



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 14<sup>TH</sup> DAY OF FEBRUARY A.D., 2017, 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 |
| WILL CONLEY              | COMMISSIONER, PCT. 3 |
| RAY O. WHISENANT JR.     | COMMISSIONER, PCT. 4 |
| CHRISTOPHER ALANIZ       | DEPUTY COUNTY CLERK  |

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

**Clerks Note Re: Item #1- ADOPT A PROCLAMATION DECLARING FEBRUARY, 2017 AS DATING VIOLENCE AWARENESS AND PREVENTION MONTH IN HAYS COUNTY - was pulled**

#### **PUBLIC COMMENTS**

Sam Brannon- a San Marcos resident and Matt Ocker- a Buda resident spoke.

#### **32245 APPROVE PAYMENTS OF COUNTY INVOICES**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of county invoices in the amount of \$1,329,474.28 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

#### **32246 APPROVE COMMISSIONERS COURT MINUTES OF FEBRUARY 7, 2017**

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioners Court Minutes of February 7, 2017. All present voting "Aye". MOTION PASSED

#### **32247 ACCEPT AND APPROVE THE 2016 RACIAL PROFILING REPORT AND THE 2016 ANNUAL ACTIVITY REPORT FROM HAYS COUNTY CONSTABLE OFFICE, PCT. 4**

In compliance with Senate Bill 1074-76th regular session of the Texas Legislature amended by House Bill 3389-81st regular session. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to accept and approve the 2016 Racial Profiling Report and the 2016 Annual Activity Report from Hays County Constable Office, Pct. 4. All present voting "Aye". MOTION PASSED

#### **32248 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE A MOTOR-ONE WIRELESS MOTOR KIT FOR A HONDA ST1300 MOTORCYCLE**

In the FY 2016 budget the Sheriff's Office was approved a replacement motorcycle; it was not received prior to 9/30/2016 and the funds were rolled over to FY 2017. At this time the Sheriff's Office is seeking approval to purchase a motor-one wireless motor kit for this unit. The wireless kit will link to the handheld radio and siren providing officer safety. No additional funds are needed; \$695.00 was identified in the Law Enforcement Equipment Operating g/l. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to purchase a motor-one wireless motor kit for a Honda ST1300 motorcycle. All present voting "Aye". MOTION PASSED

#### **32249 AUTHORIZE THE SHERIFF'S OFFICE TO ACCEPT A DONATION OF \$500.00 ISSUED TO THE COMMUNITY OUTREACH DIVISION AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office received a donation of \$500 from the Unity Church of Wimberley. The Church is requesting for the donation to be split between the following community programs; \$300 to Sunshine Kids and \$200 to Hays County Citizens Academy. Donated funds will be utilized for supplies and services for each program. Budget Amendment: Increase 052-618-00.4610 Contributions \$500.00. Increase 052-618-00.5222 Special



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Projects \$500.00. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to accept a donation of \$500.00 issued to the Community Outreach Division and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**32250 APPROVE SPECIFICATIONS FOR RFQ 2017-P04 MATERIALS TESTING AND TECHNICAL INSPECTIONS, COMMISSIONING SERVICES FOR THE HAYS COUNTY PUBLIC SAFETY BOND PROGRAM AND AUTHORIZE PURCHASING TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve specifications for RFQ 2017-P04 Materials Testing and Technical Inspections, Commissioning Services for the Hays County Public Safety Bond Program and authorize Purchasing to solicit for qualifications and advertise. All present voting "Aye". MOTION PASSED

**32251 APPROVE OUT OF STATE TRAVEL FOR THE COUNTY COURT AT LAW 2 JUDGE AND VETERAN'S COURT TEAM TO ATTEND THE NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS CONFERENCE IN WASHINGTON, DC AND AMEND THE BUDGET ACCORDINGLY**

The CCL2 Judge requests the Court's authorization for himself and three members of the Veteran's Court Team, to attend the National Association of Drug Court Professionals conference in Washington, DC in July 2017. Funds were budgeted in the CCL2 budget for the Judge to attend and the NADCP conference. The granting agency has approved the VC Team to attend as part of the approved CJD grant budget, utilizing the VC Coordinator's declined medical insurance savings. Grant Budget Amendment: Increase Continuing Education - \$5,000. Decrease Medical Insurance - (\$5,000). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve out of state travel for the County Court at Law 2 Judge and Veteran's Court Team to attend the National Association of Drug Court Professionals conference in Washington, DC and amend the budget accordingly. All present voting "Aye". MOTION PASSED

**32252 AUTHORIZE THE RENEWAL OF THE COMPOUNDING SERVICE AGREEMENT BETWEEN B AND J PHARMACY AND HAYS COUNTY LOCAL HEALTH DEPARTMENT FOR SERVICES RELATED TO HCLHD-TB PROGRAM FEBRUARY 1, 2017**

These services will run from February 1, 2017. This agreement is written to automatically renew each fiscal year for a period of 5 years. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the renewal of the Compounding service agreement between B and J Pharmacy and Hays County Local Health Department for services related to HCLHD-TB program February 1, 2017. All present voting "Aye". MOTION PASSED

**32253 AUTHORIZE THE RENEWAL OF THE COMPOUNDING SERVICE AGREEMENT BETWEEN MED-PARK PHARMACY AND HAYS COUNTY LOCAL HEALTH DEPARTMENT FOR SERVICES RELATED TO HCLHD-TB PROGRAM FEBRUARY 1, 2017**

These services will run from February 1, 2017. This agreement is written to automatically renew each fiscal year for a period of 5 years. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the renewal of the Compounding service agreement between Med-Park Pharmacy and Hays County Local Health Department for services related to HCLHD-TB program February 1, 2017. All present voting "Aye". MOTION PASSED

**32254 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE FY2018 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) PROGRAM IN THE AMOUNT OF \$122,790.00**

On January 10, 2017, the Commissioners Court authorized submission of a grant application to the Department of Health Services (DSHS), Public Health Emergency Preparedness (PHEP) program. Funds are used to support the salary and benefits of the Emergency Preparedness Coordinator and SNS Coordinator in the Hays County Local Health Department. This grant requires a 10% match (\$12,279.00) with match met through in-kind contributions from the health department operating funds for a total project amount of \$135,069.00. The term for this grant is July 1, 2017 through June 30, 2018. The contract will be signed electronically. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with the Department of State Health Services (DSHS) for the FY2018 Public Health



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Emergency Preparedness (PHEP) Program in the amount of \$122,790.00. All present voting "Aye".  
**MOTION PASSED**

**32255      AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RESOLUTION AND SUBMIT A GRANT APPLICATION TO THE GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION FOR FUNDING TO SUPPORT THE HAYS COUNTY VETERANS COURT IN THE AMOUNT OF \$77,584.00**

On December 17, 2013 the Commissioners Court authorized creation of the Hays County Veterans Court, to be placed under the jurisdiction of County Court-at-Law #2. The Veterans Court provides a voluntary intensive treatment program for those military veterans who suffer from combat-related trauma and have been diagnosed with mental health issues, PTSD, or TBI, and have been arrested for a non-violent offense. The Court began on a pilot basis in May, 2014 and funding from the Governor's Office, Criminal Justice Division (CJD) – Specialty Courts program was received in September, 2014 for operation of the Court. This grant application to the same program requests support to continue operations of the Court, and includes funding for a Court Coordinator, travel and training expenses, office supplies, and contractual services including drug/alcohol testing and monitoring. Funding has been capped by CJD to the amount received last year minus any new ineligible items. The contract services for the Defense Attorney that were funded under the previous grant are now considered an ineligible cost, and the requested grant amount has been reduced accordingly. The grant must be submitted in electronic format by February 20, 2017 and the project period, if awarded, is from September 1, 2017 through August 31, 2018. No matching funds are required for the grant. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Resolution and submit a grant application to the Governor's Office, Criminal Justice Division for funding to support the Hays County Veterans Court in the amount of \$77,584.00. All present voting "Aye".**  
**MOTION PASSED**

**32256      APPROVE OUT OF STATE TRAVEL FOR THE DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES FOR THE 2017 NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION'S ANNUAL EDUCATIONAL CONFERENCE BEING HELD JULY 10-13 IN GRAND RAPIDS, MI**

NEHA's AEC is an opportunity to obtain real-world information and expertise in the field of environmental health. The education and skills acquired would prove beneficial in strengthening the daily operations of the Development and Community Services Department. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve out of state travel for the Director of Development and Community Services for the 2017 National Environmental Health Association's Annual Educational Conference being held July 10-13 in Grand Rapids, MI. All present voting "Aye".** **MOTION PASSED**

**32257      CALL FOR A PUBLIC HEARING ON FEBRUARY 28, 2017 TO ESTABLISH TRAFFIC REGULATIONS ON EAGLE NEST DRIVE, LEWIS LANE & LONGLEY TRACE IN CIMARRON PARK SUBDIVISION NEAR FM 1626**

This action will be to establish a new stop sign on Eagle Nest Drive at Lewis Lane, a new stop sign on Longley Trace at Lewis Lane, and to remove an existing stop sign on Eagle Nest Drive at Longley Trace as a result of the completion of construction on FM 1626 and the new orientation of the roads within the subdivision (see map). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to call for a public hearing on February 28, 2017 to establish traffic regulations on Eagle Nest Drive, Lewis Lane & Longley Trace in Cimarron Park subdivision near FM 1626. All present voting "Aye".** **MOTION PASSED**

**32258      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCE FUNDING COMMITMENT AGREEMENT BETWEEN HAYS COUNTY AND FLINT HILLS RESOURCES CENTRAL TEXAS, LLC RELATED TO A LEFT TURN LANE TO BE LOCATED AT THE ENTRANCE OF 2361 JACK C. HAYS TRAIL, BUDA, TEXAS 78610**

**A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Advance Funding Commitment Agreement between Hays County and Flint Hills Resources Central Texas, LLC related to a left turn lane to be located at the entrance of 2361 Jack C. Hays Trail, Buda, Texas 78610. All present voting "Aye".** **MOTION PASSED**

**32259      AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CHAPARRAL PROFESSIONAL LAND SURVEYING, INC. FOR SURVEYING SERVICES NECESSARY FOR THE ACQUISITION OF THE REMAINING RIGHT OF WAY REQUIRED FOR THE DACY LANE PHASE II PROJECT**



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Dacy Lane was identified as a County roadway warranting safety improvements as part of the 2008 Priority Road Bond Program. The project scope described in the bond program included the initial engineering studies required to begin environmental clearance as well as ROW preservation. In addition, in November of 2016, Hays County voters approved Proposition 2 of the proposed 2016 Bond Program for road improvements throughout the County. Dacy Lane, including ROW acquisition, design and construction, was identified within this program. Therefore, funding is available for ROW procurement once the identified savings in the 2008 County Road Bond Program have been fully utilized. This Agreement is to complete the survey necessary for the acquisition of the remaining parcels on the northern end of the project between Windy Hill Road and Hillside Terrace. This effort was kept separate from the acquisition services being provided by Lockwood, Andrews and Newnam, Inc. to remove the need for the surveyor to charge sales tax for these services as well as remove sub-consultant management fees. The Professional Services Agreement is attached for the Court's review and approval. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Professional Services Agreement with Chaparral Professional Land Surveying, Inc. for surveying services necessary for the acquisition of the remaining right of way required for the Dacy Lane Phase II project. All present voting "Aye". MOTION PASSED**

**32260 SUB-721 MEDLIN CREEK RANCH PHASE 1 (4 LOTS). DISCUSSION AND POSSIBLE ACTION TO APPROVE PRELIMINARY PLAN**

The proposed Medlin Creek Ranch is a proposed 4 lot subdivision located off of W Fitzhugh Road in Precinct 4. The subdivision will be served by individual water wells and wastewater treatment will be accomplished by individual on-site sewage facilities. Hays County Planner Caitlyn Hairell spoke and staff gave recommendation. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve preliminary plan SUB-721 Medlin Creek Ranch Phase 1 (4 Lots). All present voting "Aye". MOTION PASSED**

**32261 SUB-651 REUNION RANCH PHASE 2, SECTION 5 (26 LOTS). DISCUSSION AND POSSIBLE ACTION TO APPROVE FINAL PLAT; ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$413,225.50 (BOND # SU1143656)**

This section includes 26 single family residential lots. All lots will be served by the Reunion Ranch Water Control and Improvement District. Hays County Planner Caitlyn Hairell spoke. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve final plat; accept fiscal surety for the construction of street and drainage improvements in the amount of \$413,225.50 (Bond # SU1143656) SUB-651 Reunion Ranch Phase 2, Section 5 (26 lots). All present voting "Aye". MOTION PASSED**

**32262 SUB-630 SHADOW CREEK PHASE 8, SECTION 2 (78 LOTS). DISCUSSION AND POSSIBLE ACTION TO APPROVE FINAL PLAT; ACCEPT CONSTRUCTION BOND NO. K0956889A FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$969,723.55**

The preliminary plan for the Shadow Creek Subdivision was originally approved on June 15, 2004 as a 1440 lot subdivision located off of Windy Hill Road in Precinct 2. This section includes 76 single-family residential lots and 2 greenspace/drainage lots. All lots will be served by GoForth Special Utility District and sewer provided by North Hays County Municipal Utility District Number 1. Hays County Planner Caitlyn Hairell spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat; accept Construction Bond No. K0956889A for the construction of street and drainage improvements in the amount of \$969,723.55 for SUB-630 Shadow Creek Phase 8, Section 2 (78 lots). All present voting "Aye". MOTION PASSED**

**32263 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH VISIONBEE, LLC, DBA BEE®, FOR THE REVIEW OF THE UTILITY ASSESSMENT REPORT, MEASUREMENT & VERIFICATION PLAN AND THE SAVINGS ESTIMATION CALCULATIONS PREPARED BY PERFORMANCE SERVICES INC. IN CONNECTION WITH THE PROPOSED ENERGY SAVINGS PERFORMANCE CONTRACT**

Bee® has been selected by Hays County as an independent third party to review various documents and the savings estimation calculations prepared by Performance Services Inc. in relation to the proposed Energy Savings Performance Contract. The contractor will provide a letter reporting findings from the review to Hays County once their review has been completed. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute a professional services agreement with VisionBee, LLC, dba Bee®, for the review of the Utility Assessment Report, Measurement &**



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Verification Plan and the savings estimation calculations prepared by Performance Services Inc. in connection with the proposed Energy Savings Performance Contract. All present voting "Aye".  
MOTION PASSED

**32264 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A BUSINESS ASSOCIATES AGREEMENT AND SUBSCRIPTION AGREEMENT WITH VIRTRU FOR THE LOCAL HEALTH DEPARTMENT RELATED TO ENCRYPTED EMAIL AND FILE PROTECTION AND AMEND THE BUDGET ACCORDINGLY**

The HIPAA Privacy and Security Rules require that covered entities enter into contracts with their business associates to ensure that the business associate will appropriately safeguard protected health information. The agreement protects personal health information in accordance with HIPAA guidelines. HIPAA requires that agreements be in writing, whether in the form of a contract or other agreement between the covered entity and the business associate. Approval and execution of the Business Associates Agreement ensures paper and electronic records are handled in accordance with all applicable rules. Additionally, the Security Rules requires a covered entity implement technical policies and procedures to limit access, destruction, or alteration of protected health information being transmitted electronically. The Security Rule requires that a covered entity implement technical measures to guard against unauthorized access to protected health information that is being transmitted over an electronic communications network (45 CFR 164.312 (e)). This includes having integrity controls and encryption. The attached Subscription Agreement ensures protected health information is transmitted in accordance with all applicable rules and includes the proposal for the software licenses needed. Attachments: Virtru Business Associate Agreement; Virtru Subscription Agreement. Budget Amendment: Local Health Department; Increase 120-675-00.5429; Decrease 120-675-00.5391. Clint Garza, Director of Development spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Business Associates Agreement and Subscription Agreement with Virtru for the Local Health Department related to encrypted email and file protection and amend the budget accordingly. All present voting "Aye". MOTION PASSED**

**APPOINTMENT OF COMMISSIONERS TO THE BOARD OF THE NEWLY-CREATED EMERGENCY SERVICES DISTRICT NO.9 (ESD#9), AND MATTERS RELATED THERETO**

Chief of Staff, Lon Shell and Chief David Smith of San Marcos Hays County EMS spoke on the matter. No action was taken. Creation of ESD#9 was authorized during the November 2016 election. Pursuant to 775.034 of the Texas Health and Safety Code, the Commissioners Court is authorized to appoint the 5-person board. Other matters related to ESD#9 may be discussed during this item.

**Clerks Note Re: Item #23- EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG PROPOSED FM110 IN PCT. 1. POSSIBLE ACTION TO FOLLOW IN OPEN COURT- was pulled**

**Clerks Note Re: Item #24- 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**

**32265 DISCUSSION AND POSSIBLE ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION. COBB/SMITH/BROWNING**

Hays County Fire Marshal Clint Browning gave recommendation to lift burn ban. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to lift the current burn ban. All present voting "Aye". MOTION PASSED**

**Clerks Note Re: Item #26- 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**

**ADJOURNMENT**

**A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 10:00 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 14, 2017.**



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

