



SEPTEMBER 29, 2015

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VOLUME V PG 713

STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER A.D., 2015, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

WITH COMMISSIONER PCT. 3, WILL CONLEY BEING ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb gave the invocation. Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

**30998 PROCLAMATION DECLARING SEPTEMBER 30, 2015 AS GARY JOB CORPS VOLUNTEERS DAY**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt Proclamation declaring September 30, 2015 as Gary Job Corps Volunteers Day. All present voting "Aye". MOTION PASSED

**30999 PROCLAMATION RECOGNIZING OCTOBER 2015 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt Proclamation recognizing October 2015 as National Domestic Violence Awareness Month. All present voting "Aye". MOTION PASSED

**PRESENTATION OF HAYS COUNTY SERVICE AWARDS**

Shari Miller – Human Resources presented the Hays County Service Awards. 5-year Awards – Allen Bridges – Constable Pct. 1 Office; Jenifer O’Kane – Tax Assessor/Collector Office; Daniella Garcia – District Attorney’s Office; Beatrice Anna Moreno – Sheriff’s Office; David Tatum – Juvenile Detention Center. 10-year Award – Vicki Davis – Sheriff’s Office. 15-year Award – George Aguilar – Transportation Department. 20-year Awards – Eugene Carranza and Gilbert Hernandez – Sheriff’s Office. 25-year Award – Stephen Velasquez – Juvenile Detention. 30-year Awards – Joe Ponce – Sheriff’s Office.

**31000 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$1,180,126.88 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

**31001 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 22, 2015**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of September 22, 2015 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

**Clerk’s Note Agenda Item #6 RE:** *AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH K FRIESE TO STUDY THE OPTIONS REGARDING CONSTRUCTION OF A HIGH BRIDGE ACROSS THE BLANCO RIVER AT POST ROAD – was pulled*

Alejandro Garcia, Jr. – San Marcos resident spoke. This item was pulled and will be brought back at a later date.

**31002 AUTHORIZE COMMERCIAL OSSF PERMIT AT 2324 B, FM 150, KYLE, TX**

Seth Bray is proposing an OSSF to serve an 800 square foot office building for Ol' Yeller Landscaping at 2324 B, FM 150 in Precinct 1. This property is Lot 2 in the Seth A. Bray Subdivision. A public water supply will be used. The components of this on-site sewage facility will be a pretreatment tank, and a pump tank. After treatment, effluent will be evenly dispersed by low pressure pipe. The system was designed by Stan Burrier,



P.E., for 120 gallons per day for a maximum of 5 employees. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 2324 B, FM 150, Kyle, TX. All voting "Aye". MOTION PASSED

**31003 APPROVE THE APPOINTMENT OF ROBERT WILSON TO REPLACE ROBERT SCHNEIDER AS A REPRESENTATIVE ON THE HAYS COUNTY ESD #3**

Robert Wilson has agreed to take the place of Robert Schneider who has resigned from the ESD #3. Robert Wilson's term will be effective on September 29, 2015 and end on December 31, 2016. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the appointment of Robert Wilson to replace Robert Schneider as a representative on the Hays County ESD #3. All present voting "Aye". MOTION PASSED

**31004 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 3988 HWY 290 E, DRIPPING SPRINGS, TX**

AMM Collision Center proposing an OSSF to serve a paint and body shop, in Precinct 4. This property is lot 9 section 2C in the Sunset Canyon subdivision and is 1.8 acres in size. Water will be supplied by a public water supply. The system designer, Jon Maass, R.S., has designed a treatment system which consists of flow equalization, aerobic treatment, and dispersal to surface irrigation at a daily usage rate of 240 gallons. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Institutional OSSF Permit at 3988 HWY 290 E, Dripping Springs, TX. All present voting "Aye". MOTION PASSED

**31005 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT WITH TRAVIS COUNTY FOR THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE FROM THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY FOR THE SHERIFF'S COMBINED AUTO THEFT TASK FORCE PROJECT**

The Travis County Sheriff's Office is requesting approval of the annual agreement with the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) to continue the Sheriff's combined Auto Theft Task Force Grant. Grant project term is from September 1, 2015 to August 31, 2016. The grant award provides funding for the Hays County Field Agent's salary in the amount of \$62,111.04 and the Hays County Sheriff's office will cover the fringe benefits (\$27,355.47) for this position. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Interlocal Assistance Agreement with Travis County for the Regional Auto Theft Enforcement Task Force from the Texas Automobile Burglary and Theft Prevention Authority for the Sheriff's Combined Auto Theft Task Force Project. All present voting "Aye". MOTION PASSED

**31006 AUTHORIZE COMMERCIAL OSSF PERMIT AT 1126B, FM 32 WIMBERLEY, TX**

Bobby Alba is proposing an OSSF to serve a 2400 square foot office/warehouse at 1126B, FM 32 in Precinct 3. This property is 6 acres in size, lot 1, Ladera Ranch Subdivision. Water will be supplied by rainwater collection. The components of this OSSF will be a 1250 trash/flow equalization tank followed by a 500 gpd aerobic treatment unit. The effluent will be dispersed by surface application. This system was designed by Don Perry for 100 gallons per day. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit at 1126B, FM 32 Wimberley, TX. All present voting "Aye". MOTION PASSED

**31007 APPROVE THE APPOINTMENT OF TOM AYERS AS A RESERVE DEPUTY FOR THE OFFICE OF CONSTABLE DAVID PETERSON, PRECINCT 1**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Tom Ayers as a Reserve Deputy for the Office of Constable David Peterson, Precinct 1. All present voting "Aye". MOTION PASSED

**31008 APPROVE SPECIFICATIONS FOR IFB 2016-B01 FM 1626 SOUTH FOR THE HAYS COUNTY PASS THROUGH FINANCING PROGRAM AND AUTHORIZE PURCHASING MANAGER TO SOLICIT FOR BID AND ADVERTISE PENDING RECEIPT OF TXDOT LETTER OF AUTHORIZATION**

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve specifications for IFB 2016-B01 FM 1626 South for the Hays County Pass Through Financing Program and authorize Purchasing Manager to solicit for bid and advertise pending receipt of TxDOT Letter of Authorization. All present voting "Aye". MOTION PASSED



**31009 AMEND VARIOUS DEPARTMENTAL BUDGETS IN PREPARATION FOR THE COUNTY'S FY2015 YEAR-END PROCESS**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to amend various departmental budgets in preparation for the County's FY2015 year-end process. All present voting "Aye". MOTION PASSED

**31010 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LEXIS NEXIS SERVICES FOR LEGAL RESEARCH IN THE HAYS COUNTY LAW LIBRARY**

The Law Library is replacing its print subscription of the Texas Litigation Guide, Texas Transaction Guide and Texas Criminal Practice Guide with electronic versions accessible through LexisNexis Advance Patron Access. The print versions of these books have cost the Law Library around \$8,779.13 per year. Each year the cost rises as the demand for print research materials drops. Changing the subscriptions to electronic format will reduce the cost to \$7,416 per year, for the next 3 years. In addition, the Law Library will have access to other materials from LexisNexis such as Shepherds citation services and Lexis citation only cases. LexisNexis is the only publisher that can provide these specific resources and practice materials. The required funding has already been approved in the FY16 budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a contract with Lexis Nexis Services for legal research in the Hays County Law Library. All present voting "Aye". MOTION PASSED**

**31011 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT RENEWALS WITH WEST THOMSON REUTERS FOR LEGAL RESEARCH IN THE HAYS COUNTY LAW LIBRARY**

There are two contracts, initially signed in September 2012, up for renewal. One is for book updates and the other is for computer assisted legal research (Westlaw) in the Law Library. The required funding has already been approved in the FY16 budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute contract renewals with West Thomson Reuters for legal research in the Hays County Law Library. All voting "Aye". MOTION PASSED**

**31012 RATIFY THE EXECUTION OF CHANGE ORDER AUTHORIZATION NO. 2 FOR TASK ORDER ONE BETWEEN HAYS COUNTY AND TETRA TECH, INC FOR DISASTER DEBRIS MONITORING AND MANAGEMENT SERVICES RELATED TO THE MAY 2015 FLOOD**

Task Order #1 - CO 2: Scope: Disaster Debris Monitoring Services for Hays County, Wimberley and San Marcos. New Effective Date: August 7, 2015 to October 31, 2015. Increased by: \$23,658. New NTE Budget: \$535,137. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the execution of Change Order Authorization No. 2 for Task Order One between Hays County and Tetra Tech, Inc. for Disaster Debris Monitoring and Management Services related to the May 2015 Flood. All present voting "Aye". MOTION PASSED**

**Clerk's Note Agenda Item #18 RE:** *CALL FOR A PUBLIC HEARING ON OCTOBER 13, 2015 TO ESTABLISH TRAFFIC REGULATIONS (YIELD SIGN) ON HENLY LOOP (EAST ENTRANCE OFF OF US 290) – was pulled*

**31013 SUB-370 POCO RANCH SUBDIVISION (4 LOTS) APPROVE FINAL PLAT**

Caitlyn Hairell, County Planner gave staff recommendation. Poco Ranch is a proposed 4 lot subdivision across 28.20 acres. This proposed subdivision is located off of Pursley Road in Precinct 4. Water service will be provided by private wells and wastewater treatment will be accomplished by individual on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat of SUB-370 Poco Ranch Subdivision. All present voting "Aye". MOTION PASSED**

**Clerk's Note:** Court took a break at 9:43 a.m. and reconvened into open session at 10:04 a.m.

**31014 HOLD A PUBLIC HEARING AT 10:00 AM IN ACCORDANCE WITH SECTION 293.101 OF THE TEXAS HEALTH AND SAFETY CODE, INCLUDING BUT NOT LIMITED TO DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CREATION OF A HAYS COUNTY LOCAL PROVIDER PARTICIPATION FUND ("LPPF"), AUTHORIZE THE COUNTY TO COLLECT A MANDATORY PAYMENT FROM EACH INSTITUTIONAL HEALTH CARE PROVIDER IN HAYS COUNTY, ESTABLISH THE STATE FISCAL YEAR 2016 MANDATORY PAYMENTS, AND AUTHORIZE THE INTERGOVERNMENTAL TRANSFER OF THE FUNDS DERIVED FROM THOSE MANDATORY PAYMENTS TO PROVIDE THE NONFEDERAL SHARE OF THE SUPPLEMENTAL PAYMENT PROGRAM AUTHORIZED UNDER THE TEXAS**



**HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM  
("SEC 1115") WAIVER**

Judge Cobb opened the Public Hearing. Lon Shell, Chief of Staff, Dan Lyons – San Marcos resident, Liz Johnson – Seton Healthcare System and Ann Miller of CTMC spoke. Judge Cobb closed the Public Hearing. Hays County's participation in a County Health Care Provider Participation Program is authorized by HB 3175 passed during the 84th Texas Legislature. A County Health Care Provider Participation Program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 293 of the Texas Health and Safety Code. Central Texas Medical Center of San Marcos and Seton Medical Center Hays supported passage of HB 3175, support the creation of the program in Hays County, and are the only affected entities. Hays County adopted a resolution in support of the legislation during the 3-24-15 Commissioners Court. The Hays County Commissioners Court adopted and Order authorizing the County's participation in the LPPF program during the 9-15-15 court meeting. Sage Capital Bank was designated as the depository for the payments by resolution of the Court on 9-15-15. Notice of the Public Hearing has been posted in accordance with 293.101 of the Texas Health and Safety Code. During the hearing, the Court will consider the approval of the amount of payments for each hospital as determined by 293.151 THSC and consider other issues related to the program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the creation of a Hays County Local Provider Participation Fund ("LPPF"), authorize the county to collect a mandatory payment from each institutional health care provider in Hays County, establish the state fiscal year 2016 mandatory payments of \$4,934,458.02 for Central Texas Medical Center, \$6,163,271.16 for Seton Medical Center Hays, and \$162,754.74 for Warm Springs Rehabilitation of Kyle which equal 6% of the net patient revenue of each hospital, and authorize the Intergovernmental Transfer of the funds derived from those mandatory payments to provide the nonfederal share of the supplemental payment program authorized under the Texas Healthcare Transformation and Quality Improvement Program ("sec 1115") waiver. All present voting "Aye".** MOTION PASSED

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE VETERANS SERVICE OFFICER, FIRE MARSHALL, EMERGENCY MANAGEMENT COORDINATOR, IT DIRECTOR, HUMAN RESOURCES DIRECTOR, TRANSPORTATION DIRECTOR, GENERAL COUNSEL, ELECTIONS ADMINISTRATOR, DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR, AND GRANTS ADMINISTRATOR**

Court convened into Executive session at 10:20 a.m. and reconvened into open court at 1:50 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb. No Action Taken.

**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**

Judge Cobb gave the Hays County Jail population report. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our capacity to 311. The jail's daily average was 298 and peak was 307 on September 23th for the week of September 20 to September 26, 2015. The maximum female capacity is 76 inmates. Last week's average was 60 and peak was 64 on 9/25/2015. The maximum male capacity is 256 inmates. Last week's average was 238 and peak was 245 on 9/23/2015. Inmate at Guadalupe County: 13; Inmate at Caldwell County: 20; Inmate at Walker County: 20.

**ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Hays County Fire Marshall – Mark Chambers gave the Drought Index – 655, with the 14 day outlook at 699. He explained the Drought Index, it ranges from 0-800 scale. His recommendation is to keep the Burn Ban in place.

**Clerk's Note Agenda Item #24 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR. POSSIBLE ACTION MAY FOLLOW – was pulled*



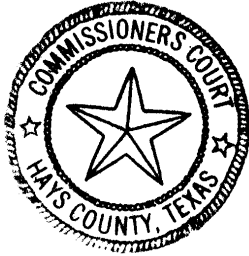
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A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adjourn court at 1:55 p.m.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on September 29, 2015.



LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS

