



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24TH DAY OF MAY A.D., 2016, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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|--------------------------|----------------------|
| 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 |
| OSCAR MEIJA | DEPUTY COUNTY CLERK |

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Cliff Holdridge, Associate Pastor of the First Baptist Church in Dripping Springs 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

General Counsel Mark Kennedy introduced Debra Anderson to the Court.

31550 ADOPT A PROCLAMATION RECOGNIZING TUESDAY, MAY 24, 2016 AS SECOND LIEUTENANT JOHN A DECKER DAY

Miles Nelson, Veteran Services Officer spoke and introduced Marilyn Mitchell sister of Lt. John A Decker, Gunnery Sergeant (GySgt) Arthur Abrego Jr and Staff Sergeant (SSgt) David Forrest from the Inspector/Instructor Staff of 1st Battalion, 23rd Marine Regiment. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a Proclamation recognizing Tuesday, May 24, 2016 as Second Lieutenant John A Decker Day. All voting "Aye". MOTION PASSED**

31551 ADOPT A PROCLAMATION RECOGNIZING MAY 23-27, 2016 AS FLOOD AWARENESS WEEK

Kharley Smith, Emergency Management Coordinator and Mayor Herschel "Mac" McCullough spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a Proclamation recognizing May 23-27, 2016 as Flood Awareness Week. All voting "Aye". MOTION PASSED**

31552 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve payments of County Invoices in the amount of \$351,187.50 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

31553 APPROVE COMMISSIONERS COURT MINUTES OF MAY 17, 2016

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Commissioners Court Minutes of May 17, 2016 as presented by the County Clerk. All voting "Aye". MOTION PASSED

31554 RATIFY THE COUNTY JUDGE'S EXECUTION OF A LETTER AMENDMENT TO THE SCOPE OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND KLOTZ & ASSOCIATES FOR A STUDY OF THE DRAINAGE BASIN THAT FEEDS INTO NORTHPOINT SUBDIVISION. AMEND THE BUDGET ACCORDINGLY

Klotz & Associates completed a drainage study in February 2016 which recommends improvements to drainage channels in the interior of Northpoint Subdivision. This action will provide for design of the drainage system enhancements. Amount Required \$98,500; Increase 020-710-00.5448_008 Contract Services Consultant - \$98,500; Decrease 020-710-00.5351 Road Material and Supplies - (\$98,500). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to ratify the County Judge's execution of a letter amendment to the scope of a Professional Services Agreement between Hays County and Klotz & Associates for a study of the drainage basin that feeds into Northpoint Subdivision. Amend the budget accordingly. All voting "Aye". MOTION PASSED**

**31555 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve Permit # 978 for Windy Hill Rd to DNT Construction and Permit # 979 for Paul's Valley Rd to PEC. All voting "Aye". MOTION PASSED

31556 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLOTZ ASSOCIATES, INC. FOR THE FM 1626 SOUTH PROJECT AS PART OF THE PASS-THROUGH FINANCE PROGRAM IN HAYS COUNTY, INCREASING THE COMPENSATION CAP BY \$133,572.00 FROM \$3,316,428.00 TO \$3,450,000.00

The additional authorized money will allow for the execution of a supplemental #4 to Work Authorization #6 for FM 1626 South project for revisions to the project design and construction drawings to accommodate the reduction in ROW along the CENTEX property adjacent to FM1626, remove the acceleration/deceleration lanes for the CENTEX driveways, and design turn lanes on FM 1626 at the intersection of Robert S. Light Blvd. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Supplemental Agreement No. 3 to the Professional Services Agreement with Klotz Associates, Inc. for the FM 1626 South project as part of the Pass-Through Finance Program in Hays County, increasing the Compensation Cap by \$133,572.00 from \$3,316,428.00 to \$3,450,000.00. All voting "Aye". MOTION PASSED

31557 AMEND THE OFFICE OF THE GOVERNOR, CJD VETERAN'S COURT GRANT PROGRAM OPERATING BUDGET FOR APPROVED OUT OF STATE TRAVEL AND OTHER OPERATING EXPENSES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the Office of the Governor, CJD Veteran's Court Grant program operating budget for approved out of state travel and other operating expenses. All voting "Aye". MOTION PASSED

31558 RATIFY THE EXECUTION OF A NOTICE OF INTENT FOR A TPDES GENERAL PERMIT UNDER THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY STORMWATER PROGRAM

Staff has received all necessary approvals for moving forward with construction of improvements to the Gay Ruby Dahlstrom Nature Preserve at Dahlstrom Ranch. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the execution of a Notice of Intent for a TPDES General Permit under the Texas Commission on Environmental Quality Stormwater Program. All voting "Aye". MOTION PASSED

31559 AUTHORIZE THE COUNTY JUDGE TO SIGN AN AGREEMENT WITH ARC DOCUMENT SOLUTIONS FOR OFF-SITE SCANNING SERVICES FOR THE DEVELOPMENT SERVICES DIVISION'S PERMIT RECORDS

The Development Services Division has been working diligently in coordination with the Records Management Officer to digitize the Division's permit records. Off-site scanning of the 13,000+ permit files is a more cost effective and efficient solution than scanning the files by staff during business hours. While not the lowest bid, ARC Document Solutions was chosen due to their thorough inventory/manifest system as well as their low records request costs. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to sign an agreement with ARC Document Solutions for off-site scanning services for the Development Services Division's permit records. All voting "Aye". MOTION PASSED

31560 RESCIND ACTION OF THE COMMISSIONERS COURT ON OR ABOUT SEPTEMBER 3, 2013. RESOLUTION #28277, AUTHORIZING THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) REGARDING THE DEDICATION OF ROADWAYS AND RIGHT OF WAY IN THE DEERFIELD ESTATES II SUBDIVISION

General Counsel Mark Kennedy spoke. The County's plan to receive dedication of the roadway(s) within the Deerfield Estates II Subdivision became impracticable when, during due diligence, the County discovered that 3 gas pipelines crossed the road and Right of Way. 2 of those companies had agreements with the original developer of the subdivision, and those agreements burdened the roadway(s) by establishing certain unpermitted activities. Those activities would prevent the County from adequately maintaining the roadway(s), making dedication and maintenance of the roadway(s) impracticable. A motion was made by Commissioner



Jones, seconded by Commissioner Whisenant to rescind action of the Commissioners Court on or about September 3, 2013. Resolution #28277, authorizing the County Judge to execute a Memorandum of Understanding (MOU) regarding the dedication of roadways and right of way in the Deerfield Estates II Subdivision. All voting "Aye". MOTION PASSED

31561 AUTHORIZE THE USE OF COUNTY WIDE CONTINGENCIES FOR EXPENSES RELATED TO THE FISCHER STORE ROAD BRIDGE RIBBON CUTTING CEREMONY

On February 26, 2016 county, local and state officials held a ribbon cutting ceremony to celebrate the opening of the Fischer Store Road Bridge. The ceremony was a time of reflection to honor a city that had endured hardship, but continued to work together to restore the City of Wimberley. The County coordinated with Diverse Planning and Development (DPD) for all phases of planning the event. DPD also donated 29 labor hours for mug illustration and video production. Amount required \$5,582.10; line item number 001-645-00.5399. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the use of County Wide contingencies for expenses related to the Fischer Store Road Bridge Ribbon Cutting Ceremony. All voting "Aye". MOTION PASSED**

31562 RATIFY THE COUNTY JUDGE'S EXECUTION OF A POSSESSION AND USE AGREEMENT BETWEEN HAYS COUNTY AND GIBERSON PROPERTIES, INC., RELATED THE HAYS COUNTY'S POSSESSION AND USE OF RIGHT OF WAY ASSOCIATED WITH THE FM1626 PROJECT

Since the Possession and Use Agreement form that was approved by Commissioners Court was modified for these particular parcels (19 and 20), Counsel recommends that the modified version of the PUA be approved by Commissioners Court. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to ratify the County Judge's execution of a Possession and Use Agreement between Hays County and Giberson Properties, Inc., related the Hays County's possession and use of Right of Way associated with the FM1626 project. All voting "Aye". MOTION PASSED**

31563 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE BOND FOR A 2-YEAR PERIOD FOR SHADOW CREEK SUBDIVISION, PH. 4, SEC. 1B

Transportation Director, Jerry Borcharding spoke. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements and acceptance of the maintenance bond for a 2-year period for Shadow Creek subdivision, Ph. 4, Sec. 1B. All voting "Aye". MOTION PASSED**

31564 CALL FOR A PUBLIC HEARING ON JUNE, 7TH, 2016 TO ESTABLISH A SCHOOL ZONE SPEED LIMIT ON HAYS COUNTRY ACRES ROAD

This action will be to establish a school zone speed limit of 15 MPH on Hays Country Acres Road for the Holy Spirit Episcopal Church and School. Commissioner Whisenant has confirmed the location and concurs with installing signage, flasher lights, and with the proper flash time periods. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to call for a public hearing on June, 7th, 2016 to establish a school zone speed limit on Hays Country Acres Road. All voting "Aye". MOTION PASSED**

31565 APPOINT LON SHELL, HAYS COUNTY JUDGE COBB'S CHIEF OF STAFF, TO SERVE AS A REPRESENTATIVE ON THE SAN MARCOS / HAYS COUNTY EMS BOARD OF DIRECTORS TO REPLACE MARK CHAMBERS

Lon Shell has agreed to serve on the San Marcos / Hays County EMS Board of Directors, effective May 24, 2016, to take the place of Mark Chambers who has retired. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to appoint Lon Shell, Hays County Judge Cobb's Chief of Staff, to serve as a representative on the San Marcos / Hays County EMS Board of Directors to replace Mark Chambers. All voting "Aye". MOTION PASSED**



31566 APPROVE THE APPOINTMENT OF CLINT BROWNING AS HAYS COUNTY FIRE MARSHAL

Kharley Smith, Emergency Management Coordinator spoke. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Clint Browning as Hays County Fire Marshal. All voting "Aye". MOTION PASSED

31567 APPROVE THE CONVERSION OF EXISTING SPACE WITHIN THE COUNTY CLERK'S OFFICE TO A CONFERENCE ROOM, FURNISH THE NEW SPACE, PURCHASE A COMPUTER AND RELATED EQUIPMENT FOR A NEW HIRE, AND AMEND THE BUDGET ACCORDINGLY

The County Clerk would like to enclose a file viewing room and make it a conference room. The conference room would provide a space for departmental meetings and meetings with citizens. The area could be converted into a conference room and furnished (chairs and monitor) for approximately \$4,499. An existing table will be used. Equipment is also needed for a new hire budgeted for FY 2016. A computer/scanner/UPS/Adobe Pro for this position would require an additional \$3,590. Savings within the Records Management and Archive Fund have been identified to fund this request. Amount required \$ 8,089.00; Chairs/Monitor - Increase Office Supplies .5211 - \$1,499; Enclose File Room - Increase Misc Improvements .5741 - \$3,000; UPS/Monitor - Increase Data Supplies .5202 - \$500; Adobe Pro - Increase Software Maintenance .5429 - \$390; Computer/Scanner – Increase Computer Eqpt_Op .5712_400 - \$2,700; Decrease Contract Services - \$8,089. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the conversion of existing space within the County Clerk's Office to a conference room, furnish the new space, purchase a computer and related equipment for a new hire, and amend the budget accordingly. All voting "Aye". MOTION PASSED

31568 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL SERVICE SUBSCRIPTION AGREEMENT BETWEEN HAYS COUNTY AND BUDGET INFOGRAPHICS, INC.

Larry Peterson with Budget Infographics, Inc. has, once again, agreed to reduce the cost of the subscription from \$12,000 to \$6,000 for this year. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute a renewal Service Subscription Agreement between Hays County and Budget Infographics, Inc. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, and Commissioner Whisenant all voting yes. Judge Cobb voting no. MOTION PASSED

Clerk's Note: Court took a break at 10:01 a.m., and returned into open court at 10:15 a.m.

10:00 A.M. -- CONTINUE A PUBLIC HEARING, PURSUANT TO §775.016 OF THE TEXAS HEALTH AND SAFETY CODE, RELATED TO A PETITION PROPOSING THE CREATION OF HAYS COUNTY EMERGENCY SERVICES DISTRICT #9. POSSIBLE ACTION MAY FOLLOW THE HEARING, INCLUDING CONDITIONAL RESOLUTION(S) OF COURT TO FIND THAT 1) CREATION OF THE DISTRICT IS FEASIBLE OR NOT FEASIBLE AND 2) THAT THE CREATION OF THE DISTRICT WILL OR WILL NOT PROMOTE THE PUBLIC SAFETY, WELFARE, HEALTH, AND CONVENIENCE OF PERSONS RESIDING WITHIN THE PROPOSED DISTRICT. IF THE COURT FINDS IN FAVOR OF DISTRICT CREATION, IT SHALL ALSO TAKE ACTION TO GRANT THE PETITION, FIX THE DISTRICT'S BOUNDARIES, ORDER AN ELECTION TO CONFIRM THE DISTRICT'S CREATION, AND IMPOSE ADDITIONAL CONDITIONS, IF ANY

Judge Cobb opened public hearing. Monte Akers – Hays County ESD #7 spoke. Judge Cobb closed public hearing.

31569 ACTION RELATED TO THE PROPOSED JAIL, 911 CENTER, AND LAW ENFORCEMENT CENTER IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO 1) SELECTION OF CONSTRUCTION MANAGER AT RISK 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 CONSTRUCTION MANAGER AT RISK, AND 3) DISCUSSING NEXT STEPS IN THE PROCESS LAID OUT BY PROGRAM MANAGER AND STAFF

Julia New, ECN International spoke. RFQ responses for CM at Risk will be considered by committee members prior to Commissioners Court. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to approve the recommendation of the current construction as recommended by the Committee and authorize the County Judge to execute with General Counsel's Review. All 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 POSITION OF HAYS COUNTY ELECTIONS ADMINISTRATOR

Court convened into Executive session at 11:02 a.m. and reconvened into open court at 11:33 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Elections Administrator, Joyce Cowan and Chief of Staff Lon Shell. No Action Taken.

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

Court convened into Executive session at 11:33 a.m. and reconvened into open court at 11:40 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT TEXAS

Court convened into Executive session at 11:41 a.m. and reconvened into open court at 11:50 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff Lon Shell. No Action Taken.

31570 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 INCLUDING THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an unimproved property contract between Hays County and Roy Brothers, As presented in Executive Session, for the sale of approximately 0.471 acres of raw land near the intersection of FM 2001 and Windy Hill Road, in Precinct 2; and to authorize General Counsel to execute any and all documents incidental to closing this transaction. 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 313 and peak was 325 on May 19th for the week of May 15 to May 21, 2016. The maximum female capacity is 76 inmates. Last week's average was 61 and peak was 66 on 5/21/2016. The maximum male capacity is 256 inmates. Last week's average was 253 and peak was 263 on 5/19/2016. Inmate at Guadalupe County: 58; Inmate at Bastrop County: 0; Inmate at Caldwell County: 32; Inmate at Walker County: 1.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Today's Drought Index: 59. Burn Ban will remain in effect.

County Clerk's Note Agenda Item #28RE: 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 to adjourn court at 12:07 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 May 24, 2016.

A handwritten signature in cursive script that reads "Liz Q. Gonzalez".

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

