

HAYS COUNTY COMMISSIONERS' COURT MINUTES



DECEMBER 5, 2023

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF DECEMBER 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
DILLON GERALD	DEPUTY 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:

Judge Becerra called the meeting to order. Monk Swami Nikhilanand, Radha Madhav Dham Hindu Temple, gave the invocation. Judge Becerra led the court in the Pledge of Allegiance to the United States and Texas flags.

PUBLIC COMMENTS

Dan Lyon made a public comment concerning county contributions to the Indigenous Cultures Institute and the Wimberley Independent School District sports complex from the Parks and Open Space Bond funds. Nancy Heintz made a public comment regarding the 2024 Point-in-Time Count for the Homeless Coalition of Hays County.

39725 Adopt a Proclamation declaring December 8, 2023 as The Pound House Farmstead Day.

Linda Coker, Chair of the Hays County Historical Commission, spoke about the history of the Pound Farm and Hays County. Commissioner Smith spoke about the Pound Foundation and their work.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to adopt a Proclamation declaring December 8, 2023 as The Pound House Farmstead Day.

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

5 - 0 Passed - Unanimously

Presentation by the Central Texas Food Bank regarding an upcoming Community Needs Assessment.

Matthew Gonzales, Hays County Health Department Manager, introduced members of the Central Texas Food Bank and spoke about the Community Health Assessment. Dr. Tracy Ayrhart, Vice President of Strategic Insights at the Central Texas Food Bank, gave a presentation on the Food Bank's work and food insecurity in Hays County. She reviewed the Food Bank's strategy to ensure access to food and spoke about how data and their Community Needs Assessment will inform their work. The court thanked the Food Bank representatives for their presentation and all the work they do. Commissioner Cohen spoke about food insecurity in Hays County. Judge Becerra spoke about increased awareness since the COVID-19 Pandemic. Commissioner Ingalsbe spoke about the possible effects of land development on farming. Commissioner Smith spoke about food production and thanked Commissioner Cohen for her involvement with the Food Bank.

39726 Approve payments of County invoices.

A motion was made by Commissioner Smith, 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

39727 Approve the payment of Juror checks.

A motion was made by Commissioner Smith, 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

39728 Approve the payment of United Healthcare claims.

A motion was made by Commissioner Smith, 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

39729 Approve Commissioners Court Minutes of November 21, 2023.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve Commissioners Court Minutes of November 21, 2023.

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

5 - 0 Passed - Unanimously

39730 Approve the payment of the December 15, 2023 payroll disbursements in an amount not to exceed \$4,100,000.00 effective December 15, 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 Cohen to approve the payment of the December 15, 2023 payroll disbursements in an amount not to exceed \$4,100,000.00 effective December 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

39731 Approve vendors in accordance with Section E of the Hays County Property Use Policy for a monthly market, known as the Vanilla Bean Market, to sell vintage clothing, art, and other vintage goods on the historic courthouse grounds.

Jordan Powell, First Assistant Criminal District Attorney - Civil Division, noted that this is regarding Section E in Article I of the Hays County Property Use Policy.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve vendors in accordance with Section E of the Hays County Property Use Policy for a monthly market, known as the Vanilla Bean Market, to sell vintage clothing, art, and other vintage goods on the historic courthouse grounds.

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

5 - 0 Passed - Unanimously

39732 Approve vendors in accordance with Section E of the Hays County Property Use Policy for the Martin Luther King Jr. Event on January 15, 2024, to be held on the historic courthouse grounds and organized by the Dunbar Heritage Association.

Jordan Powell, First Assistant Criminal District Attorney - Civil Division, noted that this is regarding Section E in Article I of the Hays County Property Use Policy.



A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve vendors in accordance with Section E of the Hays County Property Use Policy for the Martin Luther King Jr. Event on January 15, 2024, to be held on the historic courthouse grounds and organized by the Dunbar Heritage Association.

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

5 - 0 Passed - Unanimously

39733 Approve the December 2022, January 2023, February 2023 and March 2023 Treasurer and Investment Reports.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve the December 2022, January 2023, February 2023 and March 2023 Treasurer and Investment Reports.

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

5 - 0 Passed - Unanimously

39734 Approve the reappointment of Cristina Nelson and Darrell Debish to the Emergency Services District (ESD) No. 1 Board of Emergency Services Commissioners, a two-year term ending December 31, 2025.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve the reappointment of Cristina Nelson and Darrell Debish to the Emergency Services District (ESD) No. 1 Board of Emergency Services Commissioners, a two-year term ending December 31, 2025.

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

5 - 0 Passed - Unanimously

39735 Approve the reappointment of Samantha Wylie, Jodi Steen and Ashley Martinez to the board of the Hays County Child Protective Board, three-year terms ending December 31, 2026.

Judge Becerra noted that Jodi Steen is not needing to be reappointed at this time.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve the reappointment of Samantha Wylie and Ashley Martinez to the board of the Hays County Child Protective Board, three-year terms ending December 31, 2026.

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

5 - 0 Passed - Unanimously

39736 Authorize the execution of an amendment to the DSHS COVID-19 Detection and Mitigation in Confinement grant contract and accept additional funds in the amount of \$89,465.00 and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the execution of an amendment to the DSHS COVID-19 Detection and Mitigation in Confinement grant contract and accept additional funds in the amount of \$89,465.00 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39737 Approve specifications for IFB 2024-B02 Lawn and Landscape Services and authorize Purchasing to solicit for bids and advertise.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve specifications for IFB 2024-B02 Lawn and Landscape Services and authorize Purchasing to solicit for bids and advertise.

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

5 - 0 Passed - Unanimously



39738 Approve the rejection of the bid received related to IFB 2024-B01 TXCDBG - Water Oaks Mesa WSC - Water Improvements.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve the rejection of the bid received related to IFB 2024-B01 TXCDBG - Water Oaks Mesa WSC - Water Improvements.

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

5 - 0 Passed - Unanimously

39739 Approve specifications for IFB 2024-B04 TXCDBG - Cedar Oaks Mesa WSC - Water Improvements and authorize Purchasing to advertise and solicit for bids.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve specifications for IFB 2024-B04 TXCDBG - Cedar Oaks Mesa WSC - Water Improvements and authorize Purchasing to advertise and solicit for bids.

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

5 - 0 Passed - Unanimously

39740 Authorize the execution of an order form with Clearview AI used by the Sheriff's Office for investigative purposes and amend the budget accordingly, and authorize a waiver to the purchasing policy to obtain three quotes.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the execution of an order form with Clearview AI used by the Sheriff's Office for investigative purposes and amend the budget accordingly, and authorize a waiver to the purchasing policy to obtain three quotes.

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

5 - 0 Passed - Unanimously

39741 Authorize the execution of a service agreement for the Sheriff's Office with The Amlon Group for the disposal of controlled substances valued at \$1,127.00, and authorize a purchasing waiver to obtain three (3) quotes.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the execution of a service agreement for the Sheriff's Office with The Amlon Group for the disposal of controlled substances valued at \$1,127.00, and authorize a purchasing waiver to obtain three (3) quotes.

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

5 - 0 Passed - Unanimously

39742 Approve renewal of IFB 2023-B04 Road Building Materials - Hot Mix with Brauntex Materials Inc., Colorado Materials, Ltd., Lone Star paving, and Texas Materials Group for one (1) additional year.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve renewal of IFB 2023-B04 Road Building Materials - Hot Mix with Brauntex Materials Inc., Colorado Materials, Ltd., Lone Star paving, and Texas Materials Group for one (1) additional year.

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

5 - 0 Passed - Unanimously

39743 Authorize the Hays County Sheriff's Office to send a letter of termination to Microception, Inc. regarding MetalInterview software services, effective January 8, 2024.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the Hays County Sheriff's Office to send a letter of termination to Microception, Inc. regarding MetalInterview software services, effective January 8, 2024.

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

5 - 0 Passed - Unanimously



39744 Approve renewal of IFB 2023-B05 Road Building Materials - Cold Mix with Brauntex Materials, Inc., Texas Materials Group, and Colorado Materials, Ltd. for one additional year.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve renewal of IFB 2023-B05 Road Building Materials - Cold Mix with Brauntex Materials, Inc., Texas Materials Group, and Colorado Materials, Ltd. for one additional year.

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

5 - 0 Passed - Unanimously

39745 Approve renewal of IFB 2023-B08 Emulsion Oils with Ergon Asphalt and Emulsions, Inc. for one (1) additional year.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve renewal of IFB 2023-B08 Emulsion Oils with Ergon Asphalt and Emulsions, Inc. for one (1) additional year.

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

5 - 0 Passed - Unanimously

39746 Approve Overnight Lodging for Records Division Supervisors With Hays County Clerk's Office to Attend the 69th Annual Vitals Statistics Conference in Austin, Texas.

Dan Lyon made a public comment against the item. Commissioner Shell asked that more information be included in the item summary.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve Overnight Lodging for Records Division Supervisors With Hays County Clerk's Office to Attend the 69th Annual Vitals Statistics Conference in Austin, Texas.

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

5 - 0 Passed - Unanimously

39747 Approve the renewal of IFB 2021-B12 Countywide Dumpsters with Waste Connections Lone Star Inc. for one (1) additional year.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve the renewal of IFB 2021-B12 Countywide Dumpsters with Waste Connections Lone Star Inc. for one (1) additional year.

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

5 - 0 Passed - Unanimously

39748 Authorize Building Maintenance to purchase and install two Simplex Locks at the Elections IT Building in the amount of \$1,246.98 and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize Building Maintenance to purchase and install two Simplex Locks at the Elections IT Building in the amount of \$1,246.98 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39749 Approve specifications for RFP 2024-B06 HVAC - Preventative Maintenance and Repair Services, Countywide and authorize Purchasing to advertise and solicit for bids.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to approve specifications for RFP 2024-B06 HVAC - Preventative Maintenance and Repair Services, Countywide and authorize Purchasing to advertise and solicit for bids.

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

5 - 0 Passed - Unanimously



39750 Authorize the County Judge's Office to purchase one (1) replacement Dell Latitude 5540 Laptop valued at \$1,419.00 for the Community Program Manager and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the County Judge's Office to purchase one (1) replacement Dell Latitude 5540 Laptop valued at \$1,419.00 for the Community Program Manager and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39751 Authorize the Justice of the Peace, Precinct 4 Office to purchase one (1) replacement HP Laserjet Printer not to exceed \$620.00 and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the Justice of the Peace, Precinct 4 Office to purchase one (1) replacement HP Laserjet Printer not to exceed \$620.00 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39752 Accept delivery of the County Auditor's Monthly Reports pursuant to Texas Local Government Code Chapter 114.023 and 114.025 for July and August 2023.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to accept delivery of the County Auditor's Monthly Reports pursuant to Texas Local Government Code Chapter 114.023 and 114.025 for July and August 2023.

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

5 - 0 Passed - Unanimously

39753 Accept delivery of the Auditor's Office Quarterly Internal Examination Reports.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to accept delivery of the Auditor's Office Quarterly Internal Examination Reports.

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

5 - 0 Passed - Unanimously

39754 Authorize the County Judge to execute the First Amendment to the Hays County Social Service Funding Agreement with Blanco River Regional Recovery Team (BR3T) regarding use of American Rescue Plan Act (ARPA) funds for a Rental/Utility Assistance Program for Hays County citizens which was approved on or about November 7, 2023.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the County Judge to execute the First Amendment to the Hays County Social Service Funding Agreement with Blanco River Regional Recovery Team (BR3T) regarding use of American Rescue Plan Act (ARPA) funds for a Rental/Utility Assistance Program for Hays County citizens which was approved on or about November 7, 2023.

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

5 - 0 Passed - Unanimously

39755 Authorize payment to Ban-Koe Systems, Inc. where no purchase order was requested as required per the Hays County Purchasing Policy.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize payment to Ban-Koe Systems, Inc. where no purchase order was requested as required per the Hays County Purchasing Policy.

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

5 - 0 Passed - Unanimously



39756 Authorize payment to Texas Prima in the amount of \$900.00 for conference registration for Human Resources where no purchase order was issued as required per the Hays County Purchasing Policy.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize payment to Texas Prima in the amount of \$900.00 for conference registration for Human Resources where no purchase order was issued as required per the Hays County Purchasing Policy.

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

5 - 0 Passed - Unanimously

39757 Approve Utility Permits.

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

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

5 - 0 Passed - Unanimously

39758 Authorize the Constable Pct. 2 Office to purchase one (1) Rapidprint AR-E Time and Date Stamp, authorize pre-payment to ID Badges Unlimited, Inc. and amend the budget accordingly.

A motion was made by Commissioner Smith, seconded by Commissioner Cohen to authorize the Constable Pct. 2 Office to purchase one (1) Rapidprint AR-E Time and Date Stamp, authorize pre-payment to ID Badges Unlimited, Inc. and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39759 Discussion and possible action to authorize the County Judge to sign a supplemental work authorization to the Professional Services Agreement between Hays County and Binkley & Barfield, Inc. for the design of a roundabout for the Windy Hill Road/Shadow Creek Blvd. intersection.

Dan Lyon made a public comment against the cost of the project. Commissioner Ingalsbe stated this is a safety and mobility project and public involvement with surrounding property owners will be included.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to sign a supplemental work authorization to the Professional Services Agreement between Hays County and Binkley & Barfield, Inc. for the design of a roundabout for the Windy Hill Road/Shadow Creek Blvd. intersection.

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

5 - 0 Passed - Unanimously

39760 Discussion and possible action to authorize the execution of Change Order No. 7 in the amount of \$194,731.50 to the Construction Contract with Jordan Foster Construction, LLC for the Dacy Lane (IFB 2021-B02) project as part of the Hays County Road Bond Program in Precinct 2 and 1.

Dan Lyon made a public comment against the change order. Commissioner Cohen explained there have been issues with utilities on Dacy Lane which have delayed the project. Jerry Borcharding, Director of Transportation, further explained some utilities were missed, which have caused additional delays and costs. Commissioner Smith noted that many projects in areas of the county that have not been worked on recently have unidentified utilities.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to authorize the execution of Change Order No. 7 in the amount of \$194,731.50 to the Construction Contract with Jordan Foster Construction, LLC for the Dacy Lane (IFB 2021-B02) project as part of the Hays County Road Bond Program in Precinct 2 and 1.

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

5 - 0 Passed - Unanimously



39761 Discussion and possible action to authorize the execution of Contract Amendment No. 2 in the amount of \$50,000.00 to the Professional Services Agreement between Hays County and K Friese + Associates, LLC to provide post construction drainage report & documents for the Lime Kiln Road project in Precinct 3 and amend the budget accordingly.

Commissioner Shell stated FEMA is requiring the revisions in this contract amendment. Dan Lyon made a public comment against the cost of this item. Commissioner Shell explained how engineers determine their rates.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the execution of Contract Amendment No. 2 in the amount of \$50,000.00 to the Professional Services Agreement between Hays County and K Friese + Associates, LLC to provide post construction drainage report & documents for the Lime Kiln Road project in Precinct 3 and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39762 Discussion and possible action to authorize the execution of Contract Amendment No. 2 in the amount of \$50,000.00 to the Professional Services Agreement between Hays County and Kimley Horn & Associates, Inc. for the FM 2001 East (Graef Road to Southeast of SH 21) project as well as extending the limits of the project to include FM 2001 Gap Section (West of Graef Road to North of Satterwhite Road) in Precinct 1, as part of the 2016 Road Bond Program and amend the budget accordingly.

Commissioner Ingalsbe stated this is for survey work and condemnation. Dan Lyon made a public comment against the cost of this item.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the execution of Contract Amendment No. 2 in the amount of \$50,000.00 to the Professional Services Agreement between Hays County and Kimley Horn & Associates, Inc. for the FM 2001 East (Graef Road to Southeast of SH 21) project as well as extending the limits of the project to include FM 2001 Gap Section (West of Graef Road to North of Satterwhite Road) in Precinct 1, as part of the 2016 Road Bond Program and amend the budget accordingly.

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

5 - 0 Passed - Unanimously

39763 Discussion and possible action to accept fiscal surety for street and drainage improvements in the amount of \$2,017,737.50 for the Driftwood Golf & Ranch Club, Ph 4, Final Plat (Site Improvement Performance Bond No. 800169803).

A motion was made by Commissioner Smith, seconded by Commissioner Shell to accept fiscal surety for street and drainage improvements in the amount of \$2,017,737.50 for the Driftwood Golf & Ranch Club, Ph 4, Final Plat (Site Improvement Performance Bond No. 800169803).

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

5 - 0 Passed - Unanimously

39764 Hold a public hearing with possible action to establish a No Dumping zone on Marsh Lane.

Judge Becerra opened the Public Hearing at 11:18 a.m. No comments were made. Judge Becerra closed the Public Hearing at 11:18 a.m.

A motion was made by Commissioner Cohen, seconded by Commissioner Ingalsbe to establish a No Dumping zone on Marsh Lane.

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

5 - 0 Passed - Unanimously

39765 PLN-2325-PC; Hold a Public Hearing; followed by discussion and possible action regarding Studio Estates Subdivision, Sec 2B, Blk D, Lot 38, Replat.



Judge Becerra opened the Public Hearing at 10:45 a.m. David Cuddy, Studio Estates Developer, stated he is available for any questions. Judge Becerra closed the Public Hearing at 10:46 a.m. Colby Machacek, Hays County Development Services Planning Department, gave background on the property and stated it has full staff recommendation for approval.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve Studio Estates Subdivision, Sec 2B, Blk D, Lot 38, Replat (PLN-2325-PC).

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

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #K-1 RE: *Discussion and possible action to authorize the County Judge to execute a renewal agreement with Wellpath, LLC. for the Adult and Juvenile Facilities Healthcare Program pursuant to RFP 2021-P04. - WAS PULLED.*

39766 Discussion and possible action to award RFP 2023-P02 Bank Depository to Sage Capital Bank and authorize staff and District Attorney - Civil Division to negotiate a contract.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to award RFP 2023-P02 Bank Depository to Sage Capital Bank and authorize staff and District Attorney - Civil Division to negotiate a contract.

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

5 - 0 Passed - Unanimously

39767 Discussion and possible action to approve changes to the Hays County Investment Policy and Authorized Investments for 2024.

Daphne Tenorio, Hays County Treasurer, explained there are no substantial changes to the policy and spoke about investments.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to approve changes to the Hays County Investment Policy and Authorized Investments for 2024.

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

5 - 0 Passed - Unanimously

Discussion and possible action to consider salary increases for the County Court at Law Court Reporters and amend the budget accordingly.

Dillon Gerald, Deputy County Clerk, read emailed public comments from J.D. Sanford and Jeff Kaufmann in favor of salary increases for the County Court at Law Court Reporters. Chevo Pastrano made a public comment in favor of salary increases and spoke about the many roles court reporters have. Judge Chris Johnson, Hays County Court at Law 2, spoke in favor of salary increases and explained this item's urgency due to better-paying job openings in surrounding counties. Judge Jimmy Hall, Hays County Court at Law 1, spoke about the strenuous education and training required for court reporters and the value of their jobs. He stated a placement in Step 7 of the new salary plan is acceptable. Elaine Cardenas, Hays County Clerk, spoke in favor of salary increases and about the importance of court reporters. Kelly Higgins, Hays County Criminal District Attorney, spoke in favor of salary increases and the progress made on clearing the court case backlog. Shari Miller, Director of Human Resources, stated the Compensation Committee has requested that the court reporters be placed in the step plan in February based on the number of years they have been certified. Commissioner Smith suggested the court reporters may have higher salaries if they wait for the February step plan implementation. Commissioner Smith and Judge Becerra discussed repairing courtroom equipment with Judge Johnson. The court had a lengthy discussion on if and how salary increases for court reporters should be implemented. Commissioner Shell spoke about determining the market pay and placement in the step plan. Commissioner Cohen and Commissioner Ingalsbe expressed concerns about how these salary increases could affect all other county employees.

A motion was made by Judge Becerra to place the County Court at Law Court Reporters in Step 7 of the salary step plan on February 1, 2024. Motion failed due to a lack of a second. No action taken.



39768 Discussion and possible action to authorize the County Judge to execute a Professional Services Agreement between Hays County and HDR Architecture Inc. for a needs assessment for Precinct 1 and Precinct 2.

Commissioner Cohen explained this is for an office that will be located east of I-35. Commissioner Ingalsbe spoke about what this needs assessment will identify. Judge Becerra spoke about future plans for county offices. Commissioner Smith spoke about the Precinct 4 needs assessment and the value of the process.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Cohen to authorize the County Judge to execute a Professional Services Agreement between Hays County and HDR Architecture Inc. for a needs assessment for Precinct 1 and Precinct 2.

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

5 - 0 Passed - Unanimously

39769 Discussion and possible action to amend the Fee Schedule for the Development Services Dept., the Fire Marshal's Office, and the Transportation Dept.

Judge Becerra stated the Directors of Development Services and Emergency Services would like the Development Services Fee Schedule to be removed from this item. It will be brought back at a later date after further consideration.

A motion was made by Commissioner Smith, seconded by Judge Becerra to amend the Fee Schedule for the Fire Marshal's Office and the Transportation Dept.

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

5 - 0 Passed - Unanimously

Clerk's Note Agenda Item #K-7 RE: *Discussion and possible action to authorize the District Clerk's Office to hire one (1) temporary Deputy Clerk grade 114 effectively immediately through December 29, 2023. - WAS PULLED.*

39770 Discussion and possible action to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the San Marcos Texas Community Radio Association, KZSM.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the San Marcos Texas Community Radio Association, KZSM.

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

5 - 0 Passed - Unanimously

39771 Discussion and possible action to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the Southside Community Center.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the Southside Community Center.

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

5 - 0 Passed - Unanimously

39772 Discussion and possible action to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the Greater San Marcos Youth Council.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the Greater San Marcos Youth Council.

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

5 - 0 Passed - Unanimously



39773 Discussion and possible action to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the Hays-Caldwell Women's Center.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the Hays-Caldwell Women's Center.

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

5 - 0 Passed - Unanimously

39774 Discussion and possible action to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the CASA of Central Texas, Inc.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Shell to authorize the execution of the Hays County American Rescue Plan Recovery Donation Agreement between Hays County and the CASA of Central Texas, Inc.

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

5 - 0 Passed - Unanimously

Clerk's Note: Executive Session began at 11:22 a.m. and resumed back into open court at 1:26 p.m.

39775 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.

Those present in Executive Session were the Commissioners Court, Jordan Powell, First Assistant Criminal District Attorney - Civil Division, Tucker Furlow, Assistant Criminal District Attorney - Civil Division, Janice Jones, Legal Support Services Specialist, Marisol Villarreal-Alonzo, Hays County Auditor, and Vickie Dorsett, Hays County Budget Officer. Commissioner Shell stated this is contingent upon an award from NRCS and the county's contribution would be up to \$100,000 if successfully awarded the project, which would likely happen next year.

A motion was made by Commissioner Shell, seconded by Commissioner Smith to authorize the Civil Division of the Hays County Criminal District Attorney's Office to draft an Offer Letter from Hays County to the landowners of Presa Grande, Phase Two, in relation to the acquisition of a conservation easement over approximately 218 acres located in Hays County Precinct 3, as presented and discussed in Executive Session and to authorize the Hays County Judge to sign documents related to the grant application for said conservation easement to NRCS.

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

5 - 0 Passed - Unanimously

Commissioner Smith stated this transaction will consist of the Purchase and Sale Agreement and a Conservation Easement, the property is located near Driftwood and is made up of two tracts, and the Conservation Easement will be in perpetuity. The total cost of the easement is \$7,090,930, of which \$1 million will be paid by Hays County and the rest by Travis County.

A motion was made by Commissioner Smith, seconded by Commissioner Shell to authorize the County Judge to execute a Purchase and Sale Agreement, which includes \$1 million funded from the General Fund reserves, between Hays County and Frank W. Zimmerman, Jr., and Janice Zimmerman, Trustees, Lazy Z Ranch Revocable Trust, dated April 24, 2023, and the City of Austin related to the acquisition of a conservation easement estate on approximately 490.716 acres located in Precinct 4, as presented and discussed in Executive Session and to authorize the Civil Division of the Hays County Criminal District Attorney's Office to execute all documents incidental to closing this transaction.

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

5 - 0 Passed - Unanimously



Executive Session Pursuant to Sections 551.071 and 551.087 of the Texas Government Code: Consultation with counsel and deliberation regarding economic development negotiations associated with Project Hot Pursuit and Project Midtown. Possible discussion and/or action may follow in open court.

Those present in Executive Session were the Commissioners Court, Jordan Powell, First Assistant Criminal District Attorney - Civil Division, Tucker Furlow, Assistant Criminal District Attorney - Civil Division, Janice Jones, Legal Support Services Specialist, Marisol Villarreal-Alonzo, Hays County Auditor, Vickie Dorsett, Hays County Budget Officer, Victoria Vargas, Director of Economic Development for the City of Kyle, Will Atkinson, Director of Planning for the City of Kyle, Stephanie Leibe, City of Kyle Bond Counsel, and Mike Kamerlander, Greater San Marcos Partnership President/CEO. No action taken.

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity of and authorizing the use of the County's power of eminent domain to acquire fee simple interest in 0.2737 acre out of that certain 81.25 acre property owned by HC Alexander Place, LLC a North Carolina limited liability company and JBH Development, LLC, and which is required for the construction of the proposed Cotton Gin roadway improvements and utility adjustments, and take other appropriate action (Tract 28). Possible action may follow in open court.

Those present in Executive Session were the Commissioners Court, Jordan Powell, First Assistant Criminal District Attorney - Civil Division, Tucker Furlow, Assistant Criminal District Attorney - Civil Division, Marisol Villarreal-Alonzo, Hays County Auditor, Vickie Dorsett, Hays County Budget Officer, Janice Jones, Legal Support Services Specialist, Chase Young, Assistant Criminal District Attorney - Civil Division, and Betsy Johnson, Spencer Nealy, and Hayat Nassour with Davidson Troilo Ream & Garza. No action taken.

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation to consider a resolution determining the necessity of and authorizing the use of the County's power of eminent domain to acquire fee simple interest in 0.3463 acres out of that certain 140 acres HC Alexander Place, LLC and JBH Development, LLC, and which is required for the construction of the proposed Cotton Gin roadway improvements and utility adjustments, and take other appropriate action (Tract 29). Possible action may follow in open court.

Those present in Executive Session were the Commissioners Court, Jordan Powell, First Assistant Criminal District Attorney - Civil Division, Tucker Furlow, Assistant Criminal District Attorney - Civil Division, Marisol Villarreal-Alonzo, Hays County Auditor, Vickie Dorsett, Hays County Budget Officer, Janice Jones, Legal Support Services Specialist, Chase Young, Assistant Criminal District Attorney - Civil Division, and Betsy Johnson, Spencer Nealy, and Hayat Nassour with Davidson Troilo Ream & Garza. No action taken.

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

Discussion related to the Hays County inmate population, to include current population counts and costs.

Judge Becerra read the Sheriff's update of the inmate population. Current maximum jail capacity is 410 inmates. Jail Standards recommends holding 10% open, lowering current capacity to 368 inmates. The jail's daily average was 580 for the week of November 26, 2023, with a peak of 585 inmates on November 27, 2023 and November 28, 2023. The estimated cost for outsourcing inmates this week was \$183,000. The average number of outsourced males is 281 and females is 6. 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 54.

Clerk's Note Agenda Item #M-3 RE: *Discussion of issues related to the Hays County Jail, and the planning of projects pertaining to the public safety facilities needs within the County. Possible action may follow. - WAS PULLED.*

Clerk's Note Agenda Item #M-4 RE: *Discussion and possible action regarding Hays County's use of federal or other grant funding related to COVID-19 response including but not limited to the American Rescue Plan Act (ARPA) and the Emergency Rental Assistance Program (ERAP). - WAS PULLED.*

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



Clerk's Note Agenda Item #M-6 RE: *Discussion and possible action related to proposed bills in the 87th Regular Session of the Texas Legislature and to consider adoption of resolution(s) regarding proposed bills. The Court may opt to withdraw to Executive Session during this item to consult with legal counsel pursuant to Texas Government Code 551.071.*
- WAS PULLED.

Clerk's Note Agenda Item #M-7 RE: *Updates on measurable advancement of Judicial Services to include the areas of staffing, equipment, training, operations and policy, by Director of Judicial Services Randy Focken.* - WAS PULLED.

ADJOURNMENT

A motion was made by Commissioner Shell, seconded by Judge Becerra to adjourn court at 1:30 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 DECEMBER 5, 2023.



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

