



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 9<sup>TH</sup> DAY OF FEBRUARY A.D., 2016, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>ALBERT H. COBB JR</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RAY O. WHISENANT JR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LIZ Q. GONZALEZ</b>	<b>COUNTY CLERK</b>

WITH COMMISSIONER PCT. 2, MARK JOHNES BEING ABSENT AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dennis Spire from Calvary Baptist Church 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.

#### **PUBLIC COMMENTS**

Dan Lyon – San Marcos resident made public comment.

#### **31293 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$634,091.78 as submitted by the County Auditor. All present voting "Aye". MOTION PASSED

#### **31294 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 2, 2016**

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of February 2, 2016 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

#### **31295 AUTHORIZE COMMERCIAL OSSF PERMIT AT 2390 FM 2001, BUDA, TEXAS**

Ryan O'Rourke is proposing an OSSF to serve a 3300 square foot building that will include a firearm retail shop on the first floor and a 2 bedroom apartment on the second floor. This property is Lot 3 in Phase 1 in the Woodbrook Subdivision. This property will be served by a public water supply. The system designer, John Fox, R.S. has designed a system which consists of standard treatment with dispersal by a low pressure pipe drainfield at a daily usage rate of 255 gallons. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit at 2390 FM 2001, Buda, Texas. All present voting "Aye". MOTION PASSED

#### **31296 AUTHORIZE COMMERCIAL OSSF PERMIT AT 252 FROG POND LANE, DRIPPING SPRINGS, TX**

Barry Brittain Alexius is proposing an OSSF to serve 3 office/warehouse buildings. Each building will have two offices and up to 6 employees per office. There will be a 5000 square foot, a 7500 square foot, and a 10,000 square foot building. This property is Lot 11 in the Frog Pond Subdivision. These buildings will be served by rainwater collection and truck in water from the City of Dripping Springs. The system designer, Dave McGhee, R.S. has designed a treatment system, which consists of a flow equalization tank, which will dose to an aerobic treatment unit. After treatment, the effluent will be dispersed to a drip irrigation field. The system is designed for a daily usage rate of 360 gallons. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit at 252 Frog Pond Lane, Dripping Springs, TX. All present voting "Aye". MOTION PASSED

#### **31297 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE EXISTING FUNDS TO PURCHASE A REPLACEMENT RIFLE**

Capitan Mark Cumberland spoke. The Sheriff's Office is in need of replacing a sniper rifle for SWAT. The existing rifle has been in service since 1994 and is out of industry standards for a Police Precision Rifle which should be replaced every 8-10 years. No additional funds are needed savings have been identified in the Sheriff's Office Law Enforcement Equipment. Amount required \$ 847.00; line item number 001-618-00.5717\_400. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Sheriff's Office to utilize existing funds to purchase a replacement rifle. All present voting "Aye". MOTION PASSED



**31298 APPROVE OUT OF STATE TRAVEL FOR DETECTIVES MIKE ANDREWS AND MARK OPIELA TO ATTEND THE INTERNET CRIMES AGAINST CHILDREN 2016 NATIONAL LAW ENFORCEMENT TRAINING ON CHILD EXPLOITATION IN ATLANTA, GEORGIA**

Out of state travel is needed to send Detectives Mike Andrews and Mark Opiela to the 2016 Law Enforcement Training on Child Exploitation in Atlanta, Georgia on April 19-22, 2016. This training will provide Detectives Andrews and Opiela knowledge in investigations, forensics, prosecution and community outreach when working on cases received from the Attorney General's Office. This conference will offer over 240 lecture and hands-on workshops taught by subject matter experts. This training is tuition free. Travel expenses and per diem will be paid for out of the Sheriff's Office Continuing Ed general ledger. Amount \$1200.00; line item number 001-618-00.5551 Continuing Ed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve out of state travel for Detectives Mike Andrews and Mark Opiela to attend the Internet Crimes Against Children 2016 National Law Enforcement Training on Child Exploitation in Atlanta, Georgia. All present voting "Aye". MOTION PASSED**

**31299 AUTHORIZE COMMERCIAL OSSF PERMIT AT 5160 INDUSTRIAL WAY, BUDA, TEXAS**

Gary Rhodes is proposing an OSSF to serve another showroom and service area for his Fiesta Motors car dealership. This property is Lot 2 in the Capital Area Industrial Park Subdivision. This property will be served by a public water supply. The system designer, Stan Burrier, P.E. has designed a system which consists of standard treatment with dispersal by a low pressure pipe drainfield at a daily usage rate of 120 gallons. Industrial wastewater from the car servicing area will be held in a holding tank and disposed of by a licensed waste hauler. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize Commercial OSSF Permit at 5160 Industrial Way, Buda, Texas. All present voting "Aye". MOTION PASSED**

**31300 RATIFY THE EXECUTION OF A SPECIAL USE AGREEMENT BETWEEN THE HAYS COUNTY HISTORICAL COMMISSION AND THE CITY OF KYLE RELATED TO THE LEASE AT 100 NORTH FRONT STREET, KYLE, TEXAS**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the execution of a Special Use Agreement between the Hays County Historical Commission and the City of Kyle related to the lease at 100 North Front Street, Kyle, Texas. All present voting "Aye". MOTION PASSED**

**31301 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CHANGE ORDER AUTHORIZATION NO. 1 FOR TASK ORDER TWO BETWEEN HAYS COUNTY AND TETRA TECH, INC. FOR THE DISASTER GRANT MANAGEMENT AND REIMBURSEMENT ASSISTANCE RELATED TO THE MAY 2015 FLOOD**

Task Order #2 - CO 1: Scope: Disaster Grant Management Assistance New Effective Date: to May 31, 2016; Increased by: \$25,000; New NTE Budget: \$50,000. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute Change Order Authorization No. 1 for Task Order Two between Hays County and Tetra Tech, Inc. for the Disaster Grant Management and Reimbursement Assistance related to the May 2015 Flood. All present voting "Aye". MOTION PASSED**

**31302 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE EXISTING FUNDS TO PURCHASE EQUIPMENT FOR PURSUIT DRIVING TRAINING**

Captain Mike Davenport and Yvette Johnson spoke. At this time the Sheriff's Office is need of equipment for pursuit driving training. Purchasing this equipment will provide training for techniques designed to stop and deter fleeing vehicles during a pursuit. No additional funds are needed; funds have been identified in Sheriff's Office Law Enforcement Equipment. Amount required \$3,240.00; line item number 001-618-00.5717\_400. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Sheriff's Office to utilize existing funds to purchase equipment for pursuit driving training. All present voting "Aye". MOTION PASSED**

**31303 ACCEPT THE RELEASE OF THE MAINTENANCE BOND, AND ACCEPTANCE OF THE ROADS INTO THE COUNTY ROAD SYSTEM FOR MEADOWS AT BUDA SUBDIVISION, SEC. 3B**

Transportation Director Jerry Borcharding spoke and gave staff recommendation for acceptance of the roads into the county road system. The Transportation Department has inspected and approved the punch list of



repairs. Roads include: a segment of Hot Spring Valley (1,850 ft.), and Pure Nature Way (270 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to release the maintenance bond, and acceptance of the roads into the county road system for Meadows at Buda subdivision, Sec. 3B. All present voting "Aye". MOTION PASSED**

**31304 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCE FUNDING AGREEMENT AND RESOLUTION WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE FITZHUGH ROAD SAFETY PROJECT, CSJ #0914-33-070**

Jerry Borcharding, Hays County Transportation Director spoke. Funding through TxDot from the Federal Highway Administration Hazard Elimination/Safety Project Off-System is available for safety improvements on Fitzhugh Road. These improvements include providing warning and guide signs and delineation as authorized by the Texas Transportation Commission Minute Order Number 114027. Total project cost is \$349,283, which consists of \$295,818 federal funds and a fixed amount of \$53,465 due from Hays County. The State will be responsible for project increases exceeding the total project budget as outlined in the AFA. Amount required \$53,465.00; line item number 020-710-00.5448\_010. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Advance Funding Agreement and Resolution with the Texas Department of Transportation for the Fitzhugh Road Safety Project, CSJ #0914-33-070. All present voting "Aye". MOTION PASSED**

**31305 SUB-505 MEDLIN CREEK MEADOWS (3 LOTS) APPROVE FINAL PLAT**

Caitlyn Hairell, County Planner spoke. The proposed Medlin Creek Meadows is a 3 lot subdivision across 10.07 acres located off of Medlin Creek Loop in Precinct 4. The subdivision will be served by private wells. Wastewater service will be provided by individual on-site sewage facilities. Early in the development of this subdivision, staff had concerns regarding the condition of the privately-maintained Medlin Creek Loop off of which these lots are located. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve final plat of SUB-505 Medlin Creek Meadows (3 Lots). All present voting "Aye". MOTION PASSED**

**31306 APPROVE FIREWORKS SALES MEETING NEW STATE STATUTE**

Clint Browning, Assistant Fire Marshal spoke. In accordance with HB 1150 of the 84th Regular Legislature; In addition to the periods during which the sale of fireworks was previously authorized the commissioners of a county by order may allow a retail fireworks permit holder(s) to sell fireworks in that county only to the public and only during one or more of the following period (1) beginning February 25 and ending at midnight on March 2; (2) beginning April 16 and ending at midnight on April 21; and (3) beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve fireworks sales meeting new state statute. All present voting "Aye". MOTION PASSED**

**31307 PROMOTE AND FUND HEALTH CHECK 2016 FOR HAYS COUNTY EMPLOYEES AND ELIGIBLE DEPENDENTS. AUTHORIZE PAYROLL DEDUCTION OF ADDITIONAL FEES FOR OPTIONAL SERVICES EMPLOYEES MAY ELECT**

DeeDee Baen, Human Resources Director spoke. Health Check is a community wide celebration offering health screenings that include a complete metabolic panel (screening for glucose, renal and liver disorders); lipid panel (cholesterol with HDL/LDL breakdown and triglycerides); complete blood cell count for hematology disorders including white, hemoglobin, hematocrit and platelets. Per Central Texas Medical Center (CTMC), these tests, valued at hundreds of dollars, are offered for \$30 per person for 2016 through Health Check (2015-\$30; 2014-\$45; 2013-\$45; 2012-\$45; 2011-\$25; 2010-\$35) Additionally, CTMC is offering Hays County employees the option of pre-registering which allows for blood draws at our worksite. As in prior years, these sites will include the GC, the SO and R&B on Yarrington and the Kyle Office. A recap of the last six years of our participation in Health Check is as follows: Hays County paid 100% of the participant's fee. Dependents over the age of 18 that are covered on our health plan were allowed to participate at no cost (with the exception of the additional tests). Historical participation is as follows: 2007: 150 employees participated, 2008: 187 employees participated, 2009: 165 employees participated, 2010: 168 employees participated, 2011: 155 employees participated, 2012: 131 employees participated, 2013: 106 employees participated 2014: 138 employees participated 2015: 133 employees participated The requested amount of \$6,000(200 employees x \$30 – is an estimate and is based on the guesstimate that employees will take advantage of the CTMC biometric results ability to transfer into the Humana Vitality program that is new for 2016. Additional metrics needed for Humana's Vitality program include height, weight and waist size, which CTMC has agreed to perform at the time of the draw for those employees wanting the data for the wellness program. At their own cost, Employees can also choose to have a thyroid stimulating hormone (TSH) test (\$15), a hemoglobin A1C test for \$15 (used to measure the amount of glucose that attaches to the protein in the red blood cells), a Vitamin D test is added for \$15 , and a Hepatitis C test for \$15 Similar to last year and in order to minimize cash handling, reconciling and balancing, we are requesting the voluntary fees associated with optional tests to be payroll deducted. This has been coordinated with the Treasurer's office for payroll purposes and Treasurer Tuttle is supportive of this automation. If the County does not wish to absorb the entire cost, a \$5 or \$10 cost sharing could be introduced



The actual day-long health fair portion of Health Check will be held on Tuesday April 12 from 7am to 3pm at Embassy Suites Conference Center in San Marcos. Amount required \$6,000; line item number 003-730-00.5342. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to promote and fund Health Check 2016 for Hays County employees and eligible dependents. Authorize payroll deduction of additional fees for optional services employees may elect. All present voting "Aye". MOTION PASSED**

**DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY**

Judge Cobb gave the Hays County Jail 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 306 and peak was 319 on February 5th for the week of January 31 to February 6, 2016. The maximum female capacity is 76 inmates. Last week's average was 70 and peak was 73 on 2/6/2016. The maximum male capacity is 256 inmates. Last week's average was 237 and peak was 248 on 2/5/2016. Inmate at Guadalupe County: 34; Inmate at Bastrop County: 12; Inmate at Caldwell County: 43; Inmate at Walker County: 0.

**31308 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

Fire Chief Assistant, Clint Browning spoke of meeting with local Fire Chiefs and reviewing all the determining factors and unanimously to recommend that the Burn Ban be put in to effect. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to place the Burn Ban in to effect for 90 days. All present voting "Aye". MOTION PASSED**

**County Clerk's Note Agenda Item #18 RE:** *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR - was pulled*

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to adjourn court at 9:33 a.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 February 9, 2016.



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

