



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 17<sup>TH</sup> DAY OF MAY A.D., 2016, 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:

Pastor Virgie White, First Christian Church in San Marcos gave the invocation and 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

Emergency Management Coordinator Kharley Smith spoke. Employees at the Hays County Government Center will be participating in an Emergency Drill on Friday, May 20, from 8 a.m. to 9 a.m. The public will have access to the building beginning at 9 a.m. Early voting will continue beginning at 7 a.m. and will enter through the front west-side entrance and will not be affected by the drill.

#### 31533 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 \$713,526.55 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### 31534 APPROVE COMMISSIONERS COURT MINUTES OF MAY 10, 2016

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of May 10, 2016 as presented by the County Clerk. All voting "Aye". MOTION PASSED

#### 31535 APPROVE THE MARCH 2016 TREASURER'S REPORTS AND INVESTMENT REPORTS

Approve the March 2016 Treasurer's Reports and Investment Reports. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the March 2016 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

#### 31536 ACCEPT A CONTRIBUTION FROM THE DAHLSTROM FAMILY TRUST IN THE AMOUNT OF \$15,000 TO BE APPLIED TO THE COUNTY'S ACQUISITION OF A PREFABRICATED BUILDING FOR A VISITORS CENTER AT THE GAY RUBY DAHLSTROM NATURE PRESERVE; AND REQUEST THAT DAHLSTROM FAMILY CONTRIBUTIONS TOWARD CAPITAL IMPROVEMENTS ON THE PROJECT BE TRACKED BY THE AUDITOR'S OFFICE

Although Hays County will be acquiring the building for use on the Preserve, the Dahlstrom family has contributed \$15,000 toward the structure, the total cost of which is approximately \$45,000. They have requested that the County keep track of these types of contributions, since the Lease Agreement carries a penalty for early termination by the Dahlstroms that corresponds to the County's capital contribution to the Project. Should the lease be terminated early, it would be misleading to show the County's total contribution for the Visitors Center as \$45,000. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept a contribution from the Dahlstrom Family Trust in the amount of \$15,000 to be applied to the County's acquisition of a prefabricated building for a Visitors Center at the Gay Ruby Dahlstrom Nature Preserve; and request that Dahlstrom family contributions toward capital improvements on the project be tracked by the Auditor's Office. All voting "Aye". MOTION PASSED



**31537 AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT TO PURCHASE A PREFABRICATED BUILDING TO BE UTILIZED AS A VISITORS CENTER AT THE GAY RUBY DAHLSTROM NATURE PRESERVE**

The Prefabricated Building will provide working space to be utilized as a Visitors Center at the Gay Ruby Dahlstrom Nature Preserve. The building will be open to the public and will house a variety of educational information that highlights the family history and unique features found throughout the preserve. It will also serve as a workspace for the park employees and will be located at the main entrance to the preserve. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Development and Community Services Department to purchase a prefabricated building to be utilized as a Visitors Center at the Gay Ruby Dahlstrom Nature Preserve. All voting "Aye". MOTION PASSED**

**31538 APPROVE THE RECOMMENDATION AND SELECTION OF PERFORMANCE SERVICES AS THE MOST QUALIFIED FIRM IN RESPONSE TO RFQ 2016-P01, ENERGY SERVICES COMPANIES FOR PERFORMANCE CONTRACTING AND AUTHORIZE STAFF TO NEGOTIATE A CONTRACT**

After evaluation of qualifications from 6 firms it was determined that Performance Services was most qualified for Energy Services Performance Contracting work in Hays County. Staff will negotiate any necessary agreements and bring back to Commissioners Court prior to moving forward with Performance Services. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the recommendation and selection of Performance Services as the most qualified firm in response to RFQ 2016-P01, Energy Services Companies for Performance Contracting and authorize staff to negotiate a contract. All voting "Aye". MOTION PASSED**

**31539 AUTHORIZE INSTITUTIONAL OSSF PERMIT AT 402 LEWIS LANE, BUDA, TX**

Matthew and Susan Ocker are proposing the addition of a 1000 gallon septic tank and 1000 gallon pump tank to their existing on-site sewage facility that was installed in 2014. The purpose is to serve an additional childcare building. This property is 2.6277 acres just north of Cimarron Park Subdivision. Water will be supplied by public water supply. The original system was designed for 600 GPD and they are using less than 380 gallons per day, so they have adequate capacity to add the additional building. Stan Burrier, P.E., designed these new components to discharge to their existing on-site sewage facility which consists of a grease trap, pretreatment tank, equalization tank, and an aerobic treatment unit which doses to a drip irrigation dispersal field. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit at 402 Lewis Lane, Buda, TX. All voting "Aye". MOTION PASSED**

**31540 AUTHORIZE THE AUDITOR'S OFFICE TO PURCHASE A REPLACEMENT DELL LAPTOP AND NEW SURFACE PRO TABLET AND AMEND THE BUDGET ACCORDINGLY**

The County Auditor would like to test a Surface Pro Tablet to replace an existing laptop being used. The tablet will allow for more versatility and ease when accessing financial data during off site meetings. Also, the Budget & Projects Manager's laptop hard drive has failed and is in need of replacing. This laptop is up for replacement in the FY17 budget; however, due to the hard drive failure needs to be replaced this year. Savings within the operating budget are available to fund this request. Amount required \$ 3,823; Decrease Staff Salaries 001-606-00.5021 - \$3,823; Tablet: Increase Computer Equipment 001-606-00.5712\_400 - \$1,450; Increase Data Supplies 001-606-00.5202 - \$405; Laptop: Increase Computer Equipment 001-606-00.5712\_400 - \$1,968. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Auditor's Office to purchase a replacement Dell Laptop and new Surface Pro Tablet and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31541 APPROVE THE FM 150 WEST ALIGNMENT STUDY PRELIMINARY SCHEMATIC APPROACH SCOPE FOR A K. FRIESE AND ASSOCIATES, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR THE FM 150 WEST ALIGNMENT PROJECT (0805-04-028, 0016-17-013)**

Preliminary studies have been completed for the FM 150 West Alignment Project, resulting in the identification of Corridor C for future schematic and environmental study. The County and Friese & Associates have received numerous requests from the City of Kyle and potentially affected property owners within Corridor C for guidance regarding the location of the roadway. These requests for guidance are growing in number and in urgency, and the County is concerned that if work to define an alignment within Corridor C is not started soon, the opportunity to identify an alignment will be lost to development agreements and approvals currently being considered. The purpose of this agenda item, therefore, is for the County to acknowledge that to preserve an alignment through Corridor C, some level of coordination with the City of Kyle and potentially affected property owners is needed,



and that a preliminary schematic plan is needed to provide all parties with some degree of certainty with regard to probable location of the alignment. Tasks identified in the FM 150 West Alignment Study Preliminary Schematic Approach Scope are within the scope identified in the approved Professional Services Agreement between the County and K. Friese and Associates executed November 12, 2013. Funds for the FM 150 West Alignment Study Preliminary Schematic Approach Scope are available under the approved Professional Services Agreement available budget; no additional funds are required. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve the FM 150 West Alignment Study Preliminary Schematic Approach Scope for a K. Friese and Associates, Inc. and authorize the County Judge to execute a supplemental agreement for the FM 150 West Alignment Project (0805-04-028, 0016-17-013). All voting "Aye". MOTION PASSED**

**31542 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL FUNDING AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WIMBERLEY RELATED TO ROADWAY IMPROVEMENTS AT THE INTERSECTION OF RM 12 AND FM 3237, IN PCT. 3**

The City of Wimberley expects to receive \$400,000 from CAMPO for the proposed improvements. The above referenced funding agreement will allow the City to transfer those monies to Hays County, which will in turn administer oversight of the project. **A motion was made by Commissioner Conley seconded by Commissioner Whisenant to approve the FM 150 West Alignment Study Preliminary Schematic Approach Scope for a K. Friese and Associates, Inc. and authorize the County Judge to execute a supplemental agreement for the FM 150 West Alignment Project (0805-04-028, 0016-17-013). All voting "Aye". MOTION PASSED**

**31543 SUB-515 ROLLING HILLS ESTATES SECTION 1, REPLAT OF LOT 3, BLOCK 5 (2 LOTS) GRANT A VARIANCE TO TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES**

Caitlyn Hairell, County Planner and Clint Garza, Director of Development and Community spoke. The Rolling Hills Subdivision is located off of FM 2001 in Precinct 2. The proposed plat will divide Lot 3, Block 5 parcel into two lots - 0.65 acres and 0.64 acres. Water service will be provided by Monarch Water and wastewater service will be accomplished by advanced OSSFs. The Hays County minimum lot size for a lot served by a public groundwater supply system and advanced OSSF is 1.0 acre. When the applicant originally approached the County regarding the division of the lot, Monarch was considered a surface water supplier and the minimum lot size was 0.50 acres. The owner's justification for the variance is based on the fact that the requirements changed before the plat was submitted for review. Additionally, the new minimum lot size requirement will deny the owner the privileges enjoyed by neighboring properties as there are a number of lots in this subdivision which are as small as 0.27 acres. This plat has been reviewed under the County's 1445 agreement with the City of Kyle. The Interlocal Agreement is written to prohibit the City from granting a variance from the County's regulations without prior consent from the County. This action will allow the plat to move forward with City's process for final approval. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve SUB-515 Rolling Hills Estates Section 1, Replat of Lot 3, Block 5 (2 lots) and grant a variance to Table 10-1 of the Hays County Rules for On-Site. All voting "Aye". MOTION PASSED**

**31544 SUB-582 AMENDING PLAT OF LOTS SC 127 & SC 128, WOODCREEK SECTION 9A (1 LOT) GRANT A VARIANCE FROM TABLE 705.05.01 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND APPROVE FINAL PLAT**

Caitlyn Hairell, County Planner spoke. Woodcreek Section 9A was platted in 1972, located off of Valley Spring Road in Precinct 3. The proposed amended plat will combine lots SC 127 and SC 128 into one lot. The property owners are amending the plat to be able to build a home in the middle of the two properties. The Hays County minimum lot size for new lots located within the Edwards Aquifer Contributing Zone which is served by a Public Groundwater Supply and Public Sewer is 0.50 acres. This amended plat takes the two 0.07 acre lots, and amends them into one 0.14 acre lot. The minimum lot size requirement cannot be met. There will be no increase in density with this amended plat. This kind of re-subdivision is typically approved administratively; however the lot size variance requires Commissioners Court approval. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve SUB-582 Amending Plat of Lots SC 127 & SC 128, Woodcreek Section 9A (1 lot) accept a variance from Table 705.05.01 of the Hays County Development Regulations and approve final plat. All voting "Aye". MOTION PASSED**

**31545 ACTION RELATED TO THE PROPOSED JAIL, 911 CENTER, AND LAW ENFORCEMENT CENTER IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO 1) SELECTION OF AN ARCHITECT FOR ONE OR MORE OF THE PROJECT(S), 2) AUTHORIZING THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND THE SELECTED ARCHITECT, AND 3) DISCUSSING NEXT STEPS IN THE PROCESS LAID OUT BY PROGRAM MANAGER AND STAFF**



Brenda Jenkins with ECN International spoke. RFQ responses for Architect will be considered by committee members prior to Commissioners Court. If the committee has finalized its recommendation(s), it will communicate that decision in Open Court. Since a sample Architectural Services Agreement was included in the RFQ materials, which were already approved by Commissioners Court, the contract is ready for the County Judge's signature once selection and specification is made. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to the proposed Jail, 911 Center, and Law Enforcement Center improvements, including but not limited to 1) Selection of an Architect for one or more of the project(s), 2) Authorizing the County Judge to execute a Professional Services Agreement between Hays County and the selected Architect, and 3) Discussing next steps in the process laid out by Program Manager and staff. All voting "Aye". MOTION PASSED**

**31546 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REMOTE BIRTH ACCESS CONTRACT BETWEEN HAYS COUNTY AND DEPARTMENT OF STATE HEALTH SERVICES (DSHS) VITAL STATISTICS UNIT RELATED TO STATE WIDE BIRTH CERTIFICATES**

Contract renewal for the Hays County Clerk's Office to access the Texas Electronic Registration Remote System (TER Remote System) for the purpose of issuing individual birth certificates. The current contract expires on 8/31/2016. This renewal is for a 2 year period beginning 9/1/2016 and ending 8/31/2016. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a Remote Birth Access Contract between Hays County and Department of State Health Services (DSHS) Vital Statistics Unit related to state wide birth certificates. All voting "Aye". MOTION PASSED**

**31547 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 DARDEN HILL ROAD IN PCT 4**

Court convened into Executive Session at 10:20 a.m. and reconvened into open court at 10:30 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Transportation Director Jerry Borcharding, David Baylor and Chief of Staff Lon Shell. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the exchange of Property, as presented in Executive Session, consisting of 0.314 acres of land owned by Warren Adele Ely and Dennis and Jan Wagner; and consisting of a 1.07 acre tract of land dedicated to Hays County. All voting "Aye". MOTION PASSED**

**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 BLISS SPILLAR ROAD IN PCT 2**

Court convened into Executive Session at 10:11 a.m. and reconvened into open court at 10:20 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Transportation Director Jerry Borcharding and Chief of Staff Lon Shell. No Action Taken.

**31548 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 GW HASCHKE LANE IN PCT 3**

Court convened into Executive Session at 9:50 a.m. and reconvened into open court at 10:11 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Transportation Director Jerry Borcharding, David Baylor and Chief of Staff Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize General Counsel or R.O.W. Counsel to seek a (or appropriate Judicial Order) that Achieves access for Surveyors to property owned by Steven Townshend along G.W. Haschke Lane in Pct. 3. All voting "Aye". MOTION PASSED**

**31549 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 FM 1626 IN PRECINCT 2**

Court convened into Executive Session at 9:43 a.m. and reconvened into open court at 9:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, General Counsel Mark Kennedy, Transportation Director Jerry Borcharding, David Baylor and Chief of Staff Lon





Shell. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Purchase and Sale Agreement between Hays County and Patricia Tyler, et.al; as presented in Executive Session, resulting in receipt of Parcels 5 and 6 along FM 1626 South in Precinct 2. All 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 310 and peak was 322 on May 9st for the week of May 8 to May 14, 2016. The maximum female capacity is 76 inmates. Last week's average was 59 and peak was 66 on 5/9/2016. The maximum male capacity is 256 inmates. Last week's average was 251 and peak was 256 on 5/13/2016. Inmate at Guadalupe County: 39; Inmate at Bastrop County: 0; Inmate at Caldwell County: 33; Inmate at Walker County: 10.

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

Burn Ban will remain lifted.

**County Clerk's Note Agenda Item #21 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 Jones, seconded by Commissioner Whisenant to adjourn court at 10:35 a.m.

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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 May 17, 2016.



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

