



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 18TH DAY OF OCTOBER A.D., 2011, 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
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chris Smith with Fellowship at Plum Creek, Kyle Texas gave the invocation and Judge Cobb led the court in the pledge of allegiance to the flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Constable Pct 2 James Kohler made a public comment.

28509 ADOPT A PROCLAMATION DECLARING OCTOBER 19, 2011 AS HAYS COUNTY CRIME STOPPERS DAY IN CELEBRATION OF ITS 30TH ANNIVERSARY

Sgt. Mike Wood, Hays County Crime Stoppers Law Enforcement Coordinator spoke of the 30th Anniversary celebration on October 19, 2011 from 6-8p.m at Dick's Classic Garage on Hunter Road . **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to adopt a Proclamation declaring October 19, 2011 as Hays County Crime Stoppers Day in celebration of its 30th Anniversary. All voting "Aye". MOTION PASSED**

28510 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of \$7,045,916.66 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28511 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 11, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of October 11, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28512 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/WAREHOUSE LOCATED AT 31884 RR 12, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

Gary McGee is proposing an OSSF to serve an office/warehouse. This property is located at 31884 RR 12, Dripping Springs, Texas in Precinct 4. The property is .99 acres. It is an Aerobic Treatment Unit using drip irrigation dispersal designed by Don Perry, R.S. The ATU is preceeded by a 500 gallon flow equalization tank. A flow meter will be installed on the line following the flow equalization tank. The On Site Sewage Facility is designed for a maximum wastewater flow of 160 gpd for a maximum of 20 employees. Water is supplied by rainwater collection. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit for an office/warehouse located at 31884 RR 12, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**

28513 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR AN OFFICE/WAREHOUSE LOCATED AT 31872 RR 12, DRIPPING SPRINGS, TX 78620, IN PRECINCT 4

BPX Venture A LLC (James Bailey) is proposing an OSSF to serve an office/warehouse. This property is located at 31872 RR 12, Dripping Springs, Texas in Precinct 4. This property is .47 acres. It is an Aerobic treatment using drip irrigation dispersal designed by Don Perry, R.S. The ATU is preceeded by a 500 gallon flow equalization tank. The On Site Sewage Facility is designed for a maximum wastewater flow of 140 gpd for a maximum of 17 employees. Water is supplied by rainwater collection. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Institutional OSSF Permit for an office/warehouse located at 31872 RR 12, Dripping Springs, TX 78620, in Precinct 4. All voting "Aye". MOTION PASSED**



28514 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROGERS DESIGN SERVICES FOR MOUNT GAINOR ROAD

The scope of services is being expanded and will require no additional funding. The scope of work to be performed by the engineer under this work authorization will consist of developing construction plans for improvements Mount Gainor Road. Improvements will be constructed by Hays County forces as a maintenance type project. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute a Contract for Engineering Services Supplemental Agreement No. 1 to the Professional Services Agreement with Rogers Design Services for Mount Gainor Road. All voting "Aye". MOTION PASSED**

28515 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (3-WAY STOP) AT THE INTERSECTION OF GOFORTH ROAD AND BEBEE ROAD

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Transportation Director Jerry Borcharding gave staff recommendation. This intersection is very dangerous and needs to be designated as a 3-way stop. Many concerned residents have called regarding accidents at this intersection and the safety of the public. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to hold a Public Hearing and establish traffic regulations (3-way stop) at the intersection of Goforth Road and Bebee Road. All voting "Aye". MOTION PASSED**

28516 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW IN MOUNT OLIVE RANCH SUBDIVISION

Transportation Director Jerry Borcharding gave staff recommendation for the acceptance for maintenance. The road segments include: Red Sky Road (3,456 Ft). **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to release the maintenance bond and accept for maintenance all road and drainage improvements within County ROW in Mount Olive Ranch Subdivision. All voting "Aye". MOTION PASSED**

28517 ALLOW PLATTING EXCEPTION PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE FOR ALL OWNER(S) OF PORTIONS OF LOT 21, LOS RANCHOS SUBDIVISION

Clint Garza Development Services Director, Special Counsel Mark Kennedy and Dale Campbell made a public comment. Lot 21 Los Ranchos Subdivision was divided illegally in 1979. In 2001 the buyer of a portion of the lot (aka 21B) was unaware of any platting requirements and proceeded to apply for an OSSF permit with the Hays County Environmental Health Department. In 2001 the owner was granted an OSSF permit and was instructed, by Hays County staff, to apply for a 10 year platting variance. The owners of the lots request that the Commissioners Court allow a 232.010 exception to plat requirement which will put their properties in compliance with Hays County regulations. Clint Garza gave no staff recommendation. **A motion was made by County Judge, seconded by Commissioner Whisenant to grant a exception to platting pursuant to Section 232.010 of the Texas Local Government Code for all owner(s) of portions of Lot 21, Los Ranchos Subdivision. All voting "Aye". MOTION PASSED**

28518 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR GRANT FUNDS FOR THE COUNTY'S PARTICIPATION IN THE ADVANCE LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAM IN THE AMOUNT OF \$38,000

Jeff Hauff Director of Grants spoke on June 28, 2011 the Commissioners Court executed two Subaward Agreements with Texas State University for the ALERRT program. This Subawared Agreement is the third and final agreement to fund the salary of an officer (Sergeant-Director of Training) in the Sheriff's Office involved in training and support of the ALERRT program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Subaward Agreement with Texas State University for grant funds for the County's participation in the Advance Law Enforcement Rapid Response Training (ALERRT) program in the amount of \$38,000. All voting "Aye". MOTION PASSED**



28519 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DRIPPING SPRINGS AND HAYS COUNTY FOR THE HIRING OF A CONSULTANT TO ASSIST IN THE NOMINATION OF DOWNTOWN DRIPPING SPRINGS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Kate Johnson President of the Hays County Historical Commission and Michelle Fischer from the City of Dripping Springs spoke of the unique historic attributes of Downtown Dripping Springs, representatives from the City of Dripping Springs and Hays County Historic Commissioner have discussed the possibility of hiring Terry Myers out of Austin, Texas as the consultant to assist in the nomination of Downtown Dripping Springs to the National Register of Historic Place. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between the City of Dripping Springs and Hays County for the hiring of a consultant to assist in the nomination of Downtown Dripping Springs to the National Register of Historic Places not to exceed \$10,000. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley with \$5,000 coming from the City of Dripping Springs and \$5,000 from the Historic Commission. All voting "Aye". MOTION PASSED

28520 SELECT A CONTRACTOR AND AUTHORIZE CONCRETE REPAIRS AT THE PERSONAL HEALTH DEPARTMENT AT 401 BROADWAY STREET IN SAN MARCOS, TEXAS

Ron Knott, Building Maintenance and Transportation Director Jerry Borcharding spoke of the Personal Health Department Building approximately 260 sq ft of concrete along the back sidewalk is failing because of dry conditions. The electrical service to the building is routed through the concrete. Electrical equipment and siding has been pulled away from the building. The concrete needs to be removed, re-poured and stabilization to correct the issue. There were three quotes from 1) Urrutia Concrete (2) Meyers Concrete Construction (3) Quintero Construction. The Quintero Construction proposal will correct the problem and provide for the best long term solution. Amount required \$3,800.00 – 001-695-00.5451 Bldg Repair & Maintenance. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to select Quintero Construction and authorize concrete repairs at the Personal Health Department at 401 Broadway Street in San Marcos, Texas not to exceed \$3,800 with an initial \$1,200 draw to Quintero Construction. All voting "Aye". MOTION PASSED**

28521 CANCEL COMMISSIONERS COURT ON NOVEMBER 29, DECEMBER 13, AND DECEMBER 27, 2011

In past years, the cancellation of Commissioners Court the Tuesdays after the holidays, in part, since time is limited to prepare the agenda. On December 8-11, 2011 the County Clerk's Office will be closed because of moving to the new location at the Government Center and will not have time to prepare for the meeting because of the move. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to cancel Commissioners Court on November 29, December 13, and December 27, 2011. All voting "Aye". MOTION PASSED**

28522 RESOLUTION OF THE COMMISSIONERS COURT, ADOPTING A "CONCURRENT ORDINANCE" PURSUANT TO CHAPTER 572 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH CREATES A REGIONAL PUBLIC UTILITY AGENCY ("PUA") IN COLLABORATION WITH THE CITY OF BEE CAVE AND WEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5; AND APPROVING THE BYLAWS AND DIRECTORS OF SAID PUA

Commissioner Whisenant Precinct 4, Special Counsel Mark Kennedy and Michelle Fisher, City of Dripping Springs spoke of the City of Bee Caves, Hays County, and MUD No.5 are public entities whose citizens are currently serve with water service, wastewater service, or both by the portion of the LCRA Water and Wastewater System known as the West Travis Water and Water System. The PUA can serve as vehicle and instrument to acquire the West Travis County System and can acquire on behalf of some of all the sponsoring local governments, and local communities that participate by contract of inter-local agreement to preserve local control of the West Travis County System. Hays County has published notice as required by Sections 572.054 of the Texas Local Government Code and counsel has provided the County Clerk with tear sheets. The PUA will be governed by a board of directors appointed by each entity. The Public Utility Agency will not have authority to create any debt of financial obligation for or on behalf of any of the members and of any sponsoring local government unless an entity voluntarily enters into a separate agreement of approval for that purpose. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to consider a resolution of the Commissioners Court, adopting a "concurrent ordinance" pursuant to Chapter 572 of the Texas Local Government Code which creates a regional Public Utility Agency ("PUA") in collaboration with the City of Bee Cave and West Travis County Municipal Utility District No. 5; and approve the Bylaws and Directors of said PUA. All voting "Aye". MOTION PASSED**



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PRIORITIZE PROJECTS SUBMITTED FOR FUNDING THROUGH CAMPO

Commissioner Conley Precinct 3 and Michelle Fisher, City of Dripping Springs spoke of projects on State Highway System for Joint Application with TXDOT: (1) IH 35 – Buda (Main St) to Kyle (FM 1626) add freeway ramps and turnarounds (2) US 290 - Dripping Springs, Mercer St to Mighty Tiger Trail-sidewalk north side (3) SH 21 @ FM 150 - intersection improvements (4) SH 21 @ Cottonwood Gin Road – intersection improvements (5) SH 80 @ Old Bastrop Highway – intersection improvements (6) RR 12- RR 32 to FM 3407 purchase ROW for future parkway (7) RR 12- RR 32 to FM 3407 - hike and bike trail on north side (8) RR 12 Winters Mill Parkway to Joe Wimberley Blvd – hike and bike trail (9) RM 1826 @ Crystal Hill Drive – intersection improvements, new bridges (10) RM 1826 @ Darden Hill Road – intersection improvements. Projects on County Roadways: (1) Dacey Lane – Bebee Rd. to Windy Hill Rd – widen lanes, add shoulders (2) Elder Hill Road – RR 12 to FM 150 – safety improvements, new bridge(s) (3) Lakewood Dr. @ Fm 1626 – new bridges (4) Old Bastrop Highway –Centerpoint Road to Francis Harris Lane – widen lanes, add shoulders (5) add sidewalks near schools in Precinct 1 (a) Bunton Creek Rd – IH 35 to Goforth Rd, (Lehman HS and Fuentes Elem (b) FM 150 – Heidenreich Lane to SH 21 (Simon High School) (c) Old Bastrop Hwy from SH 123 to San Marcos High School (d) Old Bastrop Hwy from E. McCarty Lane to Centerpoint Rd (San Marcos HS) (e) E. McCarty Lane from Loop 110 to Old Bastrop Hwy. (San Marcos HS).

Clerk's Note Agenda Item # 16 Re: EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO HAYS COUNTY PRECINCT 2 BUILDING – **was pulled**

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Burn ban will remain in effect.

Clerk's Note Agenda Item #18 Re: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT-**was pulled**

Clerk's Note Agenda Item #19 Re: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR-**was pulled**

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

This item was open together with #28522. See #28522 for the motion.

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court.

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 October 18, 2011.



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