longevity placement within the plan, and promotions. The Court discussed their implementation options and funding requirements. Miller stated the committee needs more time to analyze regrade requests, but recommends regrading the 9 Investigator positions in the District Attorney's Office due to an oversight during the salary study. The Court discussed whether position regrade requests should be considered now or later in the fiscal year. Elaine Cardenas, Hays County Clerk, spoke about her regrade requests and the progress that has been made in employee salaries. Jerry Borcharding, Director of Transportation, spoke about regrade requests and the MAG study. Kelly Higgins, Hays County Criminal District Attorney, requested an earlier start date of October 1st for a new paralegal position in his office. Dorsett presented the Court with recommended elected official salaries, as well as a possible tiered system based on terms in office. The Court discussed the benefits of a tiered system and market comparisons for elected official salaries. No action taken.*

**Clerk's Note Agenda Item #M-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.*

**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 551 for the week of August 13, 2023, with a peak of 557 inmates on August 17, 2023. The estimated cost for outsourcing inmates this week was \$154,340. The average number of outsourced males is 231 and females is 10. 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 41.*

**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 1:41 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 22, 2023.



*Elaine H. Cardenas*

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

