



APRIL 6, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 6th DAY OF APRIL A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

21718 ADOPT PROCLAMATION DECLARING APRIL 2004 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH IN HAYS COUNTY

Marla Johnson, Executive Director of the Hays/Caldwell Women's Center, appeared and introduced other representatives from CASA (Court Appointed Special Advocates) and Roxanne's House – she gave their appreciation to the court for adoption of this proclamation. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt Proclamation declaring April 2004 as "Child Abuse Prevention and Awareness Month" in Hays County. All voting "Aye".

PUBLIC COMMENT

[T1-77] Sam Davis asked about Road Bond Work Authorization regarding Fischer Store Road – he stated that he has had citizens asking him and he wants to know what is going to happen on this roadway. Commissioner Burnett advised that he will provide Mr. Davis with this information after the meeting.

21719 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve payment of county invoices in the amount of \$350,519.71 as presented by the County Auditor. All voting "Aye".

21720 APPROVE REFUND OF OVERPAYMENT ON TAXES

A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve overpayment of taxes in the amount of \$936.54 for 5.102 acres (Acct#R11805). All voting "Aye".

21721 AUTHORIZE PURCHASE OF A TRACTOR FOR THE CIVIC CENTER AND AMEND THE BUDGET ACCORDINGLY

Commissioner Molenaar spoke of quotes received for a tractor for the Civic Center. He recommends purchasing a 4WD/45HP Kubota tractor with an arena works attachment at a price of \$14,500.00. County Auditor Bill Herzog advised that there is money available in the vehicle line items in the Sheriff's Dept. and Environmental Health Dept. (\$11,400 in each). [T1-166] A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize purchase of a Kubota Tractor from Ewald Tractor Inc. in the amount of \$14,500.00 for the Civic Center and amend the budget accordingly. All voting "Aye".

21722 PARKER'S RIDGE REPLAT OF LOT 1 [PCT. 3 #04-3-021- 1 lot] * APPROVE PRELIMINARY PLAN [T1-197]

Environmental Health Director Allen Walther advised that this lot is being amended by reducing it slightly and the remaining portion is being vacated. He gave staff recommendation for preliminary approval only and he will be asking the property owner to include on the final plat the portion being vacated. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Parker's Ridge Replat Of Lot 1". All voting "Aye".

21723 HIDDEN CREEK PHASE 1 REPLAT OF LOTS 14, 15A, 16A & 17A [PCT. 4 #04-4-016 - 4 lots] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-212]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that lots are being reduced and unplatted portion is being vacated (vacated area is shown on the plat) – he gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat of "Hidden Creek Phase 1 Replat of Lots 14, 15A, 16A & 17A". All voting "Aye".



**21724 MEADOW CREEK RANCH PHASE 1 REPLAT OF LOT 44 [PCT. 4 #04-4-015 - 2 lots] *
PUBLIC HEARINGS AND APPROVE FINAL PLAT [T1-228]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Meadow Creek Ranch Phase 1 Replat of Lot 44". All voting "Aye".**

21725 HOWARD RANCH [PCT. 4 #03-4-065 - 130 lots] * APPROVE PRELIMINARY PLAN [T1-243]

Environmental Health Director Allen Walther advised that additional Right-Of-Way has been dedicated as requested by TxDot on Ranch Road 12 - he gave staff recommendation for preliminary approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Howard Ranch". All voting "Aye".**

Clerk's Note: Agenda Item# 9 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 2 WITH HAYS COUNTY/TC&B/SURVCON (MT. GAINOR ROAD) was PULLED. Representative from TC&B was not present.

Clerk's Note: Agenda Item #10 RE: ACTION RELATING TO THE HAYS COUNTY CIVIC CENTER AND THE ANNUAL CINCO DE MAYO CELEBRATION was PULLED.

21726 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH HIPPA SOLUTIONS, LC FOR GROUP HEALTH PLAN PRIVACY RULES COMPLIANCE [T1-271]

Human Resources Director Luis Gonzales advised that this is the contract discussed in a previous meeting presented by Burke Sunday. Special Counsel Jacqueline Cullom Murphy suggested that the venue on Provision #11 be changed to Hays County rather than Fort Bend County - if there is a dispute over the contract it would be litigated here. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to enter into a contract with HIPPA Solutions, LC for Group Health Plan Privacy Rules Compliance with change in Provision #11 as recommended by Special Counsel [11.Choice of Law - change Fort Bend County to Hays County]. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 6, 2004.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



APRIL 13, 2004

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th DAY OF APRIL A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Chief Juvenile Probation Officer Ed Cooper presented a 15 year service pin to Tom Glore. Tax Assessor-Collector Luanne Caraway presented a 5 year service pin to Nancy Heathman. Maintenance Supervisor Ron Knott presented a 5 years service pin to Steve Lucio.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

District Attorney Office Manager Carolyn Brown presented new employees Assistant District Attorneys Melissa Day Long and Benjamin Moore. Human Resources Director Luis Gonzales presented new employee Abel Velasquez (Safety Specialist)

21727 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$458,577.26 as presented by the County Auditor. All voting "Aye"

21728 APPROVE BUDGET AMENDMENT NO. 04-17

Dept. budgets being amended: Civic Center \$14,500 for equipment (tractor) being transferred out of Environmental Health & Sheriff's Office vehicle line items. Indigent Care \$7,000 line item transfers for Special Assistance (\$1,000) and Pauper Burial (\$6,000) from the Medical Services line item. TJPC/Juvenile Probation – Special Needs Grant \$1,480 for travel for client visits from supplies (\$1,000) & telephone (\$480). Fire Marshal \$400 for investigative supplies (misc supplies) from photo supplies line item. Transfer Station/Recycle \$16,610 for part-time recycle position (\$14,245 staff \$2,365 FICA/RET) being transferred out of District Court Reporters Staff & FICA/RET line items. Road & Bridge Operations \$14,000 line item transfer from materials to contract hauling. Personal Health \$400 line item transfer from fuel (\$100) and equipment maintenance (\$300) into Dues & Bonds. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-17 as proposed by the County Auditor. All voting "Aye".

21729 ACCEPT INTERNAL EXAMINATION FOR TRANSFER STATION AND CITIZENS COLLECTION STATION

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept internal examination for the Transfer Station and Citizens Collection Station. All voting "Aye".

21730 PARKER'S RIDGE REPLAT AND PARTIAL VACATION OF LOT 1 [PCT. 3 #04-3-021 - 1 LOT] * APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS

[T1-121] Environmental Health Director Allen Walther advised that a small portion of the property is being returned to acreage as noted on the plat. He gave staff recommendation for final plat approval and waiver of public notification. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat and waive public notification requirements for "Parker's Ridge Replat and Partial Vacation of Lot 1". All voting "Aye".

21731 THE PRESERVE PHASE 3 [PCT. 4 #04-4-013 - 8 LOTS] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-133]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that 7 residential lots and 1 commercial lot is being created. He gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "The Preserve Phase 3". All voting "Aye".



Clerk's Note: Agenda Item #8 Re: RIM ROCK PHASE 2 [PCT. 4 #03-4-088 - 268 LOTS] * PRELIMINARY PLAN APPROVAL was PULLED.

Clerk's Note: Agenda Item#9 Re: RIM ROCK PHASE 3 [PCT. 4 #03-4-089 - 163 LOTS] * PRELIMINARY PLAN APPROVAL was PULLED

21732 SIERRA WEST SECTION 4B [PCT. 4 #01-4-044B] - RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEP ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-148]

County Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and accept roads for county maintenance. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release maintenance security for "Sierra West Section 4B" and accept roads into the County road maintenance system. All voting "Aye". Clerk's Note: This action should have been for Section 4A and not 4B - to be corrected at a later date.

21733 BLUE SKY RANCH [PCT. 4 #01-4-031] * RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-160]

County Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security (Bond #BD47827) and accept roads (Rugged Earth Drive) for county maintenance. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release maintenance fiscal security on "Blue Sky Ranch" and accept Rugged Earth Drive into the County road maintenance system. All voting "Aye".

21734 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 2 WITH HAYS COUNTY/TC&B/SURVCON (MT. GAINOR ROAD) [T1-174]

Bob Austin (TC&B) explained this work authorization [NTE \$92,124.00] - there was a slight modification in right-of-way to prevent eminent domain proceedings requiring survey revisions. He spoke briefly of bridge construction and meeting with property owners. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to execute Supplemental Work Authorization No. 5 to Work Authorization No. 2 with Hays County/TC&Bsurvcon [Mt. Gainor Road]. All voting "Aye".

21735 ADOPT AN ORDER SETTING A PUBLIC HEARING DATE TO REQUEST THE CREATION OF THE ROCK CREEK WATER CONTROL AND IMPROVEMENT DISTRICT #1 [T1-259]

The "Rock Creek Water Control and improvement District No. 1" is being created under the Provisions of Article 16 Section 59 of the Texas Constitution and Chapters 49 & 51 of the Texas Water Code. Attorney Sharlene Collins requested a public hearing not earlier than May 11th so that they have time to publish the notice. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt an Order Setting a Public Hearing Date of May 11, 2004 to Request the Creation of the Rock Creek Water Control and Improvement District #1. All voting "Aye".

21736 APPOINT CAROL KAY CONWAY GREAVES TO THE HAYS COUNTY RURAL FIRE PREVENTION DISTRICT REPLACING ROBERT GUINN [T1-286]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to appoint Carol Kay Conway Greaves to the Hays County Rural Fire Prevention District, replacing Robert Guinn. All voting "Aye".

21737 APPROVE THE PURCHASE OF A COMPRESSOR FOR THE TIRE REPAIR TRUCK

[T1-302] Road Supt/Engineer Jerry Borcharding advised that this compressor is needed to make the tire repair truck completely operational. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the purchase of a compressor for the tire repair truck. All voting "Aye".

21738 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONSULTING AGREEMENT BETWEEN HAYS COUNTY AND SUNDAY & ASSOCIATES, INC. [T1-345]

Commissioner Ingalsbe advised that we will have to go out for RFP's next year - this is a renewal and no changes are being made. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute a consulting agreement between Hays County and Sunday & Associates, Inc. All voting "Aye".



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21739 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A POSSESSION AND USE AGREEMENT WITH SAN MARCOS SB VENTURE, LTD. RELATING TO THE PENDING IMPROVEMENTS TO CENTERPOINT ROAD – 2001 BOND PROGRAM [T1-379]

Background: Hays County is in the process of acquiring right of way for the pending improvements to Centerpoint Road. San Marcos SB Venture Ltd. owns Lot 1 – Sac & Pac Stores Subdivision – a portion of which is required for Centerpoint Road right of way and drainage easements. On January 22, 2004 San Marcos SB Venture Ltd. received a site development permit from the City of San Marcos for the development of this property. The owners subsequently began construction of the planned improvements. On March 5, 2004 the owners were notified of the planned improvements to Centerpoint Road. It was then discovered that the City of San Marcos had required the installation of a detention pond to be placed within the areas to be acquired by the County. The proposed road improvements would necessitate the removal of the detention pond. Due to this, the owners were required to modify their site plan with the City of San Marcos. The City conditioned the approval of the revised site plan upon County possession of the right of way. Therefore, the proposed Possession and Use Agreement will give possession of the right of way to Hays County as required by the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute a Possession and Use Agreement with San Marcos SB Venture Ltd. relating to the pending improvements to Centerpoint Road – 2001 Bond Program. All voting "Aye".**

21740 APPROVE CREATION OF A POLLING LOCATION FOR THE NEWLY CREATED PRECINCT 221 AND CHANGE THE CURRENT POLLING LOCATIONS FOR PRECINCTS 224 & PRECINCT 234 [T1-420]

Summary: Pct. 221 was created due to the Congressional Redistricting. Pct. 224 needs to be moved to have voters voting in the same locations for County, City and School Elections. Pct. 234 needs to be moved to a larger facility with more parking due to the populations growth of that precinct. The Election Commission agrees with the new precinct and the changes in polling locations that have been recommended. **A motion was made by Judge Powers, seconded by Commissioner Carter to approve creation of a polling location for the newly created Precinct 221 at the Performing Arts Center – 979 Kohlers Crossing, Kyle, Texas; change the current polling location for Precinct 224 from Buda Senior Citizens Center to Buda City Hall – 121 N. Main, Buda, Texas; and change the current polling location for Precinct 234 from Niederwald City Hall to Goforth Water Supply – 8900 Niederwald Strasse, Kyle. All voting "Aye".**

21741 ACTION TO REPLACE AIR CONDITIONING UNIT IN RECORDS BUILDING AT THE COUNTY CLERKS OFFICE [T1-437]

Maintenance Supervisor Ron Knott spoke of need to replace the air conditioning unit in the Records Building because repairs to the existing unit are costly (\$2,238.72). He received three bids [GM Mechanical A/C & H = \$3,135.00 Tejas Refrigeration = \$3,292.00 Tomco's Aire Serv H&AC = \$3,937.59 + \$283.25] and recommends accepting bid from GM Mechanical (identical replacement). Mr. Knott advised that he does not have money in his budget for this replacement. County Auditor Bill Herzog advised that there is money left over from vehicle purchases. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to award bid to GM Mechanical to replace the air conditioning unit at the Records Building in the amount of \$3,135.00 to be paid out of surplus vehicle funds. All voting "Aye".**

Clerk's Note: Agenda Item #20 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE NORTH HAYS COUNTY MEDICAL SERVICES SYSTEMS, INC. V. NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1, CAUSE NO. 03-1318 was PULLED.

The Court convened into closed executive session at 9:30 a.m. and reconvened into open meeting at 10:50 a.m.

21742 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY, CAUSE NO. 04-0325 AND CAUSE NO. 04-0284

[T1-520] Based on the ruling last week by the District Judge denying Papalote Homes a temporary injunction, the following motion was made. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to instruct Environmental Health to accept and review all development applications to include subdivisions and on-site from Papalote Homes. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 13, 2004.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF APRIL A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

21743 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$190,689.80 as presented by the County Auditor. All voting "Aye".

21744 APPROVE ADDENDUM TO AGREEMENT WITH MCGINNIS, LOCHRIDGE & KILGORE TO PROVIDE FOR THE FILING OF A LEGAL BRIEF TO THE TEXAS ATTORNEY GENERAL RELATING TO RQ-177

This addendum is intended to expand the scope of the firm's representation of the County in Cause No. 04-0284 Papalote Homes, Ltd. v. Hays County Commissioners Court. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve addendum to Agreement with McGinnis, Lochridge & Kilgore to provide for the filing of a legal brief to the Texas Attorney General relating to RQ-177. All voting "Aye".

21745 AWARD BID #2004-B10 "INSTALLATION OF CHAIN LINK FENCE FOR ROAD DEPT" TO ANCHOR GROUP, INC. IN THE AMOUNT OF \$60,569.10

Purchasing received 2 bids: Star Fence (San Marcos) = \$58,752.15 Anchor Group Inc. (New Braunfels) = \$60,569.10. The lowest bidder did not provide required bid bond or complete bid sheet by entering a completion date, therefore, it is recommended that the court award the bid to the next lowest bidder Anchor Group Inc. References were found favorable and they provided all required documents. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to award Bid #2004-B10 "Installation of chain link fence for the Road Dept." to Anchor Group Inc. in the amount of \$60,569.10. All voting "Aye".

21746 RIVER MOUNTAIN RANCH SECTION 7 [PCT. 4 #04-4-018, 5 lots] * APPROVE PRELIMINARY PLAN [T1-36]

Environmental Health Director Allen Walther advised that three of the lots are served by a Shared Access Driveway – he gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan of "River Mountain Ranch Section 7". All voting "Aye".

21747 HIDDEN CREEK SECTION 1 REPLAT OF LOTS 18A & 18B [PCT. 4 #04-4-027, 2 lots] * APPROVE FINAL PLAT AND PARTIAL VACATION; AND WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-51]

Environmental Health Director Allen Walther advised two lots are being combined and a portion is being vacated and returned to the original tract – he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirement. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and partial vacation of "Hidden Creek Section 1 Replat of Lots 18A & 18B" and furthermore waive preliminary plan and public notification requirements. All voting "Aye".

21748 SIERRA WEST SECTION 4A [PCT. 4 #01-4-044B] * RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM; RESCIND ACTION FROM APRIL 13, 2004 ACCEPTING ALL ROADS AND MAINTENANCE IN SECTION 4B [T1-64]

There was a posting error on April 13, 2004 – action should have been on Section 4A and not 4B. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to rescind action from April 13, 2004 accepting roads and maintenance in Section 4B and release maintenance fiscal security and accept roads in the county road maintenance system in "Sierra West Section 4A". All voting "Aye". The road being accepted is "Barberry Park".



21749 APPROVE PURCHASE OF LAPTOP COMPUTER (COST SHARE WITH TEXAS A&M) FOR THE HAYS COUNTY EXTENSION OFFICE [T1-78]

County Extension Agent Susan Schramm requested approval to use extension office budgeted funds (\$900) to purchase a cost share computer. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of a laptop computer for the Hays County Extension Office. All voting "Aye".**

21750 ADOPT A JOINT RESOLUTION WITH THE CITY OF BUDA CONCERNING THE RELEASE OF THE DRAFT DEFINITIVE AGREEMENT WITH CABELA'S, INC. [T1-100]

Buda City Administrator Bob Mathis spoke of process regarding the Cabela's project. Step 1 has been completed and it has been determined that the contract is in compliance with State law – there are still issue being worked out before final resolution. Financial recommendations are being worked out. There will be a public forum with experts in each element of the definitive agreement available to answer specific questions from the public (transportation experts, financial experts, legal experts, school district will talk about benefits to the school district, public works, infrastructure, etc.). This agreement will be posted on the city website with the most updated version. This provides the ability to see the skeleton document today. [T1-200] Charles O'Dell (Executive Director of Hays CAN) felt like action should be taken when financial information is available. Mr. Mathis advised that this process allows the public time to look at the document and become familiar with it. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt a Joint Resolution with the City of Buda concerning the release of the Draft Definitive Agreement with Cabela's Inc. All voting "Aye".**

21751 ACCEPT BID OF AMERICAN NATIONAL BANK FOR THE HAYS COUNTY DEPOSITORY BANK [T1-341]

County Treasurer Michele Tuttle presented a bid tabulation – bids were received from Frost Bank, Wells Fargo Bank and American National Bank. The bid from American National Bank will save the county approximately \$120,000 – no charge for services – we will have to obtain our own courier services (Jail, Annex, Courthouse & Justice Center) at an approximate cost of \$30,000 which would reduce the savings to \$90,000.00. Michele Tuttle thanked Frost Bank for the service we have received from them. **A motion was made by Judge Powers, seconded by Commissioner Burnett to accept bid of American National Bank for the Hays County Depository Bank. All voting "Aye".**

21752 ADOPT A RESOLUTION SUPPORTING THE CITY OF SAN MARCOS' SUPPORT AND OFFERING RESOLUTION DESIGNATING THE SAN MARCOS AIRPORT AS THE STATE AIRPORT FOR CENTRAL TEXAS BASED ON THE 77TH TEXAS LEGISLATURES DIRECTION TO ESTABLISH A STATE SPONSORED GENERAL AVIATION AIRPORT [T1-411]

Dan Rogers, Director of the Economic Development Council of San Marcos, advised that the San Marcos City Council adopted a letter of support to send to the State Capital offering the San Marcos Airport as a possible sight for the Central Texas General Aviation Airport. This has been an ongoing effort and we want to make known that we are ready, willing and able to offer our airport – he has contacted his counterpart in Caldwell County to get Caldwell County and the City of Lockhart onboard. Representative Patrick Rose will take this to the Legislature. This is an offer and not a binding resolution. Commissioner Ingalsbe advised that she spoke with Randall Goodman from Gary Job Corps and he felt like it would affect them in a positive way and they would be able to train their students in the area of aviation. Commissioner Carter spoke of noise and airplane traffic on the east side of IH35 – she spoke of having the Thunderhill Racetrack (noise), San Marcos Wastewater Treatment Plant (air pollution), the Power Plant (known polluter), Wackenhut Jail – everything that is unpleasant is east of I35. Mr. Rogers advised that as a general aviation airport it would be used by Texas State Agency aircraft. He advised that this would stimulate economic growth in this area. This has been in the works for a number of years and west of IH35 is sacred ground because it is over the aquifer. Commissioner Burnett spoke of potential for transportation dollars (up to \$90 million) for roadway improvements. Mr. Rogers reminded the court that they had passed a similar resolution in 2001 [see resolution #19475 adopted May 8, 2001]. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to adopt a Resolution Supporting the City of San Marcos' Support and Offering Resolution Designating the San Marcos Airport as the State Airport for Central Texas Based on the 77th Texas Legislatures Direction to Establish a State Sponsored General Aviation Airport. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

Clerk's Note: Agenda Item#11 RE: DISCUSSION AND POSSIBLE ACTION TO APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 1 (OLD STAGECOACH ROAD BRIDGE DESIGN) was PULLED.



21753 APPROVE HAYS COUNTY'S HAZARD MITIGATION ACTION PLAN AND RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT TO FEMA FOR APPROVAL [T1-666]

Grants Administrator Richard Salmon advised that all the communities in Hays County joined together, at the urging of the county, to prepare a countywide Mitigation Action Plan (MA). The goal was to make Hays County "disaster resistant". Halff & Associates Inc. assisted the county in preparing the mitigation action plan. Completion of the plan makes Hays County and all participating communities eligible for funding under the Federal Hazard and Mitigation Grant Program. That program has provided millions in disaster recovery to Hays County in the past and is essential because the county is highly prone to flash floods, hurricanes, drought and other disasters. Next step will be for FEMA to review and approve. If changes are requested, the revised plan will be brought to Commissioners Court. Richard Salmon thanked publicly the following people who spent many hours at night working together to make this plan: Mark Chambers, Lamarr Peterson, Steve Floyd, Tim Vandevorte, Bob Mathis, Eddy Gumbert, Steve Harris, Ricky Wright, Frank Burn, Katherine Rosenbluthe, Michele Fisher, Jeff Wright, Jim Herman, Phillip Wilbur, Laurie Anderson, Ken Bell, Michael Muhr, Diane Wassenich, David Baker, William Taylor, John Ivy, Tim Whitefield, Kim Carrillo, and Steven Faulkner. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Hays County's Hazard Mitigation Action Plan and Resolution authorizing the County Judge to submit to FEMA for approval. All voting "Aye".**

21754 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$107,700 FOR TITLE V FEE-FOR-SERVICE PROGRAM FOR MATERNAL-CHILD HEALTH AND FOR TITLE V-FAMILY PLANNING TO THE TEXAS DEPARTMENT OF HEALTH [T1744]

Grants Administrator Richard Salmon advised that no matching funds are required. This was a continuation grant that we have received for a number of years that has changed to a competitive bid process. The Texas Dept. of Health (TDH) is providing grant funds to provide services to eligible clients on an individual basis and may include: prenatal care, preventive and primary child care and funds to provide comprehensive family planning services to eligible clients. Title V \$80,200 for Fee-for-Service Program for Maternal-Child Health and Title V \$27,500 Fee-for-Service Family Planning to the Texas Dept. of Health. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application for up to \$107,700 for Title V Fee-For-Service Program for Maternal-Child Health and for Title V Family Planning to the Texas Department of Health. All voting "Aye".**

21755 ADOPT A POLICY REGARDING THE COUNTY'S 6% LCRA WATER FEE [T1-764]

Charles O'Dell, Executive Director of Hays CAN, wanted more information and details regarding use of these funds. Environmental Health Director Allen Walther advised that there are no changes to the original contract – action today is to place the funds in a dedicated account rather than in the county general fund. He stated that we have not named any projects and we haven't identified any open space because they have not come up yet – the funds will be controlled exclusively by the Commissioners' Court. A discussion was had regarding the money owed to the county by LCRA – only designated areas are required to pay the water fee. Mr. O'Dell voiced additional concern about how funds will be used and open meetings of the Hays County Water & Sewer Authority. Allen Walther advised that every project will come before the court for input. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a policy that the 6% fee from LCRA be paid to Hays County and placed in a special fund to be distributed by a majority vote by the Commissioners' Court with those funds to be used to purchase open space or to fund Hays County mitigation projects. All voting "Aye".**

DISCUSSION REGARDING STAFF PREPARATION OF A MAP OF ALL COUNTY MAINTAINED ROADS AS AUTHORIZED BY CHAPTER 258 OF THE TEXAS TRANSPORTATION CODE [T1-1204]

Commissioner Molenaar spoke of House Bill 1117 relating to mapping for county maintained roads – will not be private or city roads or driveways. Manuel Mendez (Bickerstaff, Heath & Smiley) appeared before the court with a presentation. He advised that it codifies Chapter 258 of the Transportation Code – gives county's the opportunity to clarify the public interest of county roads – sets up a process that county's could use. Commissioner Carter questioned the wording of the posted agenda for this item. Commissioner Molenaar apologized to Mr. Mendez and he pulled this item for further discussion next week.

DISCUSSION REGARDING A RESOLUTION RELATING TO THE GOVERNOR'S RECOMMENDATIONS FOR CHANGES TO SCHOOL AND COUNTY TAXING AUTHORITY [T1-306]

Rick Thomas of Texas Association of Counties introduced Gary Bale, Director of Government Relations. Mr. Bale advised that the TAC Board of Director has not formalized any position that would not be subject to change and they are not trying to promote the resolution before the court. He spoke of meetings that have been had regarding tax reform and unfunded mandates. He spoke of the proposed 3% limitation on property appraisal increases and county revenue increases - there have been discussions about split tax rolls – under the Governor's proposed school finance reform, property tax rate would be reduced on residential property from



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\$1.50 to \$1.25 – commercial & industrial properties would be reduced to \$1.40. The \$1.25 & \$1.40 tax rate would merge down to 75 cents over a seven year period. Mr. Bale read the proposed language of a recently drafted constitutional amendment: *Sec. 66 Art 3 The Texas Constitution amended to read that " The state is hereby prohibited from reducing state financed proportions of the cost of any existing activity or service required of counties. A new activity or service an increase in any activity or service beyond that required by existing law shall not be required by the legislature or any state agency or executive order of counties unless a state appropriate is first made and disbursed to pay the county for any increased cost. After January 1, 2005 the legislature shall not adopt any law that requires the expenditure of county funds for any purpose.* Discussion was had regarding the need for a 3% cap on county revenue increases which has offended many county officials – the Governor is saying that a real tax fix has to be constitutionally secured. Commissioner Molenaar spoke in support of an increase in the sales tax.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 20, 2004.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27th DAY OF APRIL A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

[T1-18] Charles Brown spoke of water/drainage issues in Huntington Estates. The sheet flow from Leisurewoods Subdivision lands in their yard. Commissioner Carter requested that they put their concerns in writing.

21756 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$293,879.73 as presented by the County Auditor. All voting "Aye".

21757 APPROVE BUDGET AMENDMENT # 04-18

The following budget amendments were proposed: Extension Office = \$1,400 line item transfers for balance of approved laptop and copier upgrade. Building Maintenance = \$3,850 increase for Records Building A/C and mower replacement from vehicle savings in Environmental Health and Constable 4 budgets. Grants = \$2,040 increase for telephone & contract services through line item transfer and revenue. Information Technology = \$730 for server stand/workstation from software savings. Records Preservation = \$11,350 for scanner, computer/software for Environmental Health/9-1-1 Addressing. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Budget Amendment No. 04-18 as proposed by the County Auditor. All voting "Aye".

21758 APPROVE UTILITY PERMIT #01705

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Utility Permit #01705 on CR266/Old Bastrop Highway issued to Bluebonnet Electric Coop. Inc. All voting "Aye".

21759 APPROVE REFUND OF OVERPAYMENTS ON TAXES

The following applications for tax refund were submitted for approval: Lot 15 Lost Prairie Subd = \$664.06 overpayment and Lot 9B Oak Meadows = \$1,593.50 overpayment. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve refund of overpayments on taxes as submitted. All voting "Aye".

21760 APPROVE RENEWAL OF COUNTY-WIDE DUMPSTER CONTRACTS FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL CONTRACTS WITH BFI & IESI

Our contract is currently with BFI for all 4 yd dumpsters & 40 yd dumpster at the Pct. 2 barn and IESI for all 8 yd dumpsters, 20 yd dumpster at Pct. 4 barn and 30 yd dumpsters on an as-needed basis. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve renewal of county-wide dumpster contracts for one (1) additional year as provided in original contracts with BFI and IESI. All voting "Aye".

21761 APPROVE REAPPOINTMENTS OF DOYLE KRUMREY, BRUCE HARPER AND RENE GONZALES TO THE SOUTH HAYS COUNTY ESD#3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve reappointment of Doyle Krumrey, Bruce Harper and Rene Gonzales to the South Hays County ESD#3. All voting "Aye".



21762 APPROVE RENEWAL OF THE FLEET CARDS/FUEL MANAGEMENT CONTRACT FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT WITH FUELMAN

Judge Powers advised that he uses the services of Fuelman in his private business, therefore he will abstain from voting. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve renewal of the fleet cards/fuel management contract for one additional year as provided in the original contract. voting "Aye". Judge Powers abstained.

RENEWAL OF THE CONTRACT FOR MOWING OF GROUNDS AT DUDLEY JOHNSON/KYLE LOG CABIN FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT WITH MAINTENANCE MANAGEMENT

Commissioner Carter felt like the county could mow the grounds cheaper than bids received and that Parks Director Jerry Pinnix had offered to provide this service. Road Supt/Engineer Jerry Borcharding advised that a Road Dept. mower could be used by Jerry Pinnix. No action taken this date.

21763 WILDFLOWER SUBDIVISION [PCT. 3 #04-3-019] * APPROVE PRELIMINARY PLAN

[T1-165] Property owner Claudia Kotin proposes to develop 8 lots on CR272/Quail Run Drive. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter spoke of water availability concerns – she would like to know the percentages of surface and ground water being provided. Allen Walther spoke of benefits from connecting to a surface water source and he stated that our rules don't define a percentage of surface water and ground water. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Wildflower Subdivision". All voting "Aye".

21764 RIATA [PCT. 3 #04-3-026] * APPROVE PRELIMINARY PLAN [T1-253]

Property owners Lee Klunkert Cox and Joe Cox propose to create a one lot subdivision (8.69 acres) on Ranch Road 32. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Riata" subdivision. All voting "Aye".

21765 RIVER MOUNTAIN RANCH SECTION 4 REVISED PLAT OF LOTS 401 & 402 [PCT. 4 #04-4-007] * APPROVE FINAL PLAT AND WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-262]

Property owners Terri D. & Lisa H. Galassini propose to reconfigure Lots 401 & 402. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and waive preliminary plan and public notification requirements for "River Mountain Ranch Section 4 Revised Plat of Lots 401 & 402". All voting "Aye".

21766 RIVER MOUNTAIN RANCH SECTION 7 [PCT. 4 #04-4-018] * APPROVE FINAL PLAT

[T1-273] Kendree Custom Homes proposes to create a 5 lot subdivision located off Winding Trail utilizing a 30' shared access driveway. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "River Mountain Ranch Section 7". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

21767 HIGHLANDS SECTION A RESUBDIVISION OF LOT 16 [PCT. 4 #04-4-030 - 4 LOTS] * APPROVE PRELIMINARY PLAN [T1-317]

Property owner Brian Anderson proposes to divide his 15.1279 acres into 4 lots located off Alpine Trail with Lots 16B & 16C using a shared access driveway. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Highlands Section A Resubdivision of Lot 16". All voting "Aye".

21768 RIVER OAKS RANCH UNIT ONE [PCT. 3 #04-3-031] * CALL FOR PUBLIC HEARING TO CONSIDER THE ABANDONMENT, VACATION, AND CONVEYANCE OF FEE SIMPLE R-O-W FOR "RAMBLING OAKS DRIVE" WESTWARD OF "RIDGE OAK DRIVE"

[T1-327] Subdivision Coordinator Jon Thompson advised that this road was never built – Bruce Dehart wants to purchase the abandoned right-of-way. At the May 25, 2004 public hearing they will present an appraisal of the property. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for public hearing on May 25, 2004 to consider the abandonment, vacation, and conveyance of fee simple R-O-W for "Rambling Oaks Drive" westward of "Ridge Oak Drive". All voting "Aye".



21769 APPROVE APPOINTMENT OF MRS. CAROL KAY CONWAY GREAVES TO THE NORTHEAST HAYS COUNTY RURAL FIRE PREVENTION DISTRICT REPLACING ROBERT GUINN WHO IS STEPPING DOWN. THIS ACTION WILL NEGATE ACTION TAKEN ON APRIL 13, 2004 [T1-391]

Commissioner Carter advised that this is a correction to previous action – Mrs. Greaves should have been appointed to the Northeast Hays County Rural Fire Prevention District rather than the Hays County Rural Fire Prevention District. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to appoint Carol Kay Conway Greaves to the Northeast Hays County Rural Fire Prevention District replacing Robert Guinn. All voting “Aye”.

21770 ACTION REGARDING THE NAME CHANGE OF “TOMS HILL,” A PRIVATE ROAD IN BURNETT RANCH SECTION 5 TO “FLYING P ROAD” [T1-408]

Environmental Health Director Allen Walther advised that the individual that owns all the property on this roadway is requesting a road name change. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve road name change from “Tom’s Hill” to “Flying P Road”. All voting “Aye”.

WORKSHOP WITH DAN WEGMILLER OF FIRST SOUTHWEST COMPANY TO OUTLINE PROJECT COSTS ASSOCIATED WITH THE CABELA’S, INC. DEVELOPMENT PROJEC - DISCUSSION WILL INCLUDE, BUT IS NOT LIMITED TO, PROJECT BENEFITS TO PARTICIPATING JURISDICTIONS AS WELL AS HAYS COUNTY’S LEVEL OF PARTICIPATION [T1-435]

John Trube, Mayor of Buda, gave history of Cabela’s: a family owned business founded in 1961 and currently operating 10 stores in the United States. They are known as the “World’s Foremost Outfitter” for outdoor gear, employ as many as 250-500 full and part-time employees per store, and will serve as a economic stimulator to the Buda area (restaurants, hotels, etc.). The 175,000 square foot facility includes an aquarium, conservation mountain, mule deer museum, and African diorama. Dan Wegmiller (First Southwest Company) briefly described the various financing agreements: 380 Agreement permits a City to revenue share, with a development prospect, sales tax derived directly from that project for the purpose previously stated, 381 Agreement permits a County to revenue share, with a development prospect, sales tax derived directly from that project for the purpose previously stated, Tax Increment Reinvestment Zone (TIRZ) is a geographic area designated by a City to promote development or redevelopment of property within the jurisdiction of a City under the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon’s Texas Codes Annotated. City and County property taxes levied upon the new taxable assessed value, within the boundaries of the Zone, are reinvested in public improvements in the Zone for up to 20 years. Current County revenues on the 126 acre parcel = \$515 (ad valorem taxes only) and project annual revenues (25 yr average) = \$1,003,562 (includes ad valorem property taxes, sales taxes, personal property taxes, and inventory taxes). He spoke of economic benefit realized by the county over 25 years.

	COUNTY	PUBLIC PARTICIPATION
SALES TAX %	67%	33%
PROPERTY TAX % (YEAR 1-20)	0%	100%
PROPERTY TAX % (AFTER YEAR 20)	100%	0%
TOTAL BENEFIT	\$ 25,089,040	\$ 37,507,896
AVERAGE ANNUAL BENEFIT	\$ 1,003,562	\$ 1,500,316
ESTIMATED YEAR 1 BENEFIT	\$ 305,658	\$ 997,223
ESTIMATED YEAR 2 BENEFIT	\$ 561,662	\$ 1,636,150

Commissioner Carter asked Mr. Logan to voice his concerns about this project. [T1-970] Mr. Logan (owns a large RV park in the area) spoke of concern about access to his property and he is concerned about the loss of property taxes and sales taxes. Commissioner Burnett spoke of benefits that will be received from IH35 improvements. Buda Mayor John Trube and City Councilman Jeff Coffee spoke of revenue projections and how money will be used for infrastructure improvements. Improvements will be made to Loop 4 to accommodate increased traffic (2 lanes and a turn lane). The museum will be owned by the City and will be used for educational purposes and will be managed by Cabella’s.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 27, 2004.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS’ COURT OF HAYS COUNTY, TEXAS





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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 4th DAY OF MAY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

21771 ADOPT A PROCLAMATION DECLARING MAY 2004 AS OLDER AMERICANS MONTH AND PRESENT PROCLAMATION TO MS. GLENDA ROGERS, DIRECTOR OF AREA AGENCY ON AGING IN AUSTIN, MS. DIXIE MYERS, DIRECTOR OF THE HILL COUNTY SENIOR CITIZENS ACTIVITY CENTER IN DRIPPING SPRINGS, AND MR. BAILEY BARTON, ATTORNEY IN SAN MARCOS

Glenda Rogers spoke of recognizing contributions of older Americans and helping them in their aging process. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt Proclamation declaring May 2004 as *OLDER AMERICANS MONTH* and present Proclamation to Ms. Glenda Rogers, Director of Area Agency on Aging in Austin, Ms. Dixie Myers, Director of the Hill Country Senior Citizens Activity Center in Dripping Springs, and Mr. Bailey Barton, Attorney in San Marcos. All voting "Aye".

21772 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$267,147.49 as presented by the County Auditor. All voting "Aye".

21773 APPROVE BUDGET AMENDMENT # 04-19

Proposed budget amendments were as follows: Transfer \$1,050 from Sheriff Vehicles line item to Animal Control Registration Supply (\$150) and Animal Care (\$900) – Transfer \$525 from Parks Administration travel into Other line item - Transfer \$1,500 from TDH/Immunization supplies into other line item - Transfer \$7,600 from various line items in Personal Health into Medical Services line item. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-19 as proposed by the County Auditor. All voting "Aye".

21774 APPROVE REFUND OF OVERPAYMENTS ON TAXES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve refund of overpayment of taxes in the amount of \$671.07 for Burnett Ranch Sec 4 Lot 2 Blk 1 as presented by the County Tax Assessor-Collector. All voting "Aye".

21775 PALOMA BLANCA REPLAT OF LOTS 3 & 4 [PCT. 3 #04-3-034, 2 lots] * APPROVE FINAL PLAT & WAIVE PRELIMINARY PLAN & PUBLIC NOTIFICATION REQUIREMENTS

[T1-96] Property Owners Linda Bingham, Betty Pennington, & Stacey Pennington propose to relocate a common lot line between their properties. Access to the lots are through a 30 ft. shared access driveway onto CR181/Fischer Store Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat and waive preliminary plan & public notification requirements for "Paloma Blanca Replat of Lots 3 & 4". All voting "Aye".

21776 RIATA SUBDIVISION [PCT. 3 #04-3-026, 1 lot] * APPROVE FINAL PLAT [T1-108]

Environmental Health Director Allen Walther advised that this is a one lot subdivision and he gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Riata Subdivision". All voting "Aye".



21777 GLEN H. KOTHMANN PROPERTIES SUBDIVISION REPLAT OF LOTS 3, 4, 5, 6, & 21 [PCT. 4 #04-4-033, 5 lots] * APPROVE FINAL PLAT & WAIVE PRELIMINARY PLAN & PUBLIC NOTIFICATION REQUIREMENTS [T1-123]

Environmental Health Director Allen Walther advised that the owners Bruce & Cathy Fairchild and Samuel & Beverly Hadaway are increasing the existing lot sizes to settle common ownership - he gave staff recommendation to approve final plat and waive preliminary plan and public notification requirements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat and waive preliminary plan & public notification requirements for "Glen H. Kothman Properties Subdivision Replat of Lots 3, 4, 5, 6, & 21". All voting "Aye".**

21778 PENN SUBDIVISION REPLAT OF LOTS 1 & 2 [PCT. 4 #02-4-078, 2 lots] * APPROVE PRELIMINARY PLAN [T1-138]

Property owner Benjamin David Reed proposes to replat Lot 1 & 2 of the Penn subdivision (relocation and increase in size of Lot 2). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Penn Subdivision Replat of Lots 1 & 2". All voting "Aye".**

21779 PUBLIC HEARING AND CONSIDER ADOPTING A RESOLUTION DECLARING A PUBLIC NECESSITY AUTHORIZING THE UPGRADE OF OWL HOLLOW ROAD AND THE ASSESSMENT OF THE PROPERTY OWNERS FOR THE SAME [T1-146]

Judge Powers declared the public hearing open. Tom Langley, Secretary of the Rocky Ranch Acres POA, spoke of having a gravel road approximately 1.5 miles long - school buses have to pick up children at the end of the road and creates a dangerous situation for the children. He spoke of problems for emergency vehicles, the security of their mail at the end of the road, and they are unable to receive services such as newspaper delivery. There are approximately 50 property owners on this road. Commissioner Molenaar explained the process for assessment - ballots are sent out to property owners and estimates to determine assessment. Road Supt/Engineer Jerry Borcharding advised that his estimate for the upgrade is approximately \$122,000. Judge Powers closed the public hearing. Commissioner Burnett advised that his position is that he does not like for the county to be a bank for private roads to be taken over by the county - he is concerned about other subdivisions coming forward with the same request. He would prefer for the homeowners association to borrow the money and upgrade their own roads. Commissioner Molenaar stated that this homeowners association has exhausted every resource they have and they are now coming to the county as provided by law. Commissioner Ingalsbe spoke of need for guidelines and limits. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt Resolution declaring a public necessity authorizing the upgrade of Owl Hollow Road and the assessment of the property owners for the same. Approximate cost to be \$122, 000. Commissioner Ingalsbe and Commissioner Molenaar voting "Aye". Commissioner Carter, Commissioner Burnett and Judge Powers voting "No". MOTION FAILED.**

21780 APPROVE AGREED JUDGMENT IN HAYS COUNTY V. SAPP, CAUSE NO. 4608

[T1-383] Special Counsel Jacqueline Cullom Murphy spoke of agreed judgment - \$500 will be received from abutting property owner and will then be paid to Mr. Sapp. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve Agreed Judgment in Cause No. 4608 Hays County v. Sapp with addition of wording referencing the abandonment of right-of-way. All voting "Aye".**

21781 PUBLIC HEARING AND ACTION TO APPROVE THE ABANDONMENT OF OLD BLISS SPILLAR ROAD BETWEEN BLISS SPILLAR ROAD AND CHAPARRAL DRIVE, FOR A TOTAL OF 1.319 ACRES OF LAND SITUATED BETWEEN LAND OWNED BY TOM E. SAPP AND W.K. BEAR CREEK, LTD. [T1-446]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Special Counsel Jacqueline Cullom Murphy spoke of need to approve the abandonment and close the Sapp matter. Road Supt/Engineer Jerry Borcharding advised that this property is currently fenced. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve abandonment of Old Bliss Spillar Road between Bliss Spillar Road and Chaparral Drive, for a total of 1.319 acres of land situated between land owned by Tom E. Sapp and W. K. Bear Creek Ltd. All voting "Aye".**

21782 ACTION TO HIRE AN ENGINEERING FIRM FOR THE DESIGN OF A BRIDGE AND APPROACHES ON OLD STAGECOACH ROAD [T1-474]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to hire Turner, Collie & Braden to do design work for bridge at Dudley Johnson Park. Commissioner Carter spoke of spreading the wealth with other Engineering firms - this is not a bond road project. Jerry Borcharding advised that he reviewed qualification of other engineering firms and as an alternative he recommended Halff & Associates. He spoke of qualifications of staff regarding bridge design - TC&B are familiar with the project and the soil conditions. \$150,000 has been budgeted for bridge construction plus \$50,000 for design of the bridge. \$24,853 is the total price. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to hire Engineering Firm Turner, C&B for the design of a bridge and approaches on Old Stagecoach Road not to exceed \$24,853. Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar and Commissioner Carter voting "No".**



21783 ACTION TO CONSIDER A PETITION REQUEST FROM THE PROPERTY OWNERS ON PUTNAM RANCH ROAD (A PRIVATE EXTENSION OF HART LANE) FOR COUNTY MAINTENANCE [T1-642]

Bobby Porterfield (lives on Hart Lane/Putnam Ranch Road) spoke of being under the impression that the road already belonged to the county – it is impossible for property owners to keep up maintenance – he spoke of county taking over Limestone Trail, a private road. Commissioner Burnett spoke of Limestone Trail being dedicated to the public many years ago and shown on CAD roll as county property, therefore, the county recently took over this roadway for county maintenance. **A motion was made by Commissioner Molenaar to bring Putnam Ranch Road (a private extension of Hart Lane) into the County Road Maintenance System. MOTION DIED FOR LACK OF A SECOND**

PRESENTATION FROM BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P. RELATING TO THE COUNTY ROAD CLARIFICATION PROJECT AUTHORIZED BY CHAPTER 258, TEXAS TRANSPORTATION CODE [T1-757]

Charles Kimbrough (Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel) and Manuel Mendez appeared before the court. Mr. Kimbrough spoke of House Bill 1117 and various ways that the county has the right to claim roads by prescriptive easements. He spoke of stages of the proposed project: (1) hearing procedure, adoption of preliminary map and protest proceedings – burden is on the county to provide evidence and facts, produce a proposed map with public notice and notice in the tax statement mailout; (2) initial hearing is held regarding map to hear protest (written or in person) and jury of view proceedings will determine if road goes on the map, final adoption must be within 90 days from initial hearing date. Their cost would be approx \$6,000 – 10,000 but would not include litigation costs, etc. Commissioner Carter spoke of possible conflicts with citizens and expense of surveying to take property off the tax roll. Mr. Kimbrough spoke of need for clarification of county roads, you have a statute of limitations for lawsuits, and the ad valorem tax aspect [under Chapter 258.006 Transportation Code]. He did not believe that the county would be required to survey the prescriptive easement property. County Auditor Bill Herzog spoke of GASB-34 whereby we would use the map to determine the value of county owned property.

21784 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LOCATION AGREEMENT WITH TWENTIETH CENTURY FOX FOR USE OF THE HAYS COUNTY JUSTICE CENTER

[T1-1344] District Attorney's Office Chief Investigator Jody Ginn spoke of use of courtroom #4 in the district court area – it has been requested that the \$500 per day being paid be earmarked for district courtroom #5 air conditioning. They are paying for security (off duty peace officers) during the filming. Purchase of the air conditioning unit will have to come to the court at a later date. **A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to execute a location agreement with Twentieth Century Fox for use of the Hays County Justice Center. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".**

21785 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS COMPTROLLERS OFFICE FOR UP TO \$5,000.00 [T1-1485]

Grants Administrator Richard Salmon explained the grant. The Texas Comptroller's Office is making block grants available to counties and cities to be used by local law enforcement agencies to enforce Subchapter H and N, Chapter 161 of the Texas Health and Safety Code. The goal is to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons under the age of 18. Grant funds can be used for the following compliance activities: (1) On-site inspections of tobacco permitted retail outlets for the unlawful sale of products; (2) On-site inspections that may result in the issuance of citations; (3) Compliance education for the community, retailers, and school children; (4) Monthly/quarterly activity reports to the Texas Comptroller. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to submit a grant application to the Texas Comptrollers Office for up to \$5,000.00. All voting "Aye".**

21786 RENEW CONTRACT FOR MOWING OF GROUNDS AT DUDLEY JOHNSON/KYLE LOG CABIN FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT WITH MAINTENANCE MANAGEMENT [T1-1505]

Parks Director Jerry Pinnix advised that 5 years ago he had volunteered to mow the park, however, he does not currently have the time or resources to provide this service as suggested by Commissioner Carter. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to renew the contract for mowing of grounds at Dudley Johnson/Kyle Log Cabin for one (1) additional year as provided in the original contract with Maintenance Management. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**



**WORKSHOP TO DISCUSS AND DELIBERATE LEGAL, ECONOMIC DEVELOPMENT
AND FINANCIAL ISSUES RELATING TO CABELA'S RETAIL, INC. [T1-1590]**

Dan Wegmiller (First Southwest Company) gave breakdown of different types of investments to take place in the area being a total investment of \$86.8 million in the TIFF area: *public improvement (roads, utilities, etc.) is \$37.5 million, \$12.5 million in TxDot immediate improvements, and \$36.8 in Cabela's improvements (site development & building of the retail store).* He spoke of sales tax revenues (capital contribution). Special Counsel Jacqueline Cullom Murphy spoke of continued revisions not related to the County. Buda City Councilman Jeff Coffee advised that TxDot is looking for a \$500,000 cash contribution from the County. He spoke of town hall meeting that will be held May 6, 2004 at 7:00 pm at the Buda Elementary School. Warren Ketteman (Buda Economic Development Council) advised that discussions are being held with Crestview RV regarding their concerns. Dan Wegmiller spoke of the county being asked to participate in the TIFF and participate in sharing sales tax – the county would share 33% of sales tax gain and the county would get to keep 67% annually of that sales tax.

Court was adjourned.

I, LEE CARLISLE, 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 4, 2004.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11th DAY OF MAY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

21787 ADOPT A PROCLAMATION DECLARING MAY 10 - 16, 2004 AS NATIONAL PEACE OFFICER MEMORIAL WEEK

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 10-16, 2004 as "National Peace Officer Memorial Week". All voting "Aye". Commissioner Molenaar presented the Proclamation to Constable Pct. 1 Lupe Cruz - a memorial will be held on May 13, 2004 at the Hays County Courthouse.

21788 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$352,926.36 as presented by the County Auditor. All voting "Aye".

21789 APPROVE BUDGET AMENDMENT # 04-20

The proposed budget amendment is as follows: Juvenile Probation transfer \$1,000 from Psychology Exams into Other line item. Environmental Health transfer \$2,200 into travel allowance from 911/Addressing Maintenance Grant. Constable 1 & Constable 3 increase law enforcement supply line item by \$437 from contributions received from LEAD 2004. Commissioner Pct. 2 increase data processing equipment line item \$3,182 from various other line items to purchase a power point projector and equipment. Records Mgmt/Co Clerk transfer \$1,000 from permanent records line item into building improvement for window tint in the Records building. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 04-20 as proposed by the County Auditor. All voting "Aye".

21790 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS HISTORICAL COMMISSION FOR THE HAYS COUNTY HISTORICAL COMMISSION FOR UP TO \$7,800.00

This is a grant application for up to \$7,800.00 to be used for nomination of properties to the National Register of Historic Properties and for education activities, programs and publications. Activities eligible for funding in this section include development of tours of historic areas, design guidelines, production of brochures, pamphlets or videotapes promoting local history and properties or establishment of local marker program. Hays County has budgeted \$7,800 in matching funds toward the Hays County Historical Commission and has participated in this type of grants with the commission for the past 15 years. There are no administration funds provided in the grant. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the Texas Historical Commission for the Hays County Historical Commission for up to \$7,800.00. All voting "Aye".

21791 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE - COPS IN SCHOOL GRANT PROGRAM FOR UP TO \$875,000 AND TO EXECUTE CONTRACT

A request has been made to Hays County by the Dripping Springs, Wimberley and Hays school districts to secure 7 school resource officers. Dripping Springs ISD is requesting 2 officers, Wimberley ISD 2 officers, and Hays ISD 3 officers. The maximum allowable grant is \$125,000 per officer for a 3-year period, therefore, for the 1st and 2nd years it will be a 100% grant. In the 3rd year Hays County would provide \$5,450 matching funds and each of the school districts would provide \$16,349. At the end of the 3-year grant period, the school districts would pay 75% of the salaries and benefits of the 2 officers and Hays County would pay the remaining 25%. Cost to the county thereafter will be \$12,233 per year. The grant does not provide any administrative, operating or equipment; only grant funds for salaries and benefits. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the U.S. Department of Justice - Cops in School Grant Program for up to \$875,000 and to execute contract. All voting "Aye".



Clerk's Note: Agenda Item #8 RE: WOODBROOK PHASE 2 [PCT. 2 #03-2-085], 28 LOTS] * APPROVE FINAL PLAT; ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND ACCEPT THE MAINTENANCE FISCAL SECURITY was PULLED.

21792 PENN SUBDIVISION REPLAT [PCT. 4 #02-4-078, 2 LOTS] * APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS [T1-78]

Environmental Health Director Allen Walther advised that there are only two lots in the subdivision and they are being reconfigured. He gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and waive public notification requirements for "Penn Subdivision Replat". All voting "Aye".**

21793 RIM ROCK PHASE 2 [PCT. 4 #03-4-088, 268 LOTS] * PRELIMINARY PLAN APPROVAL

[T1-88] Environmental Health Director Allen Walther advised that this is part of a phased development and he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Rim Rock Phase 2". All voting "Aye".**

21794 RIM ROCK PHASE 3 [PCT. 4 #03-4-089, 163 LOTS] * PRELIMINARY PLAN APPROVAL

[T1-101] Environmental Health Director Allen Walther advised that this is part of a phased development – he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Rim Rock Phase 3". All voting "Aye".**

21795 RUTHERFORD WEST [PCT. 4 #03-4-090, 292 LOTS] * PRELIMINARY PLAN APPROVAL

[T1-110] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Rutherford West". All voting "Aye".**

21796 PUBLIC HEARING AND ACTION APPROVING CREATION OF ROCK CREEK WATER CONTROL AND IMPROVEMENT DISTRICT #1 AND APPOINTMENT OF TEMPORARY DIRECTORS [T1-1109]

Judge Powers declared the public hearing open. Sharlene Collins requested approval of creation of the Rock Creek Water Control and Improvement District #1 and appointment of temporary directors. Rob Baxter (Friendship Alliance) voiced his concern regarding districts being created and given authority (handing government authority over to a corporation). The public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve creation of the Rock Creek Water Control and Improvement District #1 under the terms and provisions and with the power and authority established by Chapters 49 and 51 of the Texas Water code, except that the District will not have the power to collect, transport, process and dispose of wastewater unless such power is approved by the Texas Commission on Environmental Quality under Section 51.331, Texas Water Code, and furthermore, Ed Wendler Jr., Jeff Musgrove, Sloan Spaeth, Cliff Avery and Gary Gerstenhaber are appointed as the Temporary Directors to serve until their successors are duly elected or appointed and qualified as provided by law. All voting "Aye".**

21797 AUTHORIZE THE INSTALLATION OF WINDOW TINT AT THE RECORDS BUILDING AND AMEND THE BUDGET ACCORDINGLY [T1-278]

County Clerk Lee Carlisle requested authorization for installation of window tint at the Records Building - there are funds available in his budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the installation of window tint at the Records Building and amend the budget accordingly. All voting "Aye".**



21798 AUTHORIZE THE INFORMATION TECHNOLOGIES DEPARTMENT TO IMPLEMENT AN ONLINE KEY WORD LIST TO THE HAYS COUNTY COMMISSIONERS COURT MINUTES BY PURCHASING A DEDICATED SERVER [T1-294]

Information Tech Director Jeff McGill advised that the software is in place to do this but has not been implemented – we still need to purchase a dedicated server (apprx. \$3,000) for this service. This program will allow the public and Commissioners' Court to access the minutes and backup material through the internet. County Clerk Lee Carlisle advised that funds are available in the Records Management budget. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the Information Technologies Dept. to implement an online key word list to the Hays County Commissioners' Court Minutes by purchasing a dedicated server for up to \$4,000 utilizing Records Management funds. All voting "Aye".**

PRESENTATION BY BRYAN ICE, PETER SMITH, AND BOB CUELLAR OF TURNER, COLLIE & BRADEN, INC., CONCERNING REGIONAL MOBILITY AUTHORITIES (RMA'S) AND GENERAL TOLL AUTHORITIES

Peter Smith, Turner, Collie & Braden Vice-President of Transportation, gave a power point presentation concerning Regional Mobility Authorities (RMA's) and General Toll Authorities and provided a booklet entitled *Hays County Transportation Solutions – Organizational and Financing Options*. Al Luedecke spoke of limited TxDot (Texas Dept. of Transportation) funds and he spoke of innovative financing that could make funds available. Mr. Luedecke spoke of House Bill 3588 and Peter Smith spoke of operational options: No Toll Road Agency, Commissioners Court as Toll Road Board, Court-Appointed Incorporated Board, Regional Toll Authority, and Regional Mobility Authority. He spoke of potential funding sources (revenue bond financing, toll equity participation, pass through tolling, public-private partnerships, TIFIA loans, and SIB loans). He spoke of potential projects in Hays County. Commissioner Molenaar spoke of need for the court to look at the information provided today and suggested holding a workshop at a later date. Commissioner Burnett stated that he does not support putting a toll on existing roadways, only on new roadways with alternative free roads available. These are being considered only because of limited State highway funds.

PRESENTATION REGARDING ENVISION CENTRAL TEXAS AND ONGOING REGIONAL/COMMUNITY PLANNING EFFORTS IN CENTRAL TEXAS [T1-1506]

Bastrop County Judge Ronnie McDonald spoke of creation of Envision Central Texas and ongoing regional/community planning efforts in Central Texas. Beverly Silas (Executive Director of Envision Central Texas) gave a power point presentation regarding growth that will occur in this area (Bastrop, Caldwell, Hays, Travis, & Williamson counties) and how we will address that growth. She spoke of public workshops that were held and how citizen input was used to produce digitized maps indicating suggested land use. She went through various scenarios (A-D) of growth and compared each scenario's transportation indicators. Ms. Silas spoke of survey results (6,060 surveys submitted – 6 duplicates). She spoke of this program being an ongoing project and she spoke of entities helping to fund this project. Judge McDonald spoke of counties having limited powers and Envision Central Texas has the resources to get the information needed to make appropriate decisions – would like for Hays County to consider a contribution to this project. Mark Hazelwood presented members of the court with the final Envision Central Texas document on CD.

21799 ADOPT A RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT POLICY FOR HAYS COUNTY PURSUANT TO CHAPTER 381 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-2588]

In adopting this Economic Development Policy as contemplated by Chapter 381 of the Texas Local Government Code, the County will consider the granting of economic incentives based on relevant factors to include the types and values of public improvements made by the applicant, the number of jobs created and maintained, and the extend to which the proposed project carries out the goals and objectives of the County. Nothing in the policy shall be construed as a guarantee that the County will provide economic incentives for any particular project. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution establishing an Economic Development Policy for Hays County pursuant to Chapter 381 of the Texas Local Government Code. All voting "Aye".**



21800 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE MASTER ECONOMIC DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF BUDA, THE CITY OF BUDA 4B CORPORATION, HAYS COUNTY, THE DUPRE LOCAL GOVERNMENT CORPORATION AND CABELA'S RETAIL, INC., RELATING TO ECONOMIC DEVELOPMENT INITIATIVES INVOLVING CABELA'S OPENING OF A RETAIL CENTER IN BUDA, TEXAS [T1-2849]

Commissioner Molenaar requested an inclusion in the agreement as per letter submitted to the court by Thomas F. Ackley, Attorney representing Cabela's. Letter dated May 7, 2004 from Thomas F. Ackley to Warren Kettelman reads as follows: "As per our conversation this morning, please give the Hays County, Texas representatives my assurances as an attorney for Cabela's Retail Inc. that we understand that the County's contribution of sales tax towards the Cabela's development in the form of Chapter 381 Grants will be capped at \$4,500,000. Although this cap was not specifically set forth in the draft Master Economic Development Agreement which is included in the County's package for consideration, you have my assurances that the County will receive specific language regarding that limitation when we draft the bond documents." Buda Mayor John Trube spoke in support of this agreement. Warren Kettelman (Buda Economic Development Council) spoke in support of this agreement and introduced various people present in support of this project. Public participation/witness forms were submitted in support of this project by Benita Gunn, T. J. Higginbotham, Sam Cooper, and Jeff Coffee. Special Counsel Jacqueline Cullom Murphy advised that the agreement has been reviewed by numerous attorneys and economic development specialist and she is comfortable with it. Commissioner Molenaar stated that the letter pertains to Section 6.5 of the agreement regarding sales tax incentives – the county has no intent to give more than 33% of ½ percent and it is capped at \$4,500,000. Jeff Coffee (Buda City Council) spoke of \$4,500,000 being the initial amount of the bond - does not include interest that will be applied over the years it will be paid out. TIFF funds will be paid back in 20 years (maximum allowed by statute) and sales tax bond in 25 years. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute the Master Economic Development Agreement by and among the City of Buda, the City of Buda 4B Corporation, Hays County, the Dupre Local Government Corporation and Cabela's Retail Inc. relating to economic development initiatives involving Cabela's opening of a retail center in Buda, Texas and to furthermore include the letter from Cabela's Attorney Thomas F. Ackley under Section 6.5 County Grants reiterating 33% of ½ percent with the maximum amount of \$4,500,000 and not including the principal interest. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 11, 2004.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



MAY 18, 2004

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18th DAY OF MAY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
H. S. "SUSIE" CARTER
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: INGALSBE & BURNETT; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY ELECTED OFFICIALS OF CERTIFICATION OF THEIR CONTINUING EDUCATION CREDITS FOR 2003

County Treasurer Michele Tuttle spoke of continuing education required by elected officials each year – she presented her certification of hours for the record – she has 24 hours of County Investment Officer education issued by the Texas Assoc. of Counties and 37 hours of public funds investment education issued by the County Treasurer's Assoc. of Texas. She advised that County Tax Assessor-Collector Luanne Caraway will be sworn in as president of the County Tax Assessor-Collector's Association. Commissioner Molenaar advised that Luanne Caraway is also the first Certified Tax Assessor-Collector in the State of Texas. Commissioner Molenaar submitted his hours for the record – he submitted a Certificate of Completion issued by the County Judges & Commissioners Assoc. of Texas along with a list indicating a total of 21.25 hours. Commissioner Carter spoke of 16 hours of continuing education required for Commissioners. She submitted a Certificate of Completion issued by the County Judges & Commissioners Assoc. of Texas. Additional forms submitted for the records were as follows: J.P. 1-1 Macel Sullivan Certificate of completion of 20 hours of continuing education issued by the Texas State University – Texas Justice court Training Center. J.P. 2 Beth Smith Certificate of completion from the Texas Municipal Court Education Center showing 12 hours of judicial education and a Certificate of completion of 20 hours of continuing education issued by the Texas State University – Texas Justice court Training Center. J.P. 1-2 Margie Hernandez submitted a Certificate of completion of 20 hours of continuing education issued by the Texas State University – Texas Justice court Training Center for 2003-2004 and 80 hours for 2002-2003. Judge Powers presented a Judicial Education Record issued by the Texas Association of Counties indicating that he is exempt from education requirement.

21801 ADOPT PROCLAMATION SUPPORTING THE HAYS COUNTY YOUTH FISHING DERBY AT CAPE'S POND IN SAN MARCOS ON JUNE 5, 2004 [T1-70]

Commissioner Molenaar spoke of this being a family event – the J.M. Cape family has offered the site - he read the proclamation. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt Proclamation supporting the Hays County Youth Fishing Derby at Cape's Pond in San Marcos on June 5, 2004. All present voting "Aye".**

PUBLIC COMMENT [T1-120]

Jim Green spoke of Envision Central Texas presentation last week being misleading – he feels like the ECT consultants methods are neither respectable nor reliable. He spoke of it being a small group of land control activist at each meeting in the area – there are 1,300,000 people living in these five counties and only 12,500 (which represents a survey sample of only 9/10 of 1% of the people) responded to the (self selecting) survey, which he feels is of no value. He spoke of this plan preventing development and will steal governing authority from our democratically elected county commissioners and city councils in Central Texas. He urged the court to not give money to ECT and look more closely at the agenda of this particular organization.

DISCUSSION REGARDING APPOINTMENT OF C. HILL RYLANDER TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL VACANCY [T1-204]

Jerry Kolacny, former Chairman of the Hays County Historical Commission, spoke of having to resign in February for personal reasons and the new chairman appointment was made by the County Judge and was not made through the Commissioners' Court (the by-laws authorize the County Judge to appoint the Chair). The new chairman has requested resignation of one of the members and he feels like the Commissioners Court needs to consider that action. Mr. Kolacny spoke of there being no vacancies on the Commission at this time and those appointments are made by the Commissioners' Court according to the By-Laws of the Commission. Service on the Commission is voluntary and it needs people who are willing to participate and be active in it. [T1-259] Richard Gochot, HCHC Vice-Chair, stated that he has been asked to resign by the new Chairman Rodney Van Oudekerke and the new chair advised that he would like to have a clean slate of the commission so he can establish a new one. Special Counsel Jacqueline Cullom Murphy stated that she will research the By-Laws of the Commission. Judge Powers pulled the item to research further. Richard Gochot advised that he has no intention of resigning. Jim Green stated that he thinks Rodney Van Oudekerke will make a good chairman and he supports appointment of C. Hill Rylander.



21802 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$642,935.11 as presented by the Auditor. All present voting "Aye".

21803 APPROVE UTILITY PERMITS #01706 & 01707

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #01706 on Reimer & FM2439 issued to Crystal Clear Water Supply and #01707 on Fieldstone Loop issued to PEC as submitted by the County Road Department. All present voting "Aye".

21804 WOODBROOK PHASE 2 [PCT. 2 #03-2-085, 28 LOTS] * APPROVE FINAL PLAT; ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND ACCEPT THE MAINTENANCE FISCAL SECURITY [T1-328]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve final plat of "Woodbrook Phase 2"; accept completion of construction of road and drainage improvements; and accept the maintenance fiscal security [Letter of Credit #040904 = \$7,158.45 issued by Liberty Bank]. All present voting "Aye".

21805 WOODBROOK PHASE 1 [PCT. 2 #03-2-08] * RELEASE CONSTRUCTION FISCAL SECURITY; ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-339]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of construction fiscal security. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to release construction fiscal security; accept completion of construction of road and drainage improvements; and accept maintenance fiscal security [Letter of Credit #140904 = \$12,556.10 issued by Liberty Bank] for "Woodbrook Phase 1". All present voting "Aye".

21806 HUBER ESTATES SECTION 3 [PCT. 2 #01-2-021] * RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-353]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and acceptance of roads. The roads are "Huber Lane & Keller Court". A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to release maintenance fiscal security and accept roads in "Huber Estates Section 3" into the county road maintenance system. All present voting "Aye".

21807 BLANCO VALLEY RANCHES [PCT. 3 #03-3-077] * RELEASE CONSTRUCTION FISCAL SECURITY [T1-367]

Road Supt/Engineer Jerry Borcharding stated that the roads in this subdivision are to be privately maintained and he recommends release of construction fiscal security. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to release construction fiscal security for "Blanco Valley Ranches". All present voting "Aye".

21808 CALL FOR A PUBLIC HEARING ON JUNE 1, 2004 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) AT THE INTERSECTIONS OF LIVE OAK LOOP WITH OAK GROVE ROAD AND RED OAK ROAD WITH OAK GROVE ROAD [T1-378]

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to call for a public hearing on June 1, 2004 to establish traffic regulations (Stop signs) at the intersections of Live Oak Loop with Oak Grove Road and Red Oak Road with Oak Grove Road. All present voting "Aye".

21809 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 6 (ENVIRONMENTAL SERVICES) [T1-390]

Bob Austin (TC&B) advised that Heidenrich Road, Centerpoint Road, McCarty Lane & Mt. Gainor Road are ready to go out for bid for construction. This supplemental work authorization covers environmental review and environmental compliance during construction with maximum amount payable for services without modification being \$93,587. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Work Authorization No. 2 to Work Authorization No. 6 (Environmental Services). All present voting "Aye".



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21810 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 21 - UTILITY COORDINATION (HAYS CO/TC&B/SURVCON & COBB FINDLEY) [T1-453]

Bob Austin (TC&B) advised that this work authorization is for engineering services (utility coordination and utility survey). The maximum amount payable for services without modification is \$191,050. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Work Authorization No. 21 – Utility Coordination (Hays County/TC&B/Survcon & Cobb Findley). All present voting “Aye”.

21811 ACCEPT THE INDEPENDENT FINANCIAL AUDIT OF THE COUNTY AS PERFORMED BY THE CERTIFIED PUBLIC ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY L.L.P. [T1-513]

Pat Wagner appeared before the court – a clean opinion was given by her firm. She spoke of GASB34 which gives the audit a different look. She spoke of it being a big undertaking for the road dept. and auditors office in identifying infrastructure assets and they did an excellent job. She spoke of page 47 showing a new schedule – revenues exceeded expenditures – the ending fund balance is \$7.5 million. She went over recommendations. The county must design an Anti-Fraud Program – it is required that you educate your employees. A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the independent financial audit of the County as performed by the Certified Public Accounting Firm of Holtman, Wagner & Company L.L.P. All present voting “Aye”.

Clerk's Note: Agenda Item#14 RE: ACTION RELATING TO THE AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND THE LOWER COLORADO RIVER AUTHORITY was PULLED. Public Comment was made regarding this item as follows: [T1-841] Charles O'Dell spoke of agreement that was entered into several years ago and there seems to have been a misunderstanding regarding the agreement. He does not feel like the county has been conducting planning activities as set out in the agreement. He advised that there are 2 possible suits regarding the memorandum of understanding (MOU) and he recommended that the court appoint a committee to be responsible for reviewing potential use of the money and come back to court with recommendations.

21812 ADOPT RESOLUTION ACCEPTING HAVA VOTING FUNDS UNDER THE TITLE I PROGRAM [T1-980]

This resolution authorizes the county to accept \$111,727.70 in grant funds from the Texas Secretary of State to replace punch card/lever voting systems as per Title I Section 102 of the Help America Vote Act of 2002. Elections Administrator Joyce Cowan and County Purchasing Agent Cindy Maiorka appeared before the court. This starts the process for obtaining funds to help pay for new voting equipment. Joyce Cowan advised that they are looking for additional funding sources. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt resolution accepting HAVA Voting Funds under the Title I Program. All present voting “Aye”.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE NORTH HAYS COUNTY MEDICAL SERVICES SYSTEMS, INC. V. NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1, CAUSE NO. 03-1318

Court convened into closed executive session at 10:20 a.m. to meet with legal counsel to discuss and deliberate North Hays County Medical Services Systems Inc. v. North Hays County Emergency Services District #1, Cause No. 03-1318 and reconvened into open meeting at 10:55 a.m. NO ACTION WAS TAKEN

DISCUSSION REGARDING CONTRACT TO PROVIDE COMMUNITY HEALTH SERVICES WITH COMMUNITY ACTION INC. [T1-1042]

Gay Helmly advised that this is a revenue generated contract – we see 15-20 Community Action screened clients @ \$20-30 each and we are reimbursed. Commissioner Carter wanted more information regarding qualification criteria for these indigents and the poverty level used to determine qualification through Community Action. No action was taken – figures used to determine poverty level will be provided to the court.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 18, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25th DAY OF MAY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

21813 ADOPT A PROCLAMATION SUPPORTING THE WEEK OF JUNE 3RD 2004 AS HAYS COUNTY HUNGER AWARENESS WEEK

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt Proclamation supporting the Week of June 3, 2004 as "Hays County Hunger Awareness Week". All voting "Aye".

21814 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 324,913.67 as presented by the County Auditor. All voting "Aye".

21815 WOODBROOK PHASE 1 REPLAT OF LOT 41 [PCT. 2 #04-2-037] * APPROVE FINAL PLAT; WAIVE PUBLIC NOTIFICATION AND PRELIMINARY REQUIREMENTS [T1-109]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and waiver of public notification and preliminary requirements. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve final plat of "Woodbrook Phase 1 Replat of Lot 41" and to waive public notification and preliminary requirements. All voting "Aye".

21816 PARK 35 SOUTH SECTION 4A [PCT. 2 #01-2-058] * RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-120]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and accept roads in the "Park 35 South Section 4A" subdivision into the county road maintenance system. Road names are: Commercial Drive, Warehouse Drive & Tecon Cove. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to release fiscal security and accept "Park 35 South Section 4A" roads into the county road maintenance system. All voting "Aye".

21817 RIVER OAKS RANCH UNIT ONE [PCT. 3 #04-3-031] * PUBLIC HEARING TO CONSIDER THE ABANDONMENT, VACATION, AND CONVEYANCE OF FEE SIMPLE ROW FOR "RAMBLING OAKS DRIVE" WESTWARD OF "RIDGE OAK DRIVE"; AND CONSIDERATION TO ACCEPT OFFER OF PURCHASE BASED UPON PROPERTY APPRAISAL [T1-139]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Subdivision Coordinator Jon Thompson spoke of guidelines that were followed and documents that were submitted – appraisal of property was obtained and \$1,500 check was submitted for purchase. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve abandonment, vacation, and conveyance of fee simple ROW for "Rambling Oaks Drive" westward of "Ridge Oak Drive"; and accept offer of \$1,500.00 for purchase based upon property appraisal. All voting "Aye".

21818 CANVASS ELECTION RESULTS FOR JUSTICE OF THE PEACE PRECINCT 2 LOCAL OPTION ELECTION HELD MAY 15, 2004 [T1-202]

Elections Administrator Joyce Cowan presented the returns of the JP2 Local Option Election held May 15, 2004 – votes cast as follows: FOR = 958 AGAINST = 195. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept election results for Justice of the Peace Pct. 2 Local Option Election held May 15, 2004. All voting "Aye".



- 21819 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 13 - HAYS COUNTY/TC&B/CMA (SAWYER RANCH RD) [T1-222]**

Bob Austin (Turner, Collie & Braden Inc.) explained Supplemental Work Authorization No. 2 to Work Authorization No. 13: extends time for design engineer to be available during the construction phase of the project. Commissioner Molenaar spoke of need for the precinct commissioner to be involved in any changes being made. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett To approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 13 - Hays County/TC&B/SMA (Sawyer Ranch Road) and furthermore, for precinct commissioner to be involved in any changes to the roads in their precinct. All voting "Aye".**

- 21820 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 14 - HAYS COUNTY/TC&B/PATE (POSEY ROAD) [T1-280]**

Bob Austin (Turner, Collie & Braden Inc.) advised that this work authorization extends the time for design engineer to be available for the construction phase. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 14 - Hays County/TC&B/Pate (Posey Road). All voting "Aye".**

DISCUSSION - AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND THE LOWER COLORADO RIVER AUTHORITY [T1-295]

Charles O'Dell presented a statement to the court regarding the LCRA agreement - he feels like they have not lived up to that agreement. Commissioner Molenaar spoke of time period in which the water lines were completed. Madison Jechow, Assoc. General Counsel, Legal Services for LCRA, spoke of misunderstanding being that they believed the \$100,000 contribution for regional planning would be counted against what they were to provide to Hays County. Judge Powers stated that the way he understood it was that those funds would not go to regional planning. [T1-717] Commissioner Burnett spoke of options to be considered. Commissioner Molenaar asked for information regarding initial billing to be sent to special counsel for distribution to members of the court. Commissioner Burnett thanked LCRA for their support.

- 21821 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT TO PROVIDE COMMUNITY HEALTH SERVICES WITH COMMUNITY ACTION INCORPORATED**

[T1-814] Corina Jaimes (Executive Director of Community Action Inc.) introduced Carole Belver who spoke of community health services being provided. She explained their primary health care program - they are currently serving 63 individuals. The money is coming from the Texas Dept. of Health. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to enter into a contract to provide Community Health Services with Community Action Incorporated. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

- 21822 APPROVE PURCHASE OF AIR CONDITIONING UNIT FOR COURTROOM NO. 5 AT THE HAYS COUNTY JUSTICE CENTER WITH FUNDS RECEIVED FROM TWENTIETH CENTURY FOX [T1-987]**

Bids received: Tejas Refrigeration Inc. = \$6,500 Aire Service H&AC = \$6,393.06 GM Mechanical Ad&H = \$6,550. Building Maintenance Supervisor Ron Knott recommended accepting low bid of \$6,393.06 - additional expenses can be covered out of his budget. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve purchase of air conditioning unit for Courtroom No. 5 at the Hays County Justice Center with funds received from Twentieth Century Fox. All voting "Aye".**

- 21823 APPROVE \$150,000 FROM COUNTY PARK BOND FUNDS FOR THE CAMP BEN MCCULLOCH PARK, IN THE FORM OF A LETTER OF COMMITMENT [T1-1062]**

Grants Administrator Richard Salmon provided a powerpoint presentation regarding Park Project #4 Capital improvements to Camp Ben McCulloch Park. Charles Haydon spoke of Camp Ben McCulloch Park being open to the public. The park consist of 40 acres and they have a lot of Onion Creek access. The Letter of Commitment is for 12 months to give time to raise additional funds. Kate Johnson, former chairman of the HCHC, spoke in support of this project. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve \$150,000 from County Park Bond funds for the Camp Ben McCulloch Park in the form of a Letter of Commitment. All voting "Aye".**



21824 INSTRUCT STAFF TO PREPARE A MAP OF ALL COUNTY MAINTAINED ROADS AS AUTHORIZED BY CHAPTER 258 OF THE TEXAS TRANSPORTATION CODE [T1-1308]

Commissioner Molenaar would like for the court to instruct staff to prepare a map of all county maintained roads (staff will be Allen Walther, Steve Floyd, Jerry Borchering & Russ Molenaar) which will then be presented to the court for consideration. Steve Floyd spoke of map created in 1981 identifying county roads – he has been working on updating this map and feels like they are close to having a new one - some preliminary information is being reviewed by the Road Dept. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to instruct staff to prepare a map of all county maintained roads as authorized by Chapter 258 of the Texas Transportation Code. All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PENDING LITIGATION, PAPALOTE HOMES LTD. V. HAYS COUNTY, CAUSE NO. 04-0325 AND CAUSE NO. 04-0284 [MOLENAAR]

Court convened into closed session at 11:00 a.m. and reconvened into open meeting at 12:00 noon. Judge Powers advised that no action will be taken regarding the execution session.

Court was adjourned.

I, LEE CARLISLE, 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 25, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



Clerk's Note: The Agenda for June 1, 2004 was inadvertently not posted on the bulletin board at the Hays County Courthouse, therefore, that meeting was not held. A special meeting was called by the County Judge for 10:00 a.m. on the 4th day of June, 2004.

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4th DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILLIAM "BILL" BURNETT
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

21825 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$227,857.98 as presented by the County Auditor. All voting "Aye".

21826 APPROVE UTILITY PERMIT #1708

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permit #1708 on CR151/Bunton Road issued to C4D-1 Ltd. All voting "Aye".

21827 AUTHORIZE THE COUNTY JUDGE TO SIGN RESOLUTION ACCEPTING A GRANT FOR \$30,943.00 FROM THE CRIMINAL JUSTICE DIVISION/EDWARD BRYNE MEMORIAL FUNDS TO PURCHASE TASERS

Grant funds are from the Office of the Governor, Criminal Justice Division – Byrne Memorial Grant Program and will be used to purchase 35-38 Tasers for the Sheriff's Dept. There is no county match. The availability of Tasers would give law enforcement officers a non-lethal option to handle potential serious situations with mentally deranged individuals or other situations where deadly force could be avoided. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to execute a resolution accepting a grant for \$30,943.00 from the Criminal Justice Division/Edward Bryne Memorial Funds to purchase tasers. All voting "Aye".

21828 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR \$6,122.00

This grant for \$6,122 is from the U.S. Office of Justice and is called the Bulletproof Vest Partnership Program. Grant and matching funds will be used to purchase custom bulletproof vests for county deputies, constables and other law enforcement officers. Bulletproof vests have to be replaced after 5 years and each is custom fitted to the person. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept a Grant from the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for \$6,122.00. All voting "Aye".

21829 APPROVE PRELIMINARY PLAN FOR "HEATHERWOOD SUBDIVISION" AND GRANT A VARIANCE TO ROAD STANDARDS (50 ft ROW & Curve Radius) [T1-41]

Susan Cook gave her time to Paula Renfro. Paula Renfro spoke of district court proceedings and subdivision now being considered. She spoke of subdivision regulations [Section 7.3a, 7.4, & 7.8]. Dorothy Blue gave her time to Bruce Renfro. Bruce Renfro spoke in opposition to the subdivision. Charles O'Dell spoke in opposition to the subdivision. Commissioner Carter spoke of inaccuracies she feels are on the plat – spoke of subdivision regulations section 3.5, 7.4, 10.3b. Environmental Health Director Allen Walther spoke of how he obtained his calculations [T1-690] – same calculations as used for all multi-use and commercial developments. He explained the application process for this subdivision [T1-818] and staff feels like all subdivision requirements have been met. Road Supt/Engineer Jerry Borcharding explained the road variance being requested. Allen Walther spoke of this being a private road – a one lot subdivision with the roadway totally surrounded by the one lot. Jerry Borcharding spoke of variance request for curve radius. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Heatherwood Subdivision" and grant a variance to road standards. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



- 21830 BELTERRA PHASE 2 SECTION 4** [PCT. 4 #04-4-022, 50 LOTS] * **APPROVE FINAL PLAT**
 [T1-1134] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Belterra Phase 2 Section 4". All voting "Aye".
- 21831 RIM ROCK PHASE 1 SECTION 2** [PCT. 4 #04-4-041, 1 LOT] * **APPROVE FINAL PLAT**
 [T1-1145] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Rim Rock Phase 1 Section 2". All voting "Aye".
- 21832 RIM ROCK PHASE 2 SECTION 1** [PCT. 4 #03-4-088, 1 LOT] * **APPROVE FINAL PLAT**
 [T1-1174] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Rim Rock Phase 2 Section 1". All voting "Aye".
- 21833 RIM ROCK PHASE 3 SECTION 1** [PCT. 4 #03-4-089, 1 LOT] * **FINAL PLAT APPROVAL**
 [T1-1212] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Rim Rock Phase 3 Section 1". All voting "Aye".
- 21834 MEADOW VISTA, SECTION 2** [PCT. 2 #00-2-115] – **CALL FOR PUBLIC HEARING FOR THE ESTABLISHMENT OF TRAFFIC REGULATIONS** [T1-1223]
 Road Supt/Engineer Jerry Borcharding advised that Stop signs need to be established in this subdivision. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing for June 22, 2004 to consider establishing traffic regulations (STOP signs) in "Meadow Vista Section 2". All voting "Aye".
- 21835 BRIDLEWOOD, SECTION 2** [PCT. 3 #03-3-020] * **RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY MAINTENANCE SYSTEM**
 [T1-1262] Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and accept roads in the "Bridlewood Section 2" subdivision into the county road maintenance system. The roads in this section are: Bridlewood Ranches Drive, Bridlegate Circle, & Steeplebrook Drive. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to release the maintenance fiscal security in "Bridlewood Section 2" subdivision and accept the roads into the county road maintenance system. All voting "Aye". [RESCINDED 6/29/04 #21893]
- 21836 NORTHRIDGE SECTION 1** [PCT. 4 #00-4-045] * **RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY MAINTENANCE SYSTEM**
 [T1-1273] Road Supt/Engineer Jerry Borcharding gave staff recommendation to release maintenance fiscal security and accept the roads into the county maintenance system. The roads in the subdivision are: Angel Fire, Vail River Road & Taos Trail. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release the maintenance fiscal security for "Northridge Section 1" [aka Northridge Phase 1] and accept the roads into the county road maintenance system. All voting "Aye".
- 21837 SAWYER RANCH SECTION 5** [PCT. 4 #01-4-007] * **CALL FOR PUBLIC HEARING FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS** [T1-1301]
 A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing for June 22, 2004 to consider establishing comprehensive traffic regulations in Sawyer Ranch Section 5 subdivision. All voting "Aye".
- 21838 APPROVE AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND THE LOWER COLORADO RIVER AUTHORITY** [T1-1324]
 Charles O'Dell urged the court to not approve the proposed agreement amendment with LCRA. Randy Goss (LCRA) spoke of invoicing customers the 6% – the amount that was not previously collected would have to be collected from the customers if the court continues with the existing agreement. Commissioner Burnett stated that he does not support collecting the retro-active fee but to place the fee on any new customers. Commissioner Molenaar asked LCRA reps to tell the court how much LCRA brings into the community. Randy Goss spoke of what is given back to communities (ie parks & grants to improve quality of life). Commissioner Molenaar stated that he does not support this fee at all. A motion was made by Commissioner Molenaar to do away with the 6% fee – motion died for lack of a second. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to continue with the existing agreement. Commissioner Ingalsbe, Commissioner Carter, and Commissioner Burnett voting "Aye". Judge Powers and Commissioner Molenaar voting "No". **MOTION PASSED.**



JUNE 4, 2004

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- 21839 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 18 - HAYS COUNTY/TC&B/C&B [T1-2060]**

Bob Austin (TC&B) explained the supplemental work authorization – an extension agreement. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 18 – Hays County/TC&B/C&B. All voting "Aye".

- 21840 AUTHORIZE DPS TO PURCHASE A NEXTEL PHONE AND ENTER INTO AN AGREEMENT FOR SERVICE [T1-2115]**

Sgt. Jerl spoke of additional Trooper that is being added that needs a phone. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize DPS to purchase a Nextel phone and enter into an agreement for service. All voting "Aye".

- 21841 WAIVE COUNTY DEVELOPMENT PERMIT FEES FOR THE NORTHWEST HAYS COUNTY EMERGENCY SERVICE DISTRICT #5 [T1-2155]**

\$10 State fee will be paid – only the county fees will be waived. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to waive county development permit fees for the Northwest Hays County ESD#5. All voting "Aye".

- 21842 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PENDING LITIGATION, CHARGE NO. 360-2004-04627 BEFORE THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION [T1-2177]**

The Court convened into closed executive session pursuant to Texas Government Code Section 551.071 – Judge Powers left the meeting at this time. Upon completion of the closed session, Commissioners Ingalsbe, Burnett & Molenaar reconvened into open meeting. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize legal counsel to contact the EEOC to pursue dispute resolution in accordance with the Commissioners' Court instruction as set out in executive session. All present voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 June 4, 2004.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8th DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

Judge Powers advised that on Friday county offices will be closed in honor of former President Ronald Reagan.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Powers presented a 5 year service pin to Fire Marshal Mark Chambers and a 10 year service pin to Tax Assessor-Collector Luanne Caraway. Environmental Health Director Allen Walther presented a 20 year service pin to Thomas Pope (Chief Sanitarian) and a 10 year service pin to Yolanda Sanchez (Office Administrator). DPS Sgt. Jerl presented a 5 year service pin to Herminia Ibarra.

21843 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 780,593.94 as presented by the County Auditor. All voting "Aye".

21844 APPROVE UTILITY PERMITS #1709 & #1710

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Permit #1709 on CR266/ Old Bastrop Hwy. Issued to CenturyTel of San Marcos and #1710 on CR123/Mathias Road issued to Goforth Water Supply Corp. All voting "Aye".

21845 APPROVE BUDGET AMENDMENT 04-21

Budgets being amended are as follows: Grants Administration: increase contract services (\$210) & telephone (\$123) and decrease books (\$24) travel (\$99) & continuing education (\$210). CAPCO/911 Addressing: Increase staff (\$5,573) & FICA/RET (\$427) and decrease Temp Personnel (\$6,000). CJD/Taser Implementation: Increase law enforcement equipment (\$30,943) and decrease CJD/TASER equipment revenue (\$30,943). Building Maintenance: Increase building improvements (\$6,000) and decrease other revenue (\$6,000) for A/C at the Justice Center. DPS: Increase office supplies (\$600) and decrease equipment lease (\$300) & insurance (\$300). Road & Bridge Operations: Increase consultant line item (\$25,000) and increase contract road line item (\$25,000) for engineering services. Records Management: Increase office equipment (\$5,500) and decrease permanent records (\$5,500) for plat cabinet. Parks Bonds '03 Proceeds: Increase Camp Ben share (\$150,000) and decrease Park Land Improvements (\$150,000). Sheriff's Special Projects: Increase Crime Prevention (\$3,750) and decrease Donations [from LEAD 2004] (\$3,750). A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-21 as proposed by the County Auditor. All voting "Aye".

21846 ACCEPT INTERNAL EXAMINATION REPORT FOR SAN MARCOS/HAYS COUNTY EMS, INC.

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept internal examination report for the San Marcos/Hays County EMS Inc. All voting "Aye".

21847 APPROVE COPY MACHINE CONTRACTS WITH XEROX FOR THE HAYS COUNTY CLERKS OFFICE (RECORDS BUILDING & JUSTICE CENTER)

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve copy machine contracts with Xerox for the Hays County Clerk's office (Records Building & Justice Center). All voting "Aye".



21848 APPROVE FINAL PLAT APPROVAL FOR HEATHERWOOD SUBDIVISION [T1-130]

Walter Brown (Wimberley resident) spoke in opposition to this development – he does not feel like it is in compliance with subdivision regulations. Commissioner Burnett gave history of this development – he stated that it has been reviewed by county staff and staff recommends approval. Bruce Renfro urged court members to vote No for approval of this subdivision. Charles O'Dell gave his credentials and expertise and gave his interpretation of the county rules for OSSF & subdivision development. He feels like calculations have been done incorrectly. Paula Renfro spoke in opposition to this development – she spoke of shared access driveway regulations and OSSF rules. [T1-623] Cole Reynolds, lives next to this proposed development, feels like it does not comply with the county subdivision rules and regulations. Susan Cook spoke in opposition to this development and directed her questions to Judge Powers. Jason Falk, resident of Gatlin Creek Road felt like this development does not comply with local and state codes (driveway issues and OSSF rules). Charles O'Dell advised that the Trinity Groundwater Conservation District has suspended the well permits, therefore, final plat approval should not be granted – they do not have water available. Court convened into executive session at 10:05 a.m. to meet with legal counsel regarding pending litigation and reconvened into open meeting at 10:30 a.m. [T1-870] Environmental Health Director Allen Walther advised that this is not a shared access drive – it is a private road designed to meet county road standards – it is a one lot subdivision with a private road. He spoke of planning reports and soil analysis that were done which met our requirements and he explained how staff determines compliance. He spoke of county rules being more stringent than TCEQ rules. Mr. Walther spoke of water availability determination – there is adequate quality water available. He gave staff recommendation for final plat approval. Commissioner Burnett felt like we cannot go beyond our rules. Commissioner Carter spoke of OSSF rules – she felt like this matter should be determined in a district court. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat for "Heatherwood Subdivision". Commissioner Molenaar, Commissioner Burnett, Judge Powers, and Commissioner Ingalsbe voting "Aye". Commissioner Carter voting "No". MOTION PASSED.**

21849 APPROVE AN ON-SITE SEWAGE FACILITY PERMIT FOR HEATHERWOOD SUBDIVISION [T1-1165]

Charles O'Dell spoke of Table 3 of the OSSF rules and the calculations of county staff. He feels like the more stringent rules are not being used. Environmental Health Director Allen Walther spoke of TCEQ rules vs. county rules – He went over deficiencies that have been addressed (developer has agreed to provide 50 ft buffer strips, monthly inspections of wastewater system, sleeved lines, and an extra 3,000 gallons of storage capacity). He gave staff recommendation for approval. Jason Falk asked for clarification of calculations. Paula Renfro asked members of the court if they have any relationships of any kind with anyone involved with this development? Judge Powers advised that he has interest in an office bldg (9% interest) along with Paul Watkins & Rex Baker. Other members of the court advised that they do not. Commissioner Burnett advised that we all have a relationship with Rex Baker because he is a Justice of the Peace for Hays County. Commissioner Carter spoke of OSSF rules and tables used for calculation. Allen Walther responded. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve an On-Site Sewage Facility Permit for "Heatherwood Subdivision". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No". MOTION PASSED.**

Clerk's Note: Agenda Item #9 RE: Discussion and possible action to approve agreement for engineering services with Turner, Collie & Braden, Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 5 to Work Authorization No. 1 - Hays County/TC&B was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

21850 APPROVE UTILITY ADJUSTMENT AGREEMENTS WITH MCI (MCCARTY LANE) AND COUNTY LINE W.S.C. (HEIDENREICH LANE) FOR THE HAYS COUNTY ROAD BOND PROGRAM [T1-1474]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve utility adjustment agreements with MCI (McCarty Lane) and County Line W.S.C. (Heidenreich Lane) for the Hays County Road Bond Program. All voting "Aye".

21851 AUTHORIZE PURCHASE OF PLAT CABINET FOR THE COUNTY CLERK'S OFFICE AND AMEND THE BUDGET ACCORDINGLY [T-1522]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize purchase of plat cabinet for the County Clerk's office and amend the budget accordingly. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 8, 2004.

Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15th DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILLIAM "BILL" BURNETT
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS - Charles O'Dell spoke of previous actions taken by the court regarding the Heatherwood subdivision.

21852 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$592,768.71 as presented by the County Auditor. All voting "Aye".

21853 APPROVE SPECIFICATIONS FOR BID #2004-B12 "REGULATORY, WARNING & OTHER ROAD SIGNS FOR HAYS COUNTY AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE"

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for Bid #2004-B12 "Regulatory, Warning & Other Road Signs for Hays County and authorize purchasing agent to solicit for bid and advertise. All voting "Aye".

21854 APPROVE UPGRADE OF PHONE PLANS FOR NEXTEL CELL PHONES FOR COUNTY OFFICES

An analysis was done by The Wireless Store on all the Nextel cell phones countywide – they looked at current usage and rate plans that the departments were using and came up with new rate plans that would meet the departments needs and provide the county with a substantial savings each month. The estimated savings is \$1800 per month. To change the rate plan will require signing a one year contract and upgrade to one of the cell phones offered. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve upgrade of phone plans for Nextel cell phones for county offices. All voting "Aye".

21855 AUTHORIZE COUNTY JUDGE TO ACCEPT REVISED TDH TITLE V AC FAMILY HEALTH GRANT CONTRACT DUE TO INCREASE IN AMOUNT

This is an existing contract – the grant amount has been increased from \$52,522 to \$72,522 therefore a revised contract needs to be approved. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the County Judge to accept revised TDH Title V AC Family Health Grant contract due to increase in amount. All voting "Aye".

Clerk's Note: Agenda Item #2 RE: APPROVE SPECIFICATIONS FOR BID #2004-B11, HAYS COUNTY BOND PROGRAM, HAYS COUNTY BOND PROGRAM, ROAD IMPROVEMENTS FOR CENTERPOINT ROAD (CR 234) & MCCARTY LANE (CR 233) AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE was PULLED. NO DISCUSSION & NO ACTION TAKEN.



- 21856 SHADOW CREEK SUBDIVISION (FKA, BIG SKY RANCH) [PCT. 2 #04-2-035] * APPROVE AN ASSIGNMENT FROM DONALD L. "BUD" HUDGINS, PRESIDENT OF BIG SKY RANCH, LTD. TO RICHARD TOPFER, PRESIDENT OF HAYS SHADOW CREEK DEVELOPMENT, INC. AS ALLOWED BY THE BIG SKY PHASING AGREEMENT APPROVED BY THE COMMISSIONERS' COURT ON APRIL 1, 2003 [T1-85]**

Attorney Robin Melvin appeared representing Big Sky Ranch Ltd. and spoke of documents being submitted – she requested that the court approve the Consent of Assignment of Phasing Agreement. Commissioner Carter spoke of expiration period for subdivisions and gave a brief history of events for this particular subdivision. She feels like the original plat has expired and there are significant changes that have been made. Environmental Health Director Allen Walther spoke of phased developments that go outside of our usual time lines – the agreement approved in April 2003 states that the preliminary plan does not expire – they needed additional time to address issues of water and wastewater. Mr. Walther feels like it is valid to submit this for approval. Robin Melvin advised that the Phasing Agreement was effective as of the date of approval by the Court – the consent to assignment ratifies the phasing agreement. Special Counsel Jacqueline Cullom Murphy advised that the one year requirement is not applicable in this case because of the phasing agreement. Allen Walther gave staff recommendation for approval. Commissioner Ingalsbe advised that she contacted TAC (Texas Assoc. of Counties) to make sure that the 2003 agreement was in effect even though it was not signed and they advised that as long as there was a recorded action by the court, it was in effect. **A motion was made by Commissioner Burnett, seconded by Judge Powers to approve the Assignment from Donald L. "Bud" Hudgins, President of Big Sky Ranch Ltd. to Richard Topfer, President of Hays Shadow Creek Development Inc. as allowed by the Big Sky Phasing Agreement approved by the Commissioners Court on April 1, 2003. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

- 21857 SHADOW CREEK SUBDIVISION (FKA, BIG SKY RANCH) [PCT. 2 #04-2-035, 1440 LOTS] * APPROVE REVISED PRELIMINARY PLAN [T1-302]**

Environmental Health Director Allen Walther advised that there has been a slight reconfiguration of roads and less lots than in the original preliminary plan – he gave staff recommendation for revised preliminary plan. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve revised preliminary plan for "Shadow Creek Subdivision (FKA Big Sky Ranch). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

- 21858 HIGHLANDS SECTION A RESUBDIVISION OF LOT 16 [PCT. 4 #04-4-030, 4 LOTS] * PUBLIC HEARING AND CONSIDER APPROVAL OF FINAL PLAT [T1-322]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Highlands Section A Resubdivision of Lot 16". All voting "Aye".**

- 21859 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) AT THE INTERSECTIONS OF LIVE OAK LOOP WITH OAK GROVE ROAD AND RED OAK ROAD WITH OAK GROVE ROAD [T1-340]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations – STOP signs – on Live Oak Loop and Red Oak Road at their intersection with Oak Grove Road. All voting "Aye".**

Clerk's Note: Agenda Item #10 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P. TO HANDLE ENVIRONMENTAL COMPLIANCE MATTERS RELATING TO VARIOUS ROAD AND PARK PROJECTS was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

- 21860 ACKNOWLEDGE RECEIPT OF THE CITY OF BUDA'S NOTICE OF A PUBLIC HEARING RELATING TO THE CREATION OF A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE AND WAIVE SIXTY-DAY NOTICE REQUIREMENTS [T1-362]**

Warren Kettman, Buda Economic Dev. Council, spoke of this being in conjunction with the Cabela's project – they will post and publish notice in Buda and are requesting waiver of the 60 day notice requirements. He spoke of size of project and public improvements to be made. **A motion was made by Commissioner Carter, seconded by Commissioner Burnett to acknowledge receipt of the City of Buda's Notice of a Public Hearing relating to the creation of a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code and do hereby waive the sixty (60) day notice requirement. All voting "Aye".**



21861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA RELATING TO REINVESTMENT ZONE NUMBER ONE, CITY OF BUDA (CABELA'S RETAIL, INC. PROJECT) [T1-476]

Warren Kettman asked the court to authorize execution of the interlocal agreement – he also asked the court to be prepared to appoint a member to the board or waive the county appointment. Mr. Kettman advised that Exhibit A (missing from the agenda packet but passed out in court) is the location of the zone and under Section 4 Term of Agreement (i) date is July 6, 2024. **A motion was made by Commissioner Carter, seconded by Judge Powers to authorize the County Judge to execute an Interlocal Agreement with the City of Buda relating to Reinvestment Zone Number One, City of Buda (Cabela's Retail Inc. Project) with the date of July 6, 2024 being the final date under Section 4(i). All voting "Aye".**

21862 ADOPT RIGHT OF WAY ACQUISITION PROCESS AND AUTHORIZE THE COUNTY JUDGE TO SIGN PURCHASE AGREEMENTS [T1-600]

Charles O'Dell felt like more information should have been provided to the public. He encouraged the court to not take action today. Commissioner Molenaar explained the process and Bob Sutton (TC&B) spoke of proposed process – this is intended only for road bond projects. Commissioner Burnett spoke of need for a process to be followed for right-of-way acquisition. Commissioner Molenaar advised that this is no different from process that has been followed in the past. Special Counsel Jacqueline Collum Murphy spoke of need to streamline the process by authorizing the County Judge to sign the purchase agreements. The check, purchasing the property, is approved by the Court under consent items. Commissioner Molenaar advised that if the property owner wants more than the appraised value, that issue would come before the court for possible condemnation proceedings. Commissioner Burnett felt like these issues should be addressed to the precinct commissioner and not the entire court. Bob Sutton spoke of alternative wording giving the Commissioner authority to approve an offer above appraised value – if a Commissioner does not wish to do so, then it would go to the court for consideration. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Right of Way Acquisition Process for Hays County Bond Road projects and authorize the County Judge to sign purchase agreements with alternative wording regarding approval of settlement – County Approval of Settlement by Precinct Commissioner instead of Commissioners Court. All voting "Aye".**

21863 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE HILL COUNTRY COMMUNITY MHMR CENTER FOR THE PROVISION OF MEDICATIONS FOR OFFENDERS RETURNED TO THE JAIL FROM A STATE HOSPITAL [T1-1040]

The Memorandum of Understanding establishes an agreement between Hill Country CMHMRC and the Hays County Sheriff's Office for the provision of new generation medications for offenders returned to jail from a state hospital. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to execute an agreement with the Hill Country Community MHMR Center for the provision of medications for offenders returned to the jail from a State Hospital. All voting "Aye".**

21864 AUTHORIZE AN ADDITIONAL DEPUTY CONSTABLE FOR PRECINCT 1 [T1-1063]

Constable Pct. 1 Lupe Cruz spoke of additional revenue that could be generated with an additional Deputy Constable. Commissioner Ingalsbe spoke of revenue that could be generated for the JP offices and she advised that the Constable would provide the service currently being performed by Loomis (daily bank deposits). DPS Officers are no longer serving civil warrants and they have lost one of their warrants clerks and will eliminate that position in next year's budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize an additional Deputy Constable for Precinct 1 effective July 1, 2004. All voting "Aye".**

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 JUNE 15, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



JUNE 22, 2004

VOLUME T PAGE 35

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22nd DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

21865 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$273,682.83 as presented by the County Auditor. All voting "Aye".

21866 APPROVE BUDGET AMENDMENT 04-22

The following budgets were amended: Building Maintenance = \$2,000 A/C repairs & \$500 Mtc. Warehouse Utilities. Jail Operations = \$18,500 Medical supplies. Co Court at Law #1 = \$1,000 joint office supplies. District Attorney = \$5,000 telephone \$2,414 Westlaw on line \$1,000 office supplies \$4,000 witness/expert witness Extension Office = \$500 building improvements (damaged carpet) DPS & DPS/L&W = \$1,625 each LEAD 2004 donations received Commissioner Pct. 1 = \$400 cont ed TDH/BOCH/Title V = \$20,000 additional grant funding. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-22 as proposed by the County Auditor. All voting "Aye".

21867 ACCEPT INTERNAL EXAMINATION REPORT FOR JP-4 OFFICE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to accept the Internal Examination for Justice of the Peace Pct. 4. All voting "Aye".

21868 APPROVE RENEWAL CONTRACT WITH CENTRAL TEXAS ROAD, INC. FOR BID #2003-B07 "EQUIPMENT W/ OPERATOR" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal contract with Central Texas Road Inc. for Bid#2003-B07 "Equipment w/Operator" for one (1) additional year as provided in the original contract. All voting "Aye".

21869 APPROVE RENEWAL CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH FOR TB ELIMINATION AND TRIPLE O AT LEVEL FUNDING

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal contract with the Texas Department of Health for TB Elimination and Triple O at level funding. All voting "Aye".

21870 APPROVE CANCELLATION OF HAYS COUNTY COMMISSIONERS' COURT MEETING ON JULY 6, 2004

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve cancellation of Hays County Commissioners' Court meeting of July 6, 2004. All voting "Aye".

21871 APPROVE OUT-OF-STATE TRAVEL TO ILLINOIS FOR WILLIAM MONTAGUE, JR. FOR CANINE RECERTIFICATION

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve out-of-state travel to Illinois for William Montague Jr. for canine recertification. All voting "Aye".



21872 APPROVE OUT-OF-STATE TRAVEL FOR PERSONAL HEALTH AND SHERIFF'S DEPARTMENT TO ATTEND A CLASS AT MASSACHUSETTS INSTITUTE OF TECHNOLOGY [JULY 19-21, 2004]

The Massachusetts Institute of Technology is sponsoring a summer Professional Institute class entitled "Combating Bioterrorism: The Organizational Response" to be held in Cambridge, Mass. This course is designed to assist public health, law enforcement and emergency management organizations "rethink their priorities and learn how to collaborate." Personal Health proposes to send 3 county employees – 2 from personal health dept. and 1 from the sheriff's dept. – utilizing funds from the Bioterrorism Grant budget as previously approved by the Court. The cost for travel will be \$1200 for airfare, \$2,420 for hotel rooms, \$200 for rental car and \$342 per diem = total of \$4,162.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve out-of-state travel for Personal Health and Sheriff's Department to attend a class at Massachusetts Institute of Technology [July 19-21, 2004]. All voting "Aye".**

21873 ACCEPT DONATION TO THE HAYS COUNTY CIVIC CENTER IN THE AMOUNT OF \$2,150.00 FROM HUDSON & RANDLE FOR THE CONSTRUCTION OF AN ANNOUNCING BOOTH AT THE CIVIC CENTER AND FOR VARIOUS GENERAL OPERATIONS

Brad Bailey spoke of donation to pay for the announcing booth – trying to get construction cost down from the \$3745.45 quote already received. The money being accepted will be designated for this project. **A motion was made by Judge Powers, seconded by Commissioner Carter to accept donation to the Hays County Civic Center in the amount of \$2,150.00 from Hudson & Randle for the construction of an announcing booth at the Civic Center and for various general operations. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

21874 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P. TO HANDLE ENVIRONMENTAL COMPLIANCE MATTERS RELATING TO VARIOUS ROAD AND PARK PROJECTS [T1-109]

Charles O'Dell (Executive Director of HaysCAN) spoke of need for a citizens connection regarding this matter. Commissioner Burnett spoke of endangered species and other environmental issues that need to be addressed. He spoke of warbler habitat related to the Wimberley By-Pass project – this issue will come up again in other projects (SH290, FM1626, SH967, FM1826, FM110, & RR12) throughout the county. Alan Glen (Smith, Robertson, Elliott, Glen, Klein & Bell) spoke of species conservation bank and the endangered species act. Bob Sutton (TC&B) advised that they have done some environmental analysis on other projects and have handled the needs in those projects, but they have not had to address any endangered species issues. The Wimberley By-Pass will need mitigation, therefore, a mitigation process needs to be set up to address that issue and others that will come up. Commissioner Carter spoke of postponing action until we hear from other firms offering this service. Commissioner Burnett spoke of the field of environmental law being small and this firm is a leader in that field. **A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to execute an outside legal counsel agreement with Smith, Robertson, Elliott, Glen, Klein & Bell, L.L.P. to handle environmental compliance matters relating to various road and park projects. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21875 ADOPT A RESOLUTION IN SUPPORT OF IMPROVEMENTS TO FM 1626 BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF KYLE'S APPLICATION FOR A STATE INFRASTRUCTURE BANK LOAN TO HELP EXPEDITE SAID IMPROVEMENTS [T1-500]

The Texas Transportation Commission will be meeting on June 24, 204 to consider a Minute Order relating to improvements to FM1626. The City of Kyle is requesting Hays County support of the improvements and Kyle's application for a loan from the State Infrastructure Bank. Commissioner Burnett spoke in support of the resolution – this is not a financial obligation for the county. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to adopt a resolution in support of improvements to FM1626 by the Texas Department of Transportation and the City of Kyle's application for a State Infrastructure Bank Loan to help expedite said improvements. All voting "Aye".**

21876 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENTS WITH HART INTERCIVIC, INC. FOR THE ACQUISITION AND MAINTENANCE OF VOTING EQUIPMENT IN COMPLIANCE WITH THE FEDERAL HELP AMERICA VOTE ACT

[T1-585] Elections Administrator Joyce Cowan spoke of working on this project for 2 years – committee has rated the vendors and recommends Hart Intercivic Inc. Discussion was had regarding lease-purchase agreement. She spoke of funding to be obtained to offset the costs and need to purchase equipment at this time to give us time to educate the public and staff on use of it. These are stand-alone units and are not hooked up to the internet or telephone lines. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to execute agreements with Hart Intercivic Inc. for the acquisition and maintenance of voting equipment in compliance with the Federal Help America Vote Act contingent upon Secretary of State approval and verification of the certification status of the voting system. All voting "Aye".**



Judge Powers left the meeting at this time and Commissioner Molenaar presided over the remainder of the meeting.

PUBLIC COMMENT

Michael Dukes [T1-910] spoke of Fulton Ranch Road project – he expressed his appreciation to Special Counsel Jacqueline Cullom Murphy for her time and effort – she has been instrumental in bringing the principals together. He spoke of progress on the new portion of the road (between Via #4 – #11 on submitted drawing) and he gave his gratitude to Mr. O'Quinn. This new road enhances the safety of the citizens. Bruce Renfro yielded his time to Charles O'Dell. Commissioner Molenaar read the Conduct & Decorum rules of the court and cautioned Mr. O'Dell to follow those rules. [T1-971] Charles O'Dell (Executive Director of HaysCAN) spoke of Austin American Statesman article(s) regarding the Heatherwood development and he spoke of deficiencies.

21877 TRACTOR SUPPLY COMPANY SUBDIVISION [PCT. 4 #03-4-014, 2 LOTS] * PRELIMINARY PLAN APPROVAL [T1-1094]

Charles O'Dell spoke of this being in the Dripping Springs ETJ and the opposition to this project. Felix Manka (CMA Engineering) spoke on behalf of the property owners regarding action by the Dripping Springs City Council. No roadways are being built. Environmental Health Director Allen Walther advised that it complies with county requirements and he gave staff recommendation for approval. Commissioner Molenaar spoke of he and staff addressing drainage issues and concerns of area residents. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Tractor Supply Company Subdivision". Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter abstained.**

21878 JMJ SUBDIVISION, LOT 1 RESUBDIVISION [PCT. 4 #03-4-044, 3 LOTS] * PRELIMINARY PLAN APPROVAL [T1-1238]

Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "JMJ Subdivision Lot 1 Resubdivision" . All present voting "Aye".**

21879 MEADOW VISTA SECTION 2 [PCT. 2 #00-2-115] * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPTANCE OF ROADS INTO THE COUNTY MAINTENANCE SYSTEM [T1-1250]

Commissioner Molenaar declared the public hearing open. No public comment was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that repairs have been made and he gave staff recommendation to release fiscal security and accept roads [Big Sandy Drive] into the county maintenance system. He would also like to establish traffic regulations at this time [STOP sign on Big Sandy @ CR157 & 25MPH speed limit on Big Sandy]. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish comprehensive traffic regulations, release maintenance fiscal security and accept roads into the county maintenance system for "Meadow Vista Section 2" subdivision. All present voting "Aye".**

21880 SAWYER RANCH SECTION 5 [PCT. 4 #01-4-007] * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT STREETS INTO THE COUNTY MAINTENANCE SYSTEM [T1-1280]

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that repairs have been made and he gave staff recommendation to release fiscal security and accept roads for county maintenance [Huck Finn Trail, Old Mill Road, White Wash Way, Sawyer Ranch Road, Joe Harper Court, Flat Boat Circle, Potters Point, Steamboat Xing, Tom Sawyer Road, & McDouglas Cove]. He would also like to establish traffic regulations at this time [25MPH speed limit on all roads, STOP signs on Whitewash @ Sawyer Ranch Road, on Whitewash @ Old Mill Road, on Beckys Way @ Huck Finn Trail, on Steamboat Xing @ Huck Finn Trail, on Potters Point @ Huck Finn Trail, on Joe Harper Court @ Huck Finn Trail, on Flat Board Circle @ Joe Harper Court, on McDouglas Cove @ Huck Finn Trail, on Huck Finn Trail @ Tom Sawyer Road, and 2 STOP signs on Tom Sawyer Road @ Huck Finn Trail]. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to establish comprehensive traffic regulations, release the maintenance fiscal security and accept streets in "Sawyer Ranch Section 5" into the county road maintenance system. All present voting "Aye".**

21881 CALL FOR A PUBLIC HEARING ON JULY 13, 2004 TO ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH PHASE 1 [T1-1321]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on July 13, 2004 to establish traffic regulations in Sawyer Ranch Phase 1 subdivision. All present voting "Aye".



21882

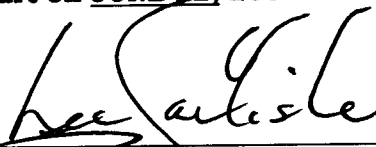
**AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTIONS RELATING TO
RESALE OF BID-IN-TRUST PROPERTIES SCHEDULED FOR AUGUST
DELINQUENT TAX PROPERTY SALE [T1-1333]**

Carol Garcia (Delinquent Tax Attorney) presented resolutions for property being held in trust and requested authorization to execute those resolutions for resale. Properties are: Lot 5 & part of Lot 6 Block 5 aka East 48' of Farm Lot 5 City of San Marcos. Lots 2 & 3 Block 21 Victory Gardens, City of San Marcos, and Lot 1 Block 21 Victory Gardens Section 2. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute resolutions relating to resale of bid-in-trust properties scheduled for August delinquent tax property sale. All present voting "Aye".


Court was adjourned.

I, LEE CARLISLE, 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 JUNE 22, 2004.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JUNE 29, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 29TH DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Charles O'Dell spoke of his respect for the Commissioners' Court and his right to freedom of speech. He spoke of request made by Commissioner Molenaar regarding statements he previously made in court and presented an affidavit to special counsel Jacqueline Cullom Murphy.

21883 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$ 405,465.29 as presented by the County Auditor. All voting "Aye".

21884 APPROVE BUDGET AMENDMENT NO. 04-23

Budgets being amended: Civic Center \$4,000 in donations received for equipment and other expenses J.P. Pct. 2 \$140 transfer from dues & bonds to office supplies \$298 transfer from cont ed to postage Animal Control \$1,000 transfer from Sheriff's vehicles to animal care Special Counsel \$150 transfer from office supplies to books \$300 transfer from telephone to cont ed. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment No. 04-23 as proposed by the County Auditor. All voting "Aye".

21885 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR A TOTAL OF \$63,369, WHICH IS COMPRISED OF A BASE AMOUNT OF \$38,369 AND AN ADDITIONAL AMOUNT OF \$25,000 FOR AN EXERCISE PROGRAM

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept grant from The State Homeland Security Program (SHSP) for a total of \$63,369, which is comprised of a base amount of \$38,369 and an additional amount of \$25,000 for an exercise program. All voting "Aye".

21885a AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY UNDER THE STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP) FOR A TOTAL OF \$14,018

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept grant from The State Homeland Security under the State Law Enforcement Terrorism Prevention Program (LETPP) for a total of \$14,018. All voting "Aye".

21886 APPROVE SPECIFICATIONS FOR "SUB-DEPOSITORY BANK" BID #2004-B14 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for "Sub-Depository Bank" Bid #2004-B14 and authorize Purchasing Agent to solicit for bid and advertising. All voting "Aye".

21887 APPROVE SPECIFICATIONS FOR "METAL PIPE" BID #2004-B13 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for "Metal Pipe" Bid #2004-B13 and authorize Purchasing Agent to solicit for bid and advertise. All voting "Aye".



21888 RANCHO LADERA [PCT. 3 #04-3-036, 8 lots] * **APPROVE PRELIMINARY PLAN** [T1-141]

Property owner Howard B. Nicols proposes to subdivide 105.290 acres on RR32 into 8 lots – 4 of the lots will have a shared access driveway. Subdivision Coordinator Jon Thompson gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve preliminary plan for “Rancho Ladera”. All voting “Aye”.**

21889 CYPRESS CREEK ACRES RESUBDIVISION OF LOT 18 [PCT. 3 #04-3-039, 2 LOTS] * **APPROVE PRELIMINARY PLAN** [T1-158]

Property owners James & Ellen Sheffield propose to resubdivide Lot 18 (2.514 acres) into 2 lots. Subdivision Coordinator Jon Thompson gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan for “Cypress Creek Acres Resubdivision of Lot 18”. All voting “Aye”.**

21890 HIGH RIDGE SUBDIVISION [PCT. 3 #04-3-011, 33 LOTS] * **FINAL PLAT APPROVAL** [T1-178]

This subdivision is partially in Comal County (25 lots) and Hays County (8 lots). Subdivision Coordinator Jon Thompson advised that the Comal County plat has already been approved and filed for record – he gave staff recommendation for final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of “High Ridge Subdivision”. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting “Aye”. Commissioner Carter abstained.**

21891 THE HIGHLANDS SECTION C RESUBDIVISION OF LOT 30 [PCT. 4 #04-4-043, 3 LOTS] * **APPROVE PRELIMINARY PLAN** [T1-223]

Property owner Amy Boyd proposes to resubdivide Lot 30 into 3 lots with a shared access driveway on Thurman Road. Subdivision Coordinator Jon Thompson gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for “The Highlands Section C Resubdivision of Lot 30”. All voting “Aye”.**

21892 JMJ SUBDIVISION RESUBDIVISION OF LOT 1 [PCT. 4 #03-4-044, 3 LOTS] * **APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION AND PUBLIC HEARING REQUIREMENTS** [T1-241]

Subdivision Coordinator Jon Thompson advised that additional property was added to the lot, therefore, staff recommends waiver of public notification and public hearing requirements - he gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat, waive public notification and public hearing requirements for “JMJ Subdivision Resub of Lot 1”. All voting “Aye”.**

TRACTOR SUPPLY COMPANY SUBDIVISION [PCT. 4 #03-4-014, 2 LOTS] * **ACTION ON FINAL PLAT POSTPONED** [T1-264]

Curtis Wilson (lives on Peabody Place) spoke in opposition to plat as proposed – he spoke of runoff from this property – he feels like access to Peabody Place (residential area) should be restricted and he does not feel like Hwy 290 can handle the additional traffic. Road Supt/Engineer Jerry Borcharding advised that he reviewed the drainage calculations and he feels like there will be no drainage impact downstream from this property. There will be a retention pond. Felix Manka (CMA Engineering) advised that Lot 1 is at the corner of Peabody Place & Hwy 290 and Lot 2 is on Purcell Lane and Hwy 290 – Lot 1 will have the Tractor Supply Company and Lot 2 has no plans at this time . He spoke of conversations with TxDOT, school district and city of Dripping Springs and they are satisfied with the proposed development. The owner is seeking annexation by the City of Dripping Springs. Discussion was had regarding right-of-way width of Purcell Road. **NO ACTION WAS TAKEN AT THIS TIME.**

21893 BRIDLEWOOD SECTION 2 [PCT. 3 #03-3-020] – **RESCIND ACTION OF JUNE 4, 2004 RELEASING MAINTENANCE SECURITY AND ACCEPTING ROADS INTO THE COUNTY MAINTENANCE SYSTEM** [T1-570]

Subdivision Coordinator Jon Thompson spoke of mistake made on agenda request form on June 4, 2004 - it should have read to release construction security and accept maintenance security. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to rescind Resolution #21835 adopted on June 4, 2004 releasing Bridlewood Section 2 maintenance security and accepting roads into the county maintenance system. All voting “Aye”.**



21894 BRIDLEWOOD SECTION 2 [PCT. 3 #03-3-020] * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-601]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to release construction fiscal security and accept maintenance fiscal security. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to release construction fiscal security and accept maintenance fiscal security for "Bridlewood Section 2". All voting "Aye".

21895 CALL FOR A PUBLIC HEARING ON JULY 13, 2004 TO ESTABLISH 20 MPH SPEED LIMIT IN KINGSWOOD SUBDIVISION [T1-615]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on July 13, 2004 to consider establishing traffic regulation of 20 MPH speed limit in the Kingswood Subdivision. All voting "Aye".

21896 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 4 - HAYS COUNTY/TC&B/OTHON (HEIDENREICH LANE) [T1-630]

Maen Hourani, Senior Project Manager for TC&B, spoke of modifications (additional PS&E development, r-o-w documents, and additional construction phase services). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 4 - Hays County/TC&B/Othon (Heidenreich Lane). All voting "Aye".

21897 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 8 - HAYS COUNTY/TC&B/PBS&J (MCCARTY LANE) [T1-660]

Maen Hourani, Senior Project Manager for TC&B, spoke of McCarty Lane project - the number of driveways has been increased, therefore, additional parcel plats and metes & bounds descriptions are needed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 4 to Work Authorization No. 8 - Hays County/TC&B/PBS&J (McCarty Lane). All voting "Aye".

21898 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 9 - HAYS COUNTY/TC&B/HNTB(NUTTY BROWN ROAD) [T1-716]

Maen Hourani, Senior Project Manager for TC&B, spoke of Nutty Brown Road project. The work under this supplement includes design and surveying services required for r-o-w acquisition, tree survey, and design services for schematic and final design changes and additional meetings with citizens groups. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 9 - Hays County/TC&B/HNTD (Natty Brown Road). All voting "Aye".

21899 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 21 - HAYS COUNTY/TC&B/SURVCON & COBB FINDLEY (UTILITY COORDINATION) [T1-758]

The services to be provided by the engineer are utility coordination and subsurface utility exploration. A motion was made by Judge Powers, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 21 - Hays County/TC&B/SURVCON & Cobb Findley (Utility Coordination). All voting "Aye".

21900 ACTION TO SUPPORT CITY OF SAN MARCOS ANNEXATION OF A SEGMENT ALONG CENTERPOINT ROAD [T1-833]

Hermann Vigil, Civil Engineer and Consultant for Hunter Hollow, requested support from the county for annexation of a strip of land along Centerpoint Road by the City of San Marcos so that the Hunter Hollow subdivision can be annexed. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to support City of San Marcos annexation of a segment along Centerpoint Road. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



21901 ACTION TO WAIVE THE COUNTY'S RIGHT TO MAKE AN APPOINTMENT OF A HAYS COUNTY REPRESENTATIVE TO THE TAX INCREMENT REINVESTMENT ZONE (TIRZ) BOARD OF DIRECTORS IN BUDA, TEXAS [T1-1053]

Warren Kettman, Executive Director of the Buda Economic Development Council, gave current members of the TIRZ Board of Directors and they are asking the taxing entities to waive appointments – the school district, fire dept. and ESD have already agreed to waive their appointments. The board will supply information and reports to the county on a monthly basis. The County Auditor and County Judge will receive those reports. **A motion was made by Judge Powers, seconded by Commissioner Burnett to waive the county's right to make an appointment of a Hays County representative to the Tax Increment Reinvestment Zone (TIRZ) Board of Directors in Buda, Texas. All voting "Aye".**

DISCUSSION REGARDING AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ECONOMIC DEVELOPMENT AGREEMENT WITH DUPRE LOCAL GOVERNMENT CORPORATION [T1-1182]

Attorney Richard Donoghue (McCall, Parkhurst & Horton) spoke of agreement regarding the Cabella's project in Buda. He also spoke of changes in the agreement. Commissioner Molenaar requested postponement of authorization until the court has a clean copy of the agreement. County Auditor Bill Herzog did not feel like a separate fund account is necessary. **NO ACTION WAS TAKEN.**

Court convened into closed executive session at 10:50 a.m. and reconvened into open meeting at 11:10 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE ACQUISITION OF RIGHT-OF-WAY RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM [T1-1302]

Upon completion of the closed executive session, Judge Powers announced that no action will be taken and he adjourned court.

Court was ADJOURNED.

I, LEE CARLISLE, 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 JUNE 29, 2004.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



JULY 13, 2004

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF JULY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Information Technology Director Jeff McGill presented a 15 year service pin to Virginia Sierra.

21902 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$561,270.88 [July 6th run] and \$ 228,968.32 [July 13th run] as presented by the County Auditor. All voting "Aye".

21903 APPROVE BUDGET AMENDMENT NO. 04-25

The following budgets are being amended: Treasurer – transfer \$200 from cont ed & \$300 from equip lease into office supply line item. Election Administration – transfer \$1,500 from other election expense into printing line item. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-25 as proposed by the County Auditor. All voting "Aye".

21904 APPROVE UTILITY PERMITS #1712 & #1713

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #1712 on CR133/Hillside Terrace Drive issued to Goforth Water Supply Corp. and #1713 on CR160/Harris Hill Road issued to Maxwell Water Supply Corp. All voting "Aye".

21905 AUTHORIZE THE PURCHASE OF A TYPEWRITER FOR JP 1-2

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize purchase of a Typewriter for Justice of the Peace Pct. 1 Place 2 as requested. All voting "Aye".

21906 APPROVE RENEWAL OF INTERLOCAL AGREEMENT WITH THE CAPITAL AREA PLANNING COUNCIL REGARDING THE PUBLIC SERVICE ANSWERING POINTS MAINTENANCE, EQUIPMENT, UPGRADE AND TRAINING AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of interlocal agreement with the Capital Area Planning Council regarding the Public Service Answering Points Maintenance, Equipment, Upgrade and Training and authorize the County Judge to execute same. All voting "Aye".

21907 APPROVE RENEWAL OF INTERLOCAL AGREEMENT WITH THE CAPITAL AREA PLANNING COUNCIL REGARDING THE ENHANCED 9-1-1 DATABASE PROGRAM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of Interlocal Agreement with the Capital Area Planning Council regarding the Enhanced 9-1-1 Database Program and authorize the County Judge to execute same. All voting "Aye".

21908 APPROVE SPECIFICATIONS FOR "ANNUAL BRUSH CUTTING AND OTHER SERVICES" FOR THE ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "Annual Brush Cutting and Other Services" for the Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



21909 APPROVE SPECIFICATIONS FOR "ANNUAL AUDIT OF HAYS COUNTY" RFP #2004-PO1 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR REQUEST FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "Annual Audit of Hays County" RFP#2004-P01 and authorize Purchasing Agent to solicit for request for proposal and advertise. All voting "Aye".

21910 APPROVE RENEWAL OF BID #2003-B06 FOR "FURNISH AND INSTALL GUARDRAILS" WITH ROADWAY SPECIALTIES, INC. FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of Bid #2003-B06 for "Furnish and Install Guardrails" with Roadway Specialties Inc. for one (1) addition year as provided in the original contact. All voting "Aye".

Clerk's Note: Agenda Item #11 RE APPROVE RENEWAL LEASE AGREEMENT WITH LYNX PROPERTY SERVICES FOR THE LEASE OF OFFICE SPACE FOR THE HAYS COUNTY ADULT PROBATION DEPARTMENT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME was PULLED - NO DISCUSSION AND NO ACTION.

21911 ACCEPT INTERNAL EXAMINATION REPORT FOR ELECTIONS ADMINISTRATION OFFICE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept Internal Examination Report for Elections Administration Office. All voting "Aye".

21912 APPROVE BUDGET CALENDAR FOR FY 2005

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Calendar for FY2005. All voting "Aye".

21913 TRACTOR SUPPLY COMPANY SUBDIVISION [PCT. 4 #03-4-014, 2 LOTS] * FINAL PLAT APPROVAL [T1-40]

Curtis Wilson (resides on Peabody Place which adjoins this subdivision) spoke in opposition to this subdivision. The intersection of SH290 and Peabody Place is a life safety issue and he asked that a deed restriction be placed on the subdivision to prevent access from this property unto Peabody Place. He also feels like development will create a flooding situation. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter spoke of need to make sure that all elements are correct - she spoke of drainage and driveway issues that need to be addressed. Allen Walther advised that meetings have been held - drainage calculations have been reviewed by staff and we feel like that issue has been addressed and the owner makes a declaration on the plat as to ownership. Road Supt/Engineer Jerry Borcharding spoke of review of drainage issues. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Tractor Supply Company Subdivision". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21914 WHITE WINGS SUBDIVISION LOT A2 [PCT. 4] * RELEASE OF EASEMENTS [T1-305]

Environmental Health Director Allen Walther advised that this property adjoins an airplane runway and a correction is needed to release easements on Lot A2 - he gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release easements on White Wings Subdivision Lot A2 as requested. All voting "Aye".**

21915 PUBLIC HEARING AND ACTION TO ESTABLISH 20 MPH SPEED LIMIT IN KINGSWOOD SUBDIVISION [T1-338]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to establish a 20MPH speed limit in the Kingswood Subdivision. All voting "Aye".**

21916 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH SECTION 1 SUBDIVISION [T1-383]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended the following traffic regulations be established: 3-Way STOP signs at intersections of Tom Sawyer Road & Steamboat Crossing, Tom Sawyer Road & Thatchers Court, Tom Sawyer Road & Old Mill Road, and a 4-Way STOP at Becky's Way & Huck Finn Trail. He submitted a drawing for the record. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to establish traffic regulations - STOP signs - in Sawyer Ranch Section 1 Subdivision as recommended by the County Road Department. All voting "Aye".**



21917 DECLARE AN EMERGENCY AND AMEND THE BUDGET (2004-24-A) FOR INCREASED FUEL COSTS OF VARIOUS OFFICES FROM RESERVES [T1-437]

County Auditor Bill Herzog spoke of not knowing what fuel cost would be when preparing the budget and departments are running out of or getting close to running out of funds. Commissioner Carter spoke of county vehicles being taken home outside of the county by employees and she suggested not allowing employees to take county vehicles home. Commissioner Molenaar felt like the Sheriff's personnel is exempt from this policy. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to declare an emergency and amend the FY2004 budget in the amount of \$90,078 from Reserve Funds to cover increased fuel costs of various offices. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

21918 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FRONTAGE ROAD IMPROVEMENTS AND ON-SYSTEM BRIDGE REPLACEMENT ON INTERSTATE HIGHWAY 35 FROM NORTH OF LOOP 4 SOUTH TO FM 2001 [T1-537]

Warren Kettman, Buda Economic Development Director, spoke of this being related to the Cabela's Project – frontage road will be widened to 3 lanes and the overpass will be a 6 lane roadway. Commissioner Burnett spoke of change order provision under Section 11c which protects the county from increased cost and Section 13 states that acquisition of right of way is the responsibility of the State – county funds will be used for construction and not for ROW. A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute Advance Funding Agreement with the Texas Department of transportation for frontage road improvements and on-system bridge replacement on Interstate Highway 35 from North of Loop 4 south to FM2001. All voting "Aye".

21919 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ECONOMIC DEVELOPMENT AGREEMENT WITH DUPRE LOCAL GOVERNMENT CORPORATION (RELATING TO CABELA'S INC.) [T1-675]

Warren Kettman and Carol Columbo appeared regarding this item. This document was previously considered by the court on June 29th and is back with corrections requested by the court. The revisions include a clarification that the County's 4.5 million dollar cap is a present value calculation, a revision to remove the termination for cause provision since the obligations to make payments would not be effected in the event of such termination, a revision of the name of Cabela's to reflect the contemplated assignment of the Development Agreement, removal of the Public Participation Amount since County's contribution has been contemplated only to go to the payment of Bonds which will be used for road improvements and allowing the County to use a sub-account rather than a new account for the Sales Tax Fund. A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute an Interlocal Economic Development Agreement with Dupre Local Government Corporation (relating to Cabela's Inc.). All voting "Aye".

Clerk's Note: Agenda Item #21 RE: APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 16 - HAYS COUNTY/TC&B/LAN (ROW ACQUISITION SERVICE) was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

21920 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA PLANNING COUNCIL FOR UP TO \$42,000 TO ESTABLISH BAILING OPERATIONS AT THE CITIZENS COLLECTION STATION AND THE TRANSFER STATION [T1-717]

Resource Management Director Jerry Pinnix explained the request: the \$42,000 grant from CAPCO will be used to construct two 25X40 foot sheds, one at the Citizen's Collection Station near Dripping Springs and the other at the Transfer Station in Wimberley. The covered sheds will provide a location to install and operate vertical balers received as donations from HEB in the fall of 2003. Hays County will provide no cash match, but will instead provide in-kind match equal to the value of existing recycling facilities. The construction of these sheds and the installation of vertical balers will allow the county to shift from selling in bulk to selling baled products. Primary items to be baled will be cardboard, aluminum cans and plastics. The county will no longer accept glass because there is no market to sell to and it will reduce the county's recycling hauling costs. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Resolution authorizing the County Judge to submit a Grant application to the Capital Area Planning Council for up to \$42,000 to establish bailing operations at the Citizens Collection Station and the Transfer Station. All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY [T1-770]

Court convened into executive session at 10:05 a.m. and reconvened into open meeting at 11:30 a.m. Judge Powers advised that no action will be taken.


21921 ADOPT MEDICAL AND DENTAL BENEFITS FOR PLAN YEAR 2005 [T1-775]

Burke Sunday (Sunday and Associates Inc) spoke of medical claims dropping in the month of June – we are starting to achieve a greater level of positive surplus. He provided financial information regarding the current year plan and proposed renewal offer. There was an 8% increase in fixed costs. Recommends increasing office visit co-pay from \$20 to \$25 for primary care and \$30 for specialist care and increase emergency room treatment from \$100 to \$150. Another recommended change is to increase specific stop loss from \$125,000 to \$150,000 and go from a super size network to a regular size network. There is no additional cost for premiums to the employees and minimal increase in cost to the county per employee. Mr. Sunday spoke of Disease Management Programs (Diabetes & Cardiac Disease Management) – employees are identified by the claims system and makes the employee and Doctor more aware and interactive in treatment and creates a savings in medical expenses. He also spoke of GASB 34 in 2007 - you must account for implied subsidy and liability for retiree coverage. Commissioner Carter suggested a higher emergency room co-pay (\$200), keep the super size network of physicians, and reconsider the \$100 premium paid by retirees. Recommendations of the Insurance Committee are as follows:

Medical Plan

Change Office Visit Co-pay to \$25 per visit for a primary care physician & \$30 per visit for specialist
 Increase the Co-pay for Emergency Room treatment/care to \$150 per visit from \$100 per visit
 Change the preferred provider network to the *Open Access Plus* from the current *Open Access*
 Increase the Individual Specific Stop Loss coverage to \$150,000 per participant from \$125,000
 Adopt *The CIGNA Healthcare Well Aware Program for Better Health*
 Make NO CHANGES to the monthly cost the County charges employees to carry their dependents
 \$237.18 spouse \$173.80 child(ren) \$421.26 family
 Increase the County's contribution to the medical plan to \$440 per employee per mo from current \$400

Dental Plan

Increase cost the County charges employees per month to carry their dependent(s) for dental coverage
 DPPO: \$44 spouse \$39 children \$71 family DHMO: \$21.50 spouse \$23.08 children \$34.82 family
 Increase the County's contribution to the dental plan to \$19.50 per employee per mo from current \$16.88

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt the Medical and Dental Benefits Plan for Year 2005 as recommended by the Insurance Committee. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was ADJOURNED.

I, LEE CARLISLE, 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 JULY 13, 2004.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



JULY 20, 2004

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JULY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell, Director of HaysCAN spoke of proposed improvements to Nutty Brown Road and opposition to this project. He submitted his statement in writing as requested by Commissioner Molenaar.

21922 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 201,045.57 as presented by the County Auditor. All voting "Aye".

21923 APPROVE A TEMPORARY EMPLOYEE (CRIMINAL INVESTIGATOR) FOR THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE FOR APPROXIMATELY SIX WEEKS DUE TO THE ABSENCE OF A FULL-TIME EMPLOYEE WHO WILL BE ON FMLA LEAVE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve a temporary employee (Criminal Investigator) for the Hays County Criminal District Attorney's Office for approximately six weeks due to the absence of a full-time employee who will be on FMLA leave. All voting "Aye".

21924 APPROVE SPECIFICATIONS FOR BID #2004-B11, HAYS COUNTY BOND PROGRAM, ROAD IMPROVEMENTS FOR CENTERPOINT ROAD (CR 234) & MCCARTY LANE (CR 233) AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

[T1-80] Road Supt./Engineer Jerry Borcharding advised that there are a couple of right of way issues that they still need to get comfortable with. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Bid #2004-B11, Hays County Road Program, Road improvements for Centerpoint Road (CR234) & McCarty Lane (CR233) and authorize Purchasing Agent to solicit for bid and advertise when all right-of-way issues have been resolved to the satisfaction of Commissioner Ingalsbe. All voting "Aye".

21925 ADOPT AN ORDER OF THE HAYS COUNTY COMMISSIONERS' COURT ABANDONING AND VACATING A PRESCRIPTIVE EASEMENT AND ACCEPTING A DEDICATION OF PUBLIC RIGHT-OF-WAY (FULTON RANCH ROAD) PURSUANT TO SECTION 263.006, TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE OR ACCEPT ON BEHALF OF THE COUNTY ANY NECESSARY CONVEYANCE DOCUMENTS [T1-101]

Dale Dugger (Flite Acres Rd resident) encouraged the court to vote to allow public access through Fulton Ranch. Clint Frankmann asked if the road has been completed in phase 2 and does it meet county specifications? Eddy Gumbert spoke representing property owners on the easement. He is not against the new road, however, they are concerned about their access to the new Fulton Ranch Road (they must cross over the old portion of the road in order to access the new one). Attorney Charles Soechting spoke of new document that has been created to address those concerns and will be signed by Mr. O'Quinn. Mike Dukes (Flite Acres Rd resident) spoke of the road being an excellent roadway. [T1-332] Charles Soechting advised that the roadway is paved and he spoke of the panoramic views along the roadway. Mr. Soechting also spoke of it being a timesaver for the Sheriff's Dept. Road Supt./Engineer Jerry Borcharding spoke of need to evaluate the roadway to determine if and where guardrails are needed and to establish traffic regulations. He spoke of old roadway being unsafe and he supports accepting the new roadway. Commissioner Carter requested postponement of action until a thorough evaluation has been done of the roadway and all documents are complete. Commissioner Molenaar voiced his concerns. Jerry Borcharding spoke of comparison of old road with new road - he supports the roadway exchange - the drainage concerns are at the top of a rise - it is a minor drainage problem that will not damage the road.



A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt an Order of the Hays County Commissioners' Court abandoning and vacating a prescriptive easement and accepting a dedication of public right-of-way (Fulton Ranch Road) pursuant to Section 263.006 Texas Local Government Code; and authorizing the County Judge to execute or accept on behalf of the county any necessary conveyance documents. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

21926 THE PARKLANDS SECTION 1 [PCT. #2 03-2-058] * APPROVE EXTENSION OF CONSTRUCTION FISCAL SECURITY [T1-577]

Environmental Health Director Allen Walther advised that time delays slowed down the construction and they are providing a replacement fiscal security for one additional year. He gave staff recommendation for extension of construction fiscal security. A motion was made by Judge Powers, seconded by Commissioner Burnett to approve extension of construction fiscal security for "The Parklands Section 1". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

21927 THE SPRINGS RESUBDIVISION OF LOT 1 [PCT. 4 #04-4-046, 2 LOTS] * PRELIMINARY PLAN APPROVAL [T1-595]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval – these are commercial lots served by an existing TCEQ Permitted Wastewater System. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "The Springs Resubdivision of Lot 1". All voting "Aye".

21928 THE OAKS @ GATLIN CREEK [PCT. 4 #04-4-045, 5 LOTS] * PRELIMINARY PLAN APPROVAL [T1-640]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan for "The Oaks @ Gatlin Creek". All voting "Aye".

21929 ARROYO RANCH SECTION 2 [PCT. 2 #02-2-009] * CALL FOR A PUBLIC HEARING ON AUGUST 3, 2004 TO CONSIDER THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE OF MAINTENANCE FISCAL AND ACCEPT STREETS INTO THE COUNTY MAINTENANCE SYSTEM [T1-648]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on August 3, 2004 to consider the establishment of comprehensive traffic regulations, release of maintenance fiscal and accept streets into the county maintenance system. All voting "Aye".

21930 ADOPT A RESOLUTION ACKNOWLEDGING THE CITY OF KYLE'S NOTICE OF INTENT TO CREATE A TAX INCREMENT REINVESTMENT ZONE AND SUPPORTING THE CITY'S EFFORTS TOWARDS CREATION OF SAID ZONE [T1-685]

Tom Mattis, Kyle City Manager, explained the project – this is an incentive program that will provide a direct benefit to the citizens today – it will provide improvements to roadways (IH35 overpass, frontage road, & FM1626) and should encourage economic development. A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt a Resolution acknowledging the City of Kyle's Notice of Intent to create a Tax Increment Reinvestment Zone (TIRZ) and supporting the City's efforts toward creation of said zone. All voting "Aye". Peter French (Kyle Chamber of Commerce) spoke of partnership for this project and the support it has received from the various taxing entities. The Court will need to appoint a county representative to the board next week.

DISCUSSION RE: ASSIGNMENT OF MASTER ECONOMIC DEVELOPMENT AGREEMENT FROM CABELA'S RETAIL INC. TO CABELA'S RETAIL TX, LP [T1-935]

Donna Williams (resident of LimestoneTrail) spoke in opposition to allowing 25 years of tax reduction for Cabela's. Warren Kettman, Director of Buda Economic Development, advised that he would be glad to meet with Ms. Williams to explain the project to her. Mr. Kettman spoke of Section 17.4 of the agreement that allows granting assignment of their rights – all the attorneys have reviewed this assignment. Commissioner Carter felt uninformed about the difference between a corporation and a limited partnership. Mr. Kettman advised that this is a corporate issue and will not affect local taxes. **NO ACTION was taken.**



JULY 20, 2004

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21931

AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY RELATING TO THE RECONSTRUCTION ON THE INTERSECTION OF SPOKE HOLLOW AND RANCH ROAD 12 IN PRECINCT 3

[T1-1052] Road Supt/Engineer Jerry Borcharding advised that this is a safety related project and will provide for a 90 degree intersection at the intersection of Spoke Hollow Road and Ranch Road 12. The project was in the planning stages prior to incorporation of the Village of Wimberley. Adequate ROW has been donated by adjacent landowners and all required State permits and approvals have been finalized. In anticipation of Court approval, this project was put on the FY04 priority list and funds are available (\$50,000). The interlocal agreement provides for Village funding up to approximately \$13,600 if the project exceeds the County budgeted amount. Commissioner Burnett advised that he worked on this project before the Village of Wimberley was created and the money has been budgeted – this is a dangerous intersection and it took a long time for the State to approve the project. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute an Interlocal Agreement with the Village of Wimberley relating to the reconstruction on the intersection of Spoke Hollow and Ranch Road 12 in Precinct 3. All voting "Aye".**

Clerk's Note: Agenda Item #12 RE: AMEND THE RESOLUTION GOVERNING THE OPERATION OF THE HAYS COUNTY ROAD DEPARTMENT THAT WAS ORIGINALLY ENACTED IN JANUARY 1997 was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

21932

APPROVE PROPOSED HOT-MIX PROJECTS FOR THE REMAINDER OF FY 2004

[T1-1133] Road Supt/Engineer Jerry Borcharding advised that this action would allow currently budgeted monies to be used for hot-mixing selected roads in each precinct. As plans for this effort progress, each Commissioner will be contacted and briefed on the overall impact on their respective precinct. Commissioner Burnett felt like Jerry Borcharding already has the authority to run the road dept. He commended the road department. Jerry Borcharding advised that this was placed on the agenda because it is a substantial departure from general policy (use of hot mix vs. chip seal). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the proposed hot-mix projects for the remainder of FY2004. All voting "Aye".**

Court was ADJOURNED.

I, LEE CARLISLE, 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 JULY 20, 2004.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 27TH DAY OF JULY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

21933 ADOPT A PROCLAMATION RECOGNIZING AUGUST 3, 2004 AS "NATIONAL NIGHT OUT" IN HAYS COUNTY

Deputy Sheriff Mike Thielen spoke of the National Night Out activities that will be held throughout the county (approximately 50 parties). Sheriff Don Montague spoke in support of this event. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt Proclamation recognizing August 3, 2004 as "National Night Out" in Hays County. All voting "Aye".**

PUBLIC COMMENT

Charles O'Dell spoke of Papalote Homes law suit to be discussed in executive session – he asked that Special Counsel Jacqueline Cullom Murphy and Judge Powers recuse themselves from executive session because of comments that were previously made by them .

21934 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 347,196.59 as presented by the County Auditor. All voting "Aye".

21935 APPROVE BUDGET AMENDMENT 04-26

Budgets to be amended are as follows: Grants – transfer \$250 from office supplies into telephone Civic Center – transfer \$500 from utilities into vehicle maintenance Tax Assessor – transfer \$650 from insurance into software District Clerk – transfer \$600 from printing into office supplies Sheriff/Jail – transfer \$7,350 from various line items into telephone Human Resources - transfer \$616 from various line items into postage (\$145) and travel (\$471) Constable 2 – transfer \$270 from various line items into vehicle maintenance R&B Operations – transfer \$21,200 from contract road work into various line items TDH/Child Health – transfer \$700 from supplies into travel TDH/Immunization – transfer \$500 from supplies into travel Courthouse Security fund - County Court – transfer \$200 from equipment maintenance into misc. equipment Personal Health - \$1,100 transfer from equipment lease into travel (\$1000) and cont ed (\$100). **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-26 as proposed by the County Auditor. All voting "Aye".**

21936 APPROVE UTILITY PERMITS #1714-1717

The following Utility Permits were submitted for approval:

PERMIT #	CO ROAD NAME	UTILITY COMPANY
01714	CR117 / Old San Antonio Road	Verizon – Wimberley
01715	CR231 / Summit Dr. East	Wimberley Water Supply Corp
01716	CR157 / Goforth Road	Center Point Energy
01717	CR151 / Bunton Lane	Center Point Energy

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01714-01717 as submitted by the Road Department. All voting "Aye".

21937 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE, DEPARTMENT OF JUSTICE FOR UP TO \$11,686 AND TO EXECUTE CONTRACT

This grant will be used to purchase technology based equipment that is not included in the normal budgets of the Sheriff's office, Constables, and District Attorney's office. The 10% matching funds will be budgeted in the FY2004-2005 budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Bureau of Justice Assistance, Department of Justice for up to \$11,686 and to execute contract. All voting "Aye".**



21938 APPROVE DECEMBER 2003 THROUGH FEBRUARY 2004 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve December 2003 through February 2004 Treasurer's Reports and Investment Reports. All voting "Aye".

21939 APPROVE RENEWAL CONTRACT WITH TEXAS ASSOCIATION OF REGIONAL COUNCILS AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FY 2004 - 2005 CITIZENS CORP PROGRAM

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve renewal contract with Texas Association of Regional Councils and the Federal Emergency Management Agency for FY2004-2005 Citizens Corp Program. All voting "Aye".

21940 APPROVE PURCHASE OF TRUTH IN TAXATION SOFTWARE FROM KAVOUSSI & ASSOCIATES FOR THE HAYS COUNTY TAX OFFICE

This is the software used to calculate the effective tax rates. Money is available in the tax office budget, however, a budget amendment is necessary to cover this expense. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of Truth in Taxation Software from Kavoussi & Associates for the Hays County Tax Office. All voting "Aye".

21941 THE COUNTRYSIDE REPLAT OF LOTS 1C & 1D [PCT. 1#04-1-047, 2 LOTS] * FINAL PLAT APPROVAL AND WAIVER OF PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-150]

Environmental Health Director Allen Walther advised that common lot lines are being reconfigured and he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirements. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve final plat and waive preliminary plan and public notification requirements for "The Countryside Replat of Lots 1C & 1D". All voting "Aye".

Clerk's Note: Agenda Item #10 RE: RANCHO LADERA [PCT. 3 #04-3-036, 8 LOTS] * FINAL PLAT APPROVAL AND GRANT VARIANCE TO MAXIMUM LENGTH OF SHARED ACCESS DRIVEWAY was PULLED. No discussion and no action taken.

21942 THE PRESERVE PHASE 1 LOT 13A & PHASE 2 LOT 15A REPLAT [PCT. 4 #04-4-051, 1 LOTS] * FINAL PLAT APPROVAL AND WAIVE THE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-169]

Environmental Health Director Allen Walther advised that common lot line is being reconfigured and he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirements. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and waive the preliminary plan and public notification requirements for "The Preserve Replat of Phase 1 Lot 13A & Phase 2 Lot 15A". All voting "Aye".

21943 THE OAKS @ GATLIN CREEK [PCT. 4 #04-4-045, 5 LOTS] * FINAL PLAT APPROVAL

[T1-188] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "The Oaks @ Gatlin Creek". All voting "Aye".

21944 APPROVE A MEMORANDUM OF UNDERSTANDING AND REIMBURSEMENT AGREEMENT BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE HAYS COUNTY SHERIFF'S OFFICE FOR A JOINT TERRORISM TASK FORCE

[T1-201] Sheriff Don Montague spoke of discussions with the FBI – the task force will be comprised of Austin PD, Travis SO, Williamson County SO, Secret Service, DEA, INS, and U.S. Customs. This provides an Officer with direct access to the FBI and the ability to receive information to address foreign and domestic terrorism. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve a Memorandum of Understanding and Reimbursement Agreement between the Federal Bureau of Investigation and the Hays County Sheriff's Office for a Joint Terrorism Task Force. All voting "Aye".

21945 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH LANDATA TECHNOLOGIES, INC. REGARDING SCANNING & INDEXING OF HISTORICAL RECORDS FOR ARCHIVAL PURPOSES [T1-254]

County Clerk Lee Carlisle advised that this will be an ongoing program to archive records in the County Clerk's Office over the next four years to be paid out of the new archival fee. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to enter into a contract with Landata Technologies Inc. regarding scanning and indexing of Historical Records for Archival purposes. All voting "Aye".



21946 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH EICHMAN SOFTWARE CONSULTANTS TO ACT AS AGENT TO RENEGOTIATE CLERK'S CONTRACT WITH AFFILIATED COMPUTER SERVICES (ACS) REGARDING THE DIGITIZATION OF OFFICIAL PUBLIC RECORDS [T1-281]

County Clerk Lee Carlisle advised that ACS provides daily digitization of the Official Public Records in the County Clerk's office – the contract comes due Dec 31, 2004 and he would like to lower the price. He has tried to negotiate with ACS and has not been successful and would like to hire a consultant that will attempt negotiations – payment would be made from the savings, if the price is reduced, and there will be no fee if negotiations are unsuccessful. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to enter into a contract with Eichman Software Consultants to act as Agent to renegotiate County Clerk's contract with affiliated computer services (ACS) regarding the digitization of Official Public Records. All voting "Aye".**

21947 ACTION TO APPROVE \$250,000, FROM COUNTY PARK BOND FUNDS FOR THE CITY OF BUDA'S SPORTSPLEX PARK PROJECT IN THE FORM OF A LETTER OF COMMITMENT [T1-360]

A power point presentation was given to the court. Warren Kettelman (Buda Economic Development Director) spoke of the project – 15 acres are being donated from the private sector, 2.23 acres donated from the school district, and 55 acres purchased by the BEDC (NW corner adjacent to Dahlstrom Middle School). He spoke of improvements that will be made to the property (soccer & softball fields, playgrounds, hiking trails, enhanced wetlands, picnic tables & benches) – on the frontage road of FM 967 there will be a Buda fire station and the lots owned by BEDC will be sold to help repay loans. There will be a use facilities agreement with the school district so that they can utilize the facilities during school hours. The City of Buda Parks Department will eventually own the property. The Letter of Commitment sets out the following conditions: (1) *term of commitment is for one year, ending on July 27, 2005*, (2) *City of Buda must commit to improvements and maintenance of park*, (3) *City of Buda must work with county grants office to locate additional funds*, (4) *City of Buda must acquire matching funds equal to county award*. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve \$250,000.00 from County Park Bond Funds for the City of Buda's Sportsplex Park Project in the form of a Letter of Commitment for no more than twelve (12) months. All voting "Aye".**

21948 APPROVE ASSIGNMENT OF MASTER ECONOMIC DEVELOPMENT AGREEMENT FROM CABELA'S RETAIL INC. TO CABELA'S RETAIL TX, LP [T1-715]

Sam Cooper, a CPA and Buda EDC Board President, explained why a business would want an assignment from a corporation to a limited partnership (exemption from state franchise tax). Commissioner Carter spoke in opposition to the assignment. Commissioner Molenaar and Commissioner Burnett spoke in support of it. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve Assignment of Master Economic Development Agreement from Cabela's Retail Inc. to Cabela's Retail Tx, LP. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOME, INC. V. HAYS COUNTY, CAUSE NO. 04-0325 [T1-1020]

Court convened into closed executive session at 10:15 a.m. and reconvened into open meeting at 11:15 a.m. Judge Powers advised that there is no action to be taken.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 JULY 27, 2004.




**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

David Jones spoke of "High Ridge" subdivision – the information provided by developer is false and misleading - Lot 20 & 21 has a Lot 33 in between them. He spoke of Burnett Ranch Section 5 Lot 121 is being partially resubdivided improperly – he spoke of errors made by the developer is describing the property being developed. He spoke of safety issues regarding the road and fact that not all property owners in Burnett Ranch Section 5 were notified as required.

[T1-96] Charles O'Dell, Director of HaysCAN, spoke of Texas Attorney General's office rendering an opinion regarding the Heatherwood matter – LGC 232 Chapter A authorizes the county to determine that a condominium development is a subdivision of land for which the landowner must prepare and file a plat.

21949 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$678,517.53 as presented by the County Auditor. All voting "Aye".

21950 APPROVE MARCH THROUGH MAY 2004 TREASURER'S REPORTS

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve March through May 2004 Treasurer's Reports. All voting "Aye".

21951 APPROVE AWARD OF BID #2004-B12 "REGULATORY, WARNING AND OTHER ROAD SIGNS" TO MULTIPLE VENDORS

Bids were received from Vulcan Signs, Custom Products Corp., Custom Products Corp., Pathmark Traffic Products, Allie Tube & Conduit, 3M Company, and Wenzel Wenzel & Assoc. Inc. Bids were reviewed by the Road Department and Purchasing and recommendation is being made to award bid to multiple vendors with low bid for that item. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve award of Bid #2004-B12 "Regulatory, Warning and Other Road Signs" to multiple vendors as recommended by the Road Department and Purchasing. All voting "Aye".

21952 APPROVE AWARD OF BID #2004-B13 "METAL PIPE" TO MULTIPLE VENDORS

Bids were received from Contech Construction and Wilson Culverts Inc. and reviewed by the Road Department and Purchasing. Recommendation is for multiple awards to vendors with low bid for that item. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve award of Bid #2004-B13 "Metal Pipe" to multiple vendors as recommended by the Road Department and Purchasing. All voting "Aye".

21953 APPROVE ADDITIONAL NEXTEL PHONE AND SERVICE CONTRACT FOR CONSTABLE PCT. 1

An additional phone and service is needed for new Deputy Constable position. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve additional Nextel Phone and Service contract for Constable Pct. 1. All voting "Aye".

21954 APPROVE RENEWAL CONTRACT WITH AMERICAN 3CI MEDICAL WASTE MANAGEMENT SERVICES FOR DISPOSAL OF MEDICAL WASTE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal contract with American 3CI Medical Waste Management Services for disposal of medical waste. All voting "Aye".



21955 THE SPRINGS RESUBDIVISION OF LOT 1 [PCT. 4 #04-4-046, 2 LOTS] * FINAL PLAT APPROVAL AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS [T1-125]

Environmental Health Director Allen Walther advised that these are commercial lots and he gave staff recommendation for approval and waiver of public notification. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett To approve final plat and waive public notification requirements for "The Springs Resubdivision of Lot 1". All voting "Aye".**

21956 ARROYO RANCH SECTION 2 [PCT. 2 #02-2-009] * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS [T1-141]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Dept. Supt/Engineer Jerry Borcharding advised that this would establish STOP signs on Campo De Oro and Avenida Tejas at their intersections with Arroyo Ranch Drive and will establish speed limit of 25 MPH on Avenida Tejas and Campo De Oro. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations in "Arroyo Ranch Section 2" as recommended by the Road Department – STOP sign on Campo De Oro and Avenida Tejas at their intersections with Arroyo Ranch. All voting "Aye".**

Clerk's Note: Agenda Item #9 RE: CALL FOR A PUBLIC HEARING ON AUGUST 17, 2004 TO CONSIDER REVISIONS TO THE HAYS COUNTY SUBDIVISION REGULATIONS was PULLED. No discussion and no action taken.

21957 APPROVE AMENDMENT TO CONTRACT BETWEEN IKON OFFICE SOLUTIONS AND HAYS COUNTY ENVIRONMENTAL HEALTH AND AMEND THE BUDGET ACCORDINGLY [T1-164]

Environmental Health Director Allen Walther spoke of usage exceeding the current contract – the change in contract will increase the volume from 2000 copies to 5000 copies per month. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve amendment to contract between Ikon Office Solutions and Hays County Environmental Health and amend the budget accordingly. All voting "Aye".**

21958 APPOINT ELECTION JUDGES AND ALTERNATE JUDGES FOR AUGUST 1, 2004 THROUGH JULY 31, 2006 [T1-187]

Elections Administrator Joyce Cowan presented a list of proposed appointments as recommended by the Republican and Democratic Party Chairs – the Judge is appointed by the party chair with the most gubernatorial votes and the alternates by the other party chair. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to appoint Elections Judges and Alternate Judges for August 1, 2004 through July 31, 2006. All voting "Aye".**

21959 APPROVE THE CREATION OF A NURSE PRACTITIONER TO REPLACE THE EXISTING CTMA CONTRACT AND AMEND THE BUDGET ACCORDINGLY [T1-235]

Gay Helmly, Health Dept. Director, gave a history of health care provided by Hays County – the CTMA contract was meant to be a temporary service and they have asked for a 15% increase in their contract – she is recommending the creation of a Nurse Practitioner position to reduce costs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the creation of a Nurse Practitioner to replace the existing CTMA contract and amend the budget accordingly. All voting "Aye".**

21960 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH CENTRAL TEXAS MEDICAL CENTER RELATING TO THE FEDERAL 340B PROGRAM (DISCOUNT PHARMACEUTICALS) [T1-333]

Mr. Gary Jepsen (CTMC President & CEO) and Jody Baldwin appeared before the court. Ms. Baldwin spoke of a federal program that would allow the hospital to obtain drugs at 50% off the average wholesale price. Discussion was had regarding wording in the memorandum and the court recessed for ten minutes for legal counsel to determine the change in wording. [T1-457] Jody Baldwin spoke of change needed on page 1, 3rd Whereas paragraph: reference to medicare needs to be eliminated. This program is no cost to the county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute a Memorandum of Understanding with Central Texas Medical Center relating to the Federal 340B Program (discount pharmaceuticals) with correction in third recital by removing Medicare. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**



AUGUST 3, 2004

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21961 **ADOPT A RESOLUTION REGARDING PUBLIC NOTIFICATION REQUIREMENTS RELATING TO THE FINANCING OF A HEALTH CARE FACILITIES BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC. (CENTRAL TEXAS MEDICAL CENTER)** [T1-541]

Nicholas Meindl spoke of requirements for tax exempt bonds (public hearing, etc) – there is no liability to the County. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a resolution regarding public notification requirements relating to the financing of a health care facilities by Adventist Health System/Sunbelt Inc. (Central Texas Medical Center). All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE THE ACQUISITION OF REAL PROPERTY (CENTERPOINT ROAD - OUTLET WEST INVESTORS, LTD.) TO BE USED FOR PUBLIC ROADWAY PURPOSES AS AUTHORIZED BY THE HAYS COUNTY ROAD BOND PROGRAM

[T1-603] The court convened into closed executive session at 10:00 a.m. and reconvened into open meeting at 10:10 a.m. Judge Powers advised that no action will be taken.

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 3, 2004.



A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

A decorative flourish consisting of a series of loops and curves, positioned below the signature and title.



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

County Clerk Lee Carlisle presented a five year service pin to Linda Duran.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

District Attorney Office Administrator Carolyn Brown introduced new employees Benjamin Grijalva and Rhonda Nix. Environmental Health Director Allen Walther introduced new employee Cindy Gonzales (administrative technician).

21962 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$293,230.62 as presented by the County Auditor. All voting "Aye".

21963 APPROVE BUDGET AMENDMENT #04-27

Proposed budget amendments: Civic Center transfer \$1,500 from utilities to supplies (arena supplies) County-wide Operations transfer \$150,000 from communication equipment into autopsy/inquest (\$50,000), Self-insurance (\$50,000), & Juvenile Prob/juvenile detention (\$50,000) Commissioner 2 transfer \$247 from various line items into books line item Constable 4 transfer \$1,352 from various line items into vehicle maintenance line item Information Technology transfer \$8,000 from software maintenance into county-widemaintenance TEEX/CCP/CERT'04 Grant transfer \$20,810 from revenue into operating (\$20,204) and admin (\$606) Road & Bridge Operations transfer \$31,257 from auction sales revenue into roadway striping Family Health Services transfer \$9,860 from Personal Health contract services into various line item for family practice clinic. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-27 as proposed by the County Auditor. All voting "Aye".

21964 APPROVE UTILITY PERMITS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permits #01718 on CR190/Creek Road issued to Pedernales Electric Coop. , #01719 on CR101/Fitzhugh Road issued to Pedernales Electric Coop., and #01720 on Valley View East issued to CenturyTel of San Marcos as submitted by the Road Department. All voting "Aye".

21965 APPROVE APPOINTMENT OF COMMISSIONER SUSIE CARTER TO THE CAPITAL AREA PLANNING COUNCIL GENERAL ASSEMBLY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve appointment of Commissioner Susie Carter to the Capital Area Planning Council General Assembly. All voting "Aye".

21966 CYPRESS CREEK ACRES RESUBDIVISION OF LOT 18 [PCT. 3 #04-3-039, 2 LOTS] - PUBLIC HEARING AND FINAL PLAT APPROVAL [T1-75]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. He advised that there was one letter of concern and it has been addressed. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Cypress Creek Acres Resubdivision of Lot 18". All voting "Aye".



21967 PATRICIA FALLS [PCT. 4 #04-4-052, 3 LOTS] -PRELIMINARY PLAN APPROVAL [T1-107]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Patricia Falls". All voting "Aye".

21968 ARROYO RANCH SECTION 2 - RELEASE OF MAINTENANCE FISCAL AND ACCEPT THE STREETS INTO THE COUNTY MAINTENANCE SYSTEM [T1-114]

Road Supt/Engineer Jerry Borcharding advised that inspections have been done and repairs have been made and he gave staff recommendation for release and acceptance. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance fiscal security and accept streets in "Arroyo Ranch Section 2" into the county maintenance system. All voting "Aye".

21969 HEATHER HILLS [PCT. 4 #01-4-038] - CALL FOR PUBLIC HEARING ON AUGUST 24, 2004 FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS AND CONSIDER THE RELEASE OF THE MAINTENANCE FISCAL AND ACCEPT THE ROADS INTO THE COUNTY MAINTENANCE SYSTEM AT THE TIME OF PUBLIC HEARING [T1-130]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on August 24, 2004 for the establishment of comprehensive traffic regulations, release of maintenance fiscal security and accept roads into the county maintenance system in "Heather Hills" subdivision. All voting "Aye".

21970 BELTERRA PHASE 2 SECTION 9A [PCT. 4 #03-4-043] -RELEASE OF CONSTRUCTION FISCAL AND ACCEPT MAINTENANCE FISCAL [T1-165]

Road Supt/Engineer Jerry Borcharding advised that construction is complete and maintenance fiscal has been submitted. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal security for "Belterra Phase 2 Section 9A". All voting "Aye".

21971 APPROVE A NEW AND REVISED TAX ABATEMENT AGREEMENT WITH GENLYTE THOMAS GROUP LLC (WIDE-LITE) [T1-181]

Commissioner Ingalsbe spoke of 7 year tax abatement previously given by the court (Sept. 9, 2000). The economy had slowed the process and now they are ready to move forward building a new facility and are requesting a revised agreement. Joe Murphy (General Manager of Genlyte) advised that the City of San Marcos approved an 8 year agreement to allow additional time to meet their requirements. Recap of the Project: Genlyte owns 38.5 acres located in the 1500-1600 blocks of Clovis Barker Road. They are building a new manufacturing facility approx. 225,000 sq. ft. at a cost of approx. \$18,500,000. The facility will be completed by December 31, 2005 and equipment installed by December 31, 2006. Genlyte will retain 164 full-time jobs and create 105 NEW full-time jobs by April 30, 2006. The abatement will not include any inventory, materials, or other personal property other than equipment, nor any increase in the value of the property (after construction of the facility). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a new and revised Tax Abatement Agreement with Genlyte Thomas Group LLC (Wide-Lite). All voting "Aye".

DISCUSSION REGARDING PURCHASE OF AN ORECK ORBITER MULTI-PURPOSE FLOOR MACHINE FOR THE JUSTICE CENTER [T1-251]

Commissioner Ingalsbe spoke of request from County Court at Law to purchase a floor machine so that the ladies at the Justice Center won't have to get on their hands and knees to scrub floors. Maintenance Supervisor Ron Knott spoke of this unit being a household type unit and he has requested, in the upcoming budget, a high speed floor machine. No Action.

21972 AUTHORIZE CONSTRUCTION OF A PRIVACY FENCE AT THE HEALTH DEPARTMENT ON BROADWAY ST. IN SAN MARCOS [T1-327]

Commissioner Ingalsbe advised that a privacy fence should have been constructed on one side and the backside of the Health Dept. shortly after construction was completed. We have received complaints from neighbors about noise coming from the 4 air conditioning units and the generator. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize construction of a privacy fence at the Health Department on Broadway Street in San Marcos. All voting "Aye".



21973 APPROVE REVISED UTILITY ADJUSTMENT AGREEMENTS WITH MCI (MCCARTY LANE) AND COUNTY LINE W.S.C. (HEIDENREICH LANE) FOR THE HAYS COUNTY ROAD BOND PROGRAM [T1-380]

Maen Hourani, TC&B Sr. Project Manager, spoke of changes requested by the utility companies (move away from lump sum cost and go with actual cost). MCI rejected the clause related to 10% reduction if work is not done **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Revised Utility Adjustment Agreements with MCI (McCarty Lane) and County Line W.S.C. (Heidenreich Lane) for the Hays County Road Bond Program. All voting "Aye".**

21974 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 19 - HAYS COUNTY/TC&B/LAI (WIMBERLEY BYPASS) [T1-427]

Commissioner Burnett explained the work authorization - engineer services to include environmental services (jurisdictional waters assessment, endangered species act section 7 consultation, golden-cheeked warbler mitigation resources review and GIS analysis), surveying services (additional design survey at RR12 intersection), Project management and coordination, and construction phase services. Road Supt/Engineer Jerry Borcharding advised that approval is needed before the project can move forward. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 19 - Hays County/TC&B/LAI (Wimberley ByPass). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21975 AUTHORIZE COUNTY JUDGE TO SUBMIT PRELIMINARY GRANT APPLICATION RENEWAL TO THE TEXAS DEPARTMENT OF HEALTH FOR FY 2005 BIOTERRORISM GRANT FOR \$183,247.00 AND ACCEPT EXTENSION ON FY2004 WORK PLAN UNTIL 2005 GRANTS ARE APPROVED BY TDH [T1-481]

Gay Helmly, Personal Health Director, advised that this is an extension of the existing plan - this is separate from law enforcement preparedness. She explained the application and read a letter from the State. Gay Helmly spoke of travel and amount of training required - we cannot do these services blindly without the education. **A motion was made by Judge Powers, seconded by Commissioner Burnett to authorize the County Judge to submit preliminary grant application renewal to the Texas Department of Health for FY2005 Bioterrorism Grant for \$183,247.00 and accept extension on FY2004 Work Plan until 2005 grants are approved by TDH. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

DISCUSSION OF THE ATTORNEY GENERAL'S OPINION #GA-0223 [T1-837]

Commissioner Carter spoke of receipt of Attorney General's Opinion #GA-0223 RE: *Whether a condominium development is a subdivision subject to county regulations under Local Government Code chapter 232* and she recommended employing Karen Watkins and Phillip Schmandt to review and revise Hays County Subdivision and Wastewater Rules. Commissioner Molenaar advised that it confirmed what we already thought to be and it is already in our subdivision rules. Commissioner Carter spoke of water availability rules. Commissioner Molenaar was not in support of having attorneys revise our subdivision rules. He spoke of a TAC book recommending Hays County Subdivision Rules to other counties.

PRESENTATION BY THE FACILITIES COMMITTEE CONCERNING FACILITY/SPACE NEEDS FOR HAYS COUNTY OFFICES [T1-1098]

Commissioner Burnett was not present at this time. Commissioner Ingalsbe spoke of court discussing office space needs back in March. She spoke of the facility/space needs committee work that has been done. A power point presentation was given. Information Technology Director Jeff McGill spoke of committee analyzing the county buildings in San Marcos. Abel Velasquez, County Safety Officer, spoke of safety issues at the buildings and inadequate work space. Jeff McGill spoke of parking at the county buildings being inadequate. He also showed pictures inside the Justice Center, etc. showing inadequate space on court days. Justice Center - District Clerk Cecelia Adair spoke of need for access to her records (10 yr window in which cases must be easily accessible). She spoke of inadequate restroom facilities and she spoke of population increase creates increase in cases being filed. District Judge Gary Steele spoke of back up in civil cases - he is trying civil cases that date back to 1997 and he spoke of need for more district judges. Jody Ginn, District Attorney Chief Investigator, read a letter of support from District Attorney Mike Wenk for a new county facility. Cecelia Adair spoke of need for all the county offices to be in one building. Judge CCL Howard Warner spoke of inadequate parking at the justice center and he spoke of the justice center being a temporary solution when it was renovated in 1995. J.P. 1-2 Margie Hernandez spoke of inadequate space and crowded conditions - storage space is very inadequate. Jeff McGill spoke of being over capacity in his air conditioned space for equipment and having to use the telephone room which is not air conditioned. He spoke of serious security situations in the back hall when prisoners are being transferred to court.



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Courthouse Annex – Jeff McGill spoke of public access area where tax roll books are kept and there is inadequate space for storage and safety concerns. Adult Probation – Lynda Turley spoke of their office being in a strip mall behind the university which houses a bar and other inappropriate businesses – she spoke of inadequate parking and storage – the county is paying \$84,000 for lease of this space. Office cubicles are separated using file cabinets. Juvenile Probation Office – Ed Cooper spoke of having 3 officers in one office – they have no room for growth. Environmental Health Building - Environmental Health Director Allen Walther spoke of inadequate office space – people are having to share offices and no place to meet with developers and the public. He spoke of it being inconvenient for the public to have to go from one office to another (EH office to county clerk and sometimes to the tax office). Elections Office – Joyce Cowan spoke of need for storage space - she does not have space to store the new equipment (which is more cumbersome than the current equipment) and she needs space for training purposes. Jeff McGill spoke of how much space will be needed for the new voting equipment and the need for security and climate control for storage. Records Building - Linda Fritsche spoke of the second floor being a fire hazard which is a concern for the permanent records being stored there. Cecelia Adair spoke of population projections from 2005 – 2014 (68% growth per year). She spoke of possibility of dedicating funds from civil cases to help pay for expense of building courts (new fee created by legislature) – could generate \$50,000 per year (\$15 per civil case) from this fee. Commissioner Ingalsbe spoke of possible revenue sources: sale of buildings (\$3-3.5 million), adult probation office lease (\$100,800 per year), parking lot at annex lease (\$4740 per year), savings in utilities (\$15,000 per year), data lines (\$35,000 per yr), computer equipment (\$65,000 in dedicated servers), and A/C maintenance/repairs/upgrades (\$15,000 per yr). She spoke of projected annual savings of \$185,540.00 per year (rent, data lines, utilities, maintenance, etc.). Commissioner Ingalsbe spoke of having a one-stop facility for county residents (taxes, courts, records, jury duty, etc.), increase in staff efficiency (less travel for employees between locations, records in same location as courts, consolidated network for computer systems) and shared resources. The County Fire Marshal and City Fire Marshal inspected the county buildings. County Fire Marshal Mark Chambers advised that he will supply reports of the inspections (Annex, Records Bldg, Justice Center) – he spoke of number of people in the justice center at one time with only one exit – inadequate egress – another problem at the building is the fire sprinkler system which is in violation of life safety code and the air conditioners (using halls as return air which is in violation of life safety code). Commissioner Ingalsbe advised that the facility committee recommends that a new county facility be addressed during the FY2005 budget process – the need is immediate – committee recommends funding through certificates of obligation. [T2-132] County Auditor Bill Herzog spoke of lease/purchase option would be difficult which leaves General Obligation & Certificate of Obligation Bonds which are meant for immediate needs like this – the interest rate on bonds will continue to increase. Commissioner Molenaar spoke of rate of growth. Commissioner Ingalsbe spoke of it being time to address these needs. She spoke of survey that was passed out to citizens and came back with a majority indicating poor conditions. Judge Powers spoke of not being ready to make a decision at this time. Bill Herzog advised that \$30 million would increase taxes 2 cents, however, this could be divided out over the next two years (\$15 million per year). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to instruct Auditor to include in the proposed budget, funding for a new government building** Motions withdrawn.

21976 PRESENTATION OF THE COUNTY JUDGE'S PROPOSED FY2005 HAYS COUNTY BUDGET AND ACTION TO SET FUTURE BUDGET WORKSHOP DATES AND TIMES

[T2-401] Judge Powers presented his proposed FY2005 Hays County Budget. Commissioner Carter left the meeting at this time. **Budget highlights:** Valuations increased from \$6,219,522,602 to \$6,775,176,010 – an increase of \$555,653,408 which includes new improvements of \$484,054,830. The current tax rate is 44.61¢, effective tax rate is 43.58¢, and the proposed tax rate is 46.30¢. The proposed tax rate represents a 1.69¢ increase in the current tax rate and an increase over the effective tax rate of 2.72¢ of which 1.0¢ is for new debt for voter approved road bonds. 1¢ of tax rate in FY2004 generated \$590,855 and 1¢ of tax rate in FY2005 will generate \$643,642. Taxes generated this year FY2004 = \$26,323,209 and taxes generated new year FY2005 = \$29,763,638. Included in the FY2005 budget are: 4% for merit increases as determined by department heads; health insurance increases for reserves of approximately \$300,000 (10%); \$243,000 for housing Hays County adult prisoners out of county; 16 new positions (effective 4/1/05); requires a use of General Fund Reserves of \$346,359 for TxDOT/Cabellas\ infrastructure improvements, election equipment lease payment and new scales for DPS; requires a use of Road & Bridge Reserves of \$236,494 for road equipment; and 4% salary increase for Elected Officials that have salaries set by Commissioners' Court. A proposed Budget Calendar was considered. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to have budget workshop on Monday August 16 @ 10a.m and Tuesday August 17th after Commissioners Court. All present voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 10, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16th DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

21977 **FY2005 HAYS COUNTY BUDGET WORKSHOP WITH ACTION**

PRECINCT 4 OFFICE SPACE/FACILITY

Commissioner Molenaar made a motion, seconded by Commissioner Burnett to earmark money received from sale of Dripping Springs Triangle (apprx \$224,000) for a new building site for Precinct 4 offices. County Auditor Bill Herzog advised that the money is currently in reserve funds. Discussion was had regarding \$2,000 currently used for lease of office that would go towards the payment on the new facility. Commissioner Carter suggested looking at all office space needs as a whole package. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

TREASURER'S OFFICE [T1-233]

County Treasurer Michele Tuttle spoke of struggling to keep up with the workload in her office. She spoke of added reports that are required of her office by the State and the credit card program that was started. The Adult Probation employees will be taken off our insurance plan and the retirees from that department will have to be kept on the county plan. She spoke of work to be done by new part-time employee being requested. This position was included in the budget [effective 4/1/05]

DPS OFFICE [T1-344]

DPS Sgt. Mike Holmes spoke of utilities at the southbound weights station – budgeted amount will not cover the actual cost. \$1180 increase is being requested. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to increase utilities line item for DPS/License & Weights in the amount of \$1,180 – total of \$2280. Burnett not present to vote All present voting "Aye".

GREATER SAN MARCOS ECONOMIC DEVELOPMENT COUNCIL [T1-390]

Dan Rogers, Executive Director of the Greater San Marcos Economic Development Council spoke of increase being requested – he spoke of working with other communities in the county. They are working aggressively to bring economic development to this area to offset cost of property taxes.

JUVENILE PROBATION [T1-568]

Discussion was had regarding "other" line item in this budget. County Auditor Bill Herzog spoke of use of these funds. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to change "other" line item to "juvenile expenses". All voting "Aye".

INFORMATION TECHNOLOGY

Line Item 5429 - Software to help assist in determining payments and statistical data for indigent health care. A motion was made by Judge Powers, seconded by Commissioner Carter to eliminate \$16,500 line item #5429 Internet Databse Svcs and have Jeff McGill look into this item. All voting "Aye".

SHERIFF'S OFFICE

Commissioner Carter spoke of \$150 in "other" line item and the \$8,000 tilting skillet being requested. Commissioner Ingalsbe asked about increase in telephone/fax/data line expense. [T1-972] Fire Marshal Mark Chambers spoke about radio systems being considered – FCC rules mandate that we must change our radio system. We are going to have to replace all our radio equipment – a minimum of 3 tower sites are needed and preferably 5 towers (\$1 million per site). LCRA already has towers and we could lease them, which would eliminate the need for us to purchase and maintain tower sites. LCRA has committed to building a tower in the Wimberley area if we agree to go on their system – that would give us 5 tower sites in Hays County. Commissioner Ingalsbe asked about funding for replacement radios – she is concerned about purchasing radios that will have to be replaced when we go on the LCRA system. Mark Chambers advised that LCRA does not want us on their system until the Wimberley Tower is built – that would probably be in about one year. Chief Deputy Sheriff Regis D'Arza spoke of need for radios in replacement cars (used when a unit is down). He advised that they will look closer at the replacement radio requests. Commissioner Ingalsbe asked about purchase of seven tazers – she thought they were suppose to be purchased with grant funds. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to eliminate "other" line item from the Sheriff's Dept. budget. All voting "Aye".



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Court recessed for lunch. Commissioner Carter was not present.

JUSTICE OF THE PEACE PCT. 3 [T1-1735]

J.P. 3 Andy Cable spoke of sharing a clerk at the present time with the Commissioner in Pct. 3. He requested a fulltime clerk in his office because of increase in workload. He spoke of increase in revenue that has been generated since he took office. Commissioner Burnett spoke in support of this request. JP3 currently has one fulltime clerk and utilizes the Commissioner's clerk. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to include a fulltime clerk for JP3 effective April 1, 2005 with money to come from line item #5429 (Information Technology budget). Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Ingalsbe voting "No".**

Commissioner Carter came to meeting during the following discussion.

EXTENSION OFFICE [T1-1980]

Susan Schramm spoke of concern that fuel/lubes line item was cut from \$1500 to \$1200 – they may run short even with \$1500. County Auditor Bill Herzog advised that there may be other line items that this shortfall could come out of. Susan Schramm spoke of fuel averaging \$242 per month for fuel.

ENVIRONMENTAL HEALTH DEPT [T1-2145]

Environmental Health Director Allen Walther spoke of fuel costs and postage expenses for Environmental Health.

CAPCO/911 ADDRESSING MAINT GRANT [T1-2220]

GIS/911 Addressing Programs Manager Steve Floyd spoke of contract services – payment is due annually (in August) and are not yet reflected in the YTD expenses. \$93,545 is allocated from CAPCO, therefore, budget needs to be bumped up to match the revenue from CAPCO. County Auditor Bill Herzog advised that the \$93,545 is reflected in the revenue section of the budget. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to increase line item for contract services from \$5,000 to \$8,335 (\$3,335 increase). All voting "Aye".** Steve Floyd spoke of temporary personnel (intern @ \$10 per hour) request. This was moved into staff salaries. Steve Floyd spoke of map books – he wanted to invest in internet mapping software that would be accessible on the county internet site. Software is \$8,000 X 2 = \$16,000 + \$2,000 annual software mtc. – could taylor one of the map servers for use by emergency personnel (information needs to be made available in a way that would accommodate air cards by emergency personnel). We could use at least one server to be utilized by the public – this would have the most current information available. He spoke of wanting to burn the map pages to a CD that could be made available instead of hard copy books.

BUDGET WORKSHOP SCHEDULE

A motion was made by Judge Powers, seconded by Commissioner Carter to schedule a budget workshop for Monday @ 10a.m. All voting "Aye".

On Tuesday the court will vote on a proposed tax rate.

Court was adjourned.

I, **LEE CARLISLE, 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 **AUGUST 16, 2004**.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17th DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Roger Kew appeared representing "The Friendship Alliance" – they are concerned about fiduciary responsibilities – he suggested that \$30 million may not even be enough to build a county office complex. The citizens would like to be involved in the project.

Charles O'Dell, Director of Hays CAN, spoke of higher taxes and increased spending – he urged the county to tighten its operating budget and spend more wisely.

21978 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$179,297.41 as presented by the County Auditor. All voting "Aye".

21979 APPROVE BUDGET AMENDMENT #04-28

Proposed budget amendments were as follows: Human Resources - \$500 transfer from telephone into books for TAC salary survey data Sheriffs Office & Jail Operations - \$103,925 transfer between various line items as needed Fire Marshal - \$900 transfer from continuing education into misc/emergency supplies Road & Bridge Operations - \$457,550 transfer for materials, road work & signs for bal of FY04 from personnel savings. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-28 as proposed by the County Auditor. All voting "Aye".

21980 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$5,000 TOBACCO COMPLIANCE BLOCK GRANT FROM THE TEXAS COMPTROLLER'S OFFICE

The Texas Comptroller's Office is making block grants available to counties and cities to be used by local law enforcement agencies to enforce Subchapter H and N. Chapter 161 of the Texas Health and Safety Code. The goal is to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons under the age of 18. Grant funds can be used for the following compliance activities: (1) on-site inspections of tobacco permitted retail outlets for the unlawful sale of products; (2) on-site inspections that may result in the issuance of citations; (3) compliance education for the community, retailers, and school children; (4) monthly/quarterly activity reports to the Texas Comptroller. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept a \$5,000.00 Tobacco Compliance Block Grant from the Texas Comptroller's Office. All voting "Aye".

21981 APPROVE REAPPOINTMENT OF CHARLES BLANKENSHIP TO THE HILL COUNTRY MHMR CENTER BOARD OF TRUSTEES FOR A TERM FROM SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2006

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointment of Charles Blankenship to the Hill Country MHMR Center Board of Trustees for a term from September 1, 2004 through August 31, 2006. All voting "Aye".

21982 ACCEPT INTERNAL EXAMINATION REPORTS FOR THE JUSTICE OF THE PEACE, PRECINCT 1, PLACE 2 OFFICE AND THE COUNTY CLERK

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept internal examination reports for the Justice of the Peace Precinct 1 Place 2 office and the County Clerk. All voting "Aye".



21983 AWARD OF BID #2004-B15 FOR BRUSH CUTTING AND OTHER SERVICES TO ASPLUNDH TREE EXPERT COMPANY

Purchasing received only one bid for brush cutting and other services. Other vendors were contacted as to why they did not bid and the responses were that they could not take on anymore work or they didn't feel they had the equipment to hand to job. Asplundh Tree Expert Co. has had our contract for the past 3 years and have performed a good job for the county, therefore, it is the recommendation of Purchasing and the Road Dept. to award the contract to Asplundh. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award bid #2004-B15 for "brush cutting and other services" to Asplundh Tree Expert Company. All voting "Aye".**

Clerk's Note: Agenda Item #7 RE: GRANDE VISTA [PCT. 2 #04-2-050, 19 LOTS] - APPROVE PRELIMINARY PLAN was PULLED. No discussion and no action taken.

21984 RANCHO LADERA [PCT. 3 #04-3-036, 8 LOTS] - FINAL PLAT APPROVAL AND GRANT VARIANCE FROM MAXIMUM LENGTH OF SHARED ACCESS DRIVEWAY [T1-117]

Environmental Health Director Allen Walther advised that the shared access driveway slightly exceeds county standards and he gave staff recommendation for variance and final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar To grant a variance from maximum length of shared access driveway and approve final plat of "Rancho Ladera". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

HIGHLANDS SECTION C RESUBDIVISION OF LOT 30 [PCT. 4 #04-4-043, 3 LOTS] - PUBLIC HEARING [T1-140]

Judge Powers declared the public hearing open. Elizabeth Baker (resident of the Highlands) spoke of paperwork she received when she bought her property that restricted lot size to 5 acre minimum. Subdivision Coordinator Jon Thompson read from the recorded restrictive covenants #5 allowing resubdivision into 2 or more smaller tracts. He advised that there have been other resubdivisions in this subdivision. Commissioner Carter felt like more research is needed regarding restrictive covenants. Commissioner Molenaar advised that other items need to be completed before final approval is given. The public hearing was closed. No action was taken at this time.

Clerk's Note: Agenda Item #10 RE: PATRICIA FALLS [PCT. 4 #04-4-052, 3 LOTS] - APPROVE FINAL PLAT was PULLED. This item was posted incorrectly as a resubdivision.

21985 BELTERRA PHASE 2 SECTION 2 [PCT. 4 #03-4-076] - RELEASE CONSTRUCTION FISCAL AND ACCEPT MAINTENANCE FISCAL [T1-277]

County Road Engineer Supt. Jerry Borcharding gave staff recommendation for release and acceptance as requested. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal for "Belterra Phase 2 Section 2". All voting "Aye".**

21986 ACCEPT BID ON PROPERTY HELD IN TRUST (DELINQUENT TAX PROPERTY)

[T1-288] County Tax Assessor-Collector Luanne Caraway spoke of property and bid received. This property consist of a mobile home which is in a serious state of disrepair - tax years in judgment date back to 1993. Both the City of San Marcos and San Marcos CISD have accepted the bid and she recommends acceptance by the county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept bid of \$593.42 for personal property held in trust, consisting of a mobile home (Acct. #12-5200-1990-02801-3). All voting "Aye".**

21987 ESTABLISH A 501(C)(3) NON-PROFIT FOUNDATION FOR THE SOLE PURPOSE OF HOLDING LAND FOR HAYS COUNTY FOR FUTURE PARKS AND OPEN SPACE

[T1-343] Jim Green thanked the court for proceeding with a 501c3 non-profit foundation for park projects. Grants Administrator Richard Salmon spoke of purpose for this non-profit foundation for the sole purpose of holding land for future parks and open space - he spoke of grants received for Dudley Johnson Park - he spoke of lengthy period of time involved in the grant process. Jim Green invited everyone @ 10AM for dedication of Vettors Parks at Dudley Johnson Park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to establish a 501(c)(3) Non-profit Foundation for the sole purpose of holding land for Hays County for future parks and open space. All voting "Aye".**



21988 APPROVE A RESOLUTION IN SUPPORT OF A PROPOSED REGENT CARE CENTER

[T1-508] Commissioner Ingalsbe spoke of proposed nursing home project and need for additional beds in Hays County. They are only asking for support of need. Gary Allen, Regent Care Services, spoke of nursing homes they own and operate – they are going to apply for a community needs waiver and a resolution of support is necessary. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a resolution in support of a proposed Regent Care Center. All voting "Aye".**

21989 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY RELATING TO THE FAILURE TO APPEAR PROGRAM WHICH ASSISTS COUNTIES IN COLLECTION OF VIOLATIONS [T1-623]

Deputy Constable Pct. 1 Clemente Verastegui spoke of difficulty in collection of fines and fees when defendants have moved out of Hays County – he spoke of program that would help them in collection. Charles Brothers, President of Omnibase Services of Texas, explained their FTA Program. There is no cost to participate but requires computers and staff to enter offenses and collection of \$30 FTA fee. Their database totals since program inception: total offenses entered = \$2,653,700 and total offense cleared = 1,436,567 with a clearance rate of 54.1%. The \$30 FTA fees is distributed as follows: \$20 to DPS \$6 to Omnibase \$4 to County. Constable Pct. 1 Lupe Cruz spoke of fees that were generated by adding his warrant officer and this service would provide even more funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the Texas Department of Public Safety relating to the failure to appear program which assists counties in collection of violations. All voting "Aye".**

21990 APPROVE RENEWAL CONTRACT BETWEEN HAYS COUNTY, TEXAS AND FIRST SOUTHWEST COMPANY FOR A TERM OF FIVE YEARS [T1-817]

Dan Wegmiller, First Southwest Company, gave an overview of the current contract – no changes. They are in the process of preparing paperwork to sell road bonds. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve renewal contract between Hays County and First Southwest Company for a term of five years from date of renewal. All voting "Aye".**

Clerk's Note: Agenda Item #17 RE: ACTION REGARDING FINANCING OPTIONS RELATING TO A HAYS COUNTY OFFICE COMPLEX was PULLED. No discussion and no action taken.

21991 HAYS COUNTY BUDGET WORKSHOP WITH ACTION ON PARTICULAR BUDGET LINE ITEMS MAY FOLLOW AS WELL AS POSSIBLE ADOPTION OF A PROPOSED BUDGET. FURTHER DISCUSSION AND ACTION MAY INCLUDE SETTING DATES AND TIMES OF FUTURE BUDGET WORKSHOPS [T1-864]

Commissioner Burnett was not present at beginning of this agenda item.

COUNTY RETIREES

Britany Richey spoke of Retiree Committee meeting that was held – they recommend no changes to the current retirement requirements, continue Unicare insurance as a supplement to Medicare for those retirees over 65 as a cheaper option, and cost of living increase of 2% to current retirees. County Auditor Bill Herzog spoke of having funds in the new budget (insurance line item) that could be used to fund the 2% increase = \$9,127.53 so it would not affect the tax rate. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to continue with the current retirement plan which offers supplemental insurance to Medicare And approve a COLA increase of 2%. Judge Powers and Commissioner Molenaar voting "Aye". Commissioner Ingalsbe and Commissioner Carter abstained [Their fathers are county retirees] MOTION FAILED.**

Commissioner Burnett came back to the meeting during this item.

DISTRICT CLERK'S OFFICE

District Clerk Cecelia Adair spoke of request she made for grade changes. Human Resources Director Luis Gonzales felt like this change was made last year and budget needs to be updated. Cecelia Adair spoke of 2 new employees she requested that were reduced to one employee for ½ year (beginning April 1st). She spoke of continuing education (\$1,000) and records preservation (\$74,000 needed). County Auditor Bill Herzog advised that there is \$75,000.00 in the records preservation fund which has not been allocated to any department and can be utilized by various departments. He requested a plan that could be voted on by the court.

CONSTABLE PCT. 3

Constable Pct. 3 Ron Magill spoke of salaries for Constable – they are requesting parity equal to salary of Sheriff's Sgt. He gave the history of salary increases given to the Sheriff's Dept. and he spoke of responsibilities of Constables and asked why they were given less money than the lowest paid supervisors in the Sheriff's Dept.



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PAWS

Commissioner Carter asked about expenses going up – she is concerned that all communities get the same treatment – they should all be charged on the same system. Judge Powers spoke of fee based on population figures. County Auditor Bill Herzog advised that \$13,040 was collected from cities.

ROAD DEPARTMENT

Road Engineer Supt. Jerry Borcharding advised that he was given less money this year than last year (\$230,476 reduction). County Auditor Bill Herzog advised that last year he had an increase because of roll over funds and he does not have the same amount of roll over funds this year. Jerry Borcharding advised that he will still have a good year FY2005 with the amount of funds budgeted, however, he will have to make some adjustments in each precinct.

RETIREE BENEFITS

[T1-1836] A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to keep the current retirement requirements, continue to offer supplemental insurance to medicare, and provide a cost-of-living increase of 2% at a cost of \$9,127.53 to be taken out of overages in the insurance line item. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter abstained. Motion PASSED.

[T1-1877] County Auditor Bill Herzog gave an update of changes made so far.

HAYS COUNTY SOIL & WATER CONSERVATION DISTRICT

Commissioner Ingalsbe spoke of page 7 expenditures for Hays County SWCD#51 – she received info that the Upper SM Watershed District is maintaining the dams – she felt like we need more info from HCSWCD as to what they do. Commissioner Molenaar advised that he will have someone appear before the court next Monday.

Clerk's Note: Agenda Item #19 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY CAUSE NO. 0325 was PULLED.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 AUGUST 17, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILLIAM "BILL" BURNETT
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

FY2005 HAYS COUNTY BUDGET WORKSHOP

HAYS COUNTY SOIL & WATER CONSERVATION DISTRICT

Jan Thompson, Chairman of the Hays County SWCD, spoke of concern about removal of \$4,400 in funding. She spoke of Texas State University interns that work in their office that are dependent on this funding and she spoke of services (technical assistance) provided by these interns. She spoke of programs assisting in the watersheds in Hays County. Commissioner Ingalsbe spoke of previous meeting regarding HCWCD in which the court was advised that they monitor the dams and she asked what services are provided. ? Finch [T1-115] spoke of checking dam sites to make sure they are functioning properly. Jan Thompson advised that the state will match the \$4,400 funded by the county. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to keep funding for the Hays County S&WCD in the budget. All voting "Aye".**

UPPER SAN MARCOS WATERSHED DISTRICT

Bill Taylor, USMWD Administrator, spoke of operations and maintenance of the dam structures is the responsibility of the county and has not been done very well – he spoke of maintenance that needs to be done on the dams. He has spoken with Tim at the Road Dept. regarding need for continued maintenance. He spoke of the USMWD being a taxing authority to pay for bonds used to purchase the property for these structures.

DISTRICT ATTORNEY [T1-265]

District Attorney Mike Wenk spoke of staffing crisis in his office – new positions budgeted are to be effective April 1, 2005, however, they were needed a year ago. He spoke of amount of law enforcement officers that have been added in this county over the last 14 years (151 officers) which has created an explosion of cases being filed in his office. He spoke of the number of positions in other District Attorney offices in this area (double the staff). He spoke of the added courtroom at the Justice Center – they now have two district judges on the bench at the same time and they cannot maintain the volume of prosecutions they are doing with the staff they have. New positions are: 1 Assistant DA, 1 Investigator, & 1 staff member – it will cost \$74,000 to start these positions Oct. 1, 2004.

SAN MARCOS/HAYS COUNTY EMS [T1-490]

Commissioner Ingalsbe spoke of agreement between Hays County, City of San Marcos, & the SM/HCEMS. The City of San Marcos increased their funding to \$228,000 and the county is obligated to match those funds. She spoke of 59% of the calls are within the city limits of San Marcos & 41% of the calls are out in the county. The City of Kyle is providing \$100,000, the City of Dripping Springs provides \$395,000, and the City of Buda provides \$295,000. Commissioner Ingalsbe advised that she will have Tom Partin appear tomorrow.

AUSTIN/SAN ANTONIO COORIDOR COUNCIL [T1-636]

Commissioner Burnett advised that they are working towards a commuter rail line from San Antonio to Austin and we need to be part of the decision making process. \$4750 is budgeted.

WIMBERLEY INSTITUTE OF CULTURE [T1-708]

Commissioner Burnett spoke of WIOC being a catalyst in putting a community center in Wimberley – it will have a public swimming pool and preserve the Winters House (oldest building in Wimberley). Special Counsel Jacqueline Collum Murphy spoke of programs that can be funded by counties – it is a policy decision.

COUNTYWIDE OPERATIONS

Discussion was had regarding line items #5329 = \$10,000 for JP Warrant & Other Fee; #5743 = \$150,000 for Infrastructure Improvements for Cabella's Project (TxDot); & #5473 = \$175,052 for election equipment lease.

PERSONNEL [T1-1033]

Discussion was had regarding adding personnel October 1st vs April 1st. The Sheriff has proposed to reduce his budget: \$49,400 in equipment & \$7,600 by reverting a Capt. position to a Lt. Position. Commissioner Ingalsbe suggested making personnel changes on January 1st instead of April 1st.



County Auditor Bill Herzog provided a list of budget considerations thus far:

<u>DEPT</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
Precinct 4	01-414-5742 Pct. 4 office complex	\$224,000 reserves
DPS/L&W	01-470-5480 Utilities	\$ 1,180
Indigent Care	01-408-5429 internet data base software	\$ (16,500)
JP#3	01-427-5021 Staff salaries	\$ 12,444
	01-427-5101 Fica/Ret	\$ 2,050
	01-427-5160 Insurance	\$ 1,851
CAPCO 911 Addr	01-727-5448 contract services	\$ 3,335
	01-727-5449 temp personnel	no action \$ 6,000
	01-727-5461 printing	no action \$ 7,000
Environmental Health	01-411-5271 fuel & lubes	no action \$ 3,000
Greater SM Econ	01-407-5851 Greater SM Econ Dev	no action \$ 36,250
Extension Office	01-403-5271 fuel & lubes	no action transfer line item
District Clerk	01-416-5021 Staff salaries	no action \$ 12,444
	01-416-5101 Fica/Ret	no action \$ 2,050
	01-416-5160 Insurance	no action \$ 2,777
Retirees	Retirement	\$ 9,127
	Health Insurance	(\$ 9,127)
TOTAL		\$ 4,360 \$ 69,521

Bill Herzog also provided a list of future projects:

Road Bonds – remaining	\$30,000,000
County Office Complex	\$30,000,000
TxDot – Cabellas	\$ 500,000
Kyle Office Complex	\$ 500,000
Jail Expansion	\$10,000,000
Radio System	\$ 1,000,000
Computer Equipment & Software	\$ 1,000,000
Election Equipment	\$ 1,000,000
TOTAL	\$74,000,000

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 23, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Margaret Mills [T1-28] spoke of her concern about letting go of what might be a pretty sure case in court (Papalote lawsuit). Bruce Renfro [T1-55] spoke of dropping the frivolous open records lawsuit filed by Papalote Homes and the money that has been and will be spent. [his entire statement was submitted in writing]. [Paula Renfro & Susan Cook yielded their public comment time to Charles O'Dell] Charles O'Dell [T1-95], Director of Hays CAN, spoke of the Heatherwood development and well permits applied for through the Hays Trinity Groundwater Conservation District and he gave a brief history of events regarding this development. [his entire statement was submitted in writing] Commissioner Molenaar responded to the statement given regarding the \$100,000.00.

21992 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$267,794.99 as presented by the County Auditor. All voting "Aye".

21993 APPROVE BUDGET AMENDMENT #04-29

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-29 as proposed by the County Auditor. All voting "Aye".

21994 APPROVE UTILITY PERMITS

The following utility permits were submitted by the Road Department for approval: #01721 on CR158/Fairview Drive issued to Guadalupe-Blanco River Authority, #01722 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority, and #01723 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permits # 01721, 01722, & 01723 as submitted by the Road Department. All voting "Aye".

21995 APPROVE SPECIFICATIONS FOR "ROAD BUILDING MATERIALS" BID #2004-B16 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "Road Building Materials" Bid #2004-B16 and authorize Purchasing Agent to solicit for bid and advertise. All voting "Aye".

21996 APPROVE AWARD OF BID #2004-B13 FOR METAL PIPE TO WILSON CULVERTS

This bid was originally approved to be awarded to two vendors: Wilson Culverts and Contech Construction Products. After review of award, Contech Construction Products has determined that it will not be economical for them to accept the partial award, therefore, Wilson Culverts would be the vendor to receive award of all items on this bid. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve award of bid #2004-B13 for metal pipe to Wilson Culverts. All voting "Aye".

Clerk's Note: Agenda Item# 6 RE: ELM CREEK RANCH [PCT. 2 #04-2-050, 19 LOTS] * APPROVE PRELIMINARY PLAN was PULLED by Commissioner Carter.



21997 PATRICIA FALLS [PCT. 4 #04-4-052, 3 LOTS] * APPROVE FINAL PLAT [T1-228]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter spoke of not receiving the information she requested. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Patricia Falls". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21998 DOS LAGOS [PCT. 4 #04-4-054, 38 LOTS] * APPROVE PRELIMINARY PLAN [T1-254]

Al Brown, Director and Board Member of Hays Trinity Groundwater Conservation District, spoke of review given to this subdivision and they concluded that the study complies with county requirements and gave their recommendation. He advised that they have incorporated the information into their database and he spoke of monitoring of the Robinson well. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan – no action is requested for variance to road standards pertaining to sizing of drainage facilities at this time. **A motion was made by Commissioner Burnett, seconded by Judge Powers to approve preliminary plan of "Dos Lagos" subdivision. Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "Aye", Commissioner Carter voting "No", and Commissioner Molenaar abstained. MOTION PASSED.**

21999 HEATHER HILLS [PCT. 4 #01-4-038] * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE MAINTENANCE FISCAL AND ACCEPT STREETS FOR COUNTY MAINTENANCE [T1-414]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation to establish traffic regulations, release the maintenance fiscal security and accept "Heather Hills Drive" for county maintenance. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to establish comprehensive traffic regulations of 25MPH speed limit and a STOP sign on Heather Hills Drive at Oak Forest Drive, release the maintenance fiscal security and accept "Heather Hills Drive" into the county maintenance system. All voting "Aye".**

22000 CALL FOR A PUBLIC HEARING ON SEPTEMBER 7, 2004 TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS IN ALL SECTIONS OF BELTERRA SUBDIVISION THAT HAVE COURT APPROVAL OF ROAD CONSTRUCTION [T1-458]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on September 7, 2004 to establish comprehensive traffic regulations in all sections of Belterra Subdivision that have court approval of road construction. All voting "Aye".

22001 CALL FOR A PUBLIC HEARING ON SEPTEMBER 7, 2004 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON SHELTON RANCH ROAD [T1-467]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on September 7, 2004 to establish traffic regulations (speed limit) on Shelton Ranch Road. All voting "Aye".

22002 CALL FOR THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004 [T1-473]

Elections Administrator Joyce Cowan advised that this is a necessary action for the court to take. Early voting will be conducted each weekday at the elections office beginning on October 18, 2004 and ending on October 29, 2004 between the hours of 8:00a.m. and 5:00 p.m. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for the General Election to be held on November 2, 2004 for the purpose of electing county and precinct officers as required by Article XVI, Section 6 of the Texas Constitution. All voting "Aye".**

22003 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 2, 2004 GENERAL ELECTION [T1-499]

Elections Administrator Joyce Cowan advised that there was one change (from St. Mary's to Chapel in the Hills – Wimberley site) and the rest are the same as they have been. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt the early voting schedule for the November 2, 2004 General Election as submitted by the Hays County Elections Administrator. All voting "Aye".**

22004 APPROVE LEASE CONTRACT WITH BANK ONE LEASING CORPORATION FOR FINANCING OF HAYS COUNTY VOTING EQUIPMENT [T1-518]

Elections Administrator Joyce Cowan spoke of money that is being sought to help fund this purchase. **A motion was made by Judge Powers, seconded by Commissioner Carter to approve lease contract with Bank One Leasing Corporation for financing of Hays County Voting Equipment. All voting "Aye".**



DISCUSSION REGARDING RETURN TO THE PROCESS OF AUDIO TAPING THE HAYS COUNTY COMMISSIONERS COURT EXECUTIVE SESSION RATHER THAN SIMPLY CREATING A "CERTIFIED AGENDA" [T1-569]

Charles O'Dell, Director of Hays CAN, spoke in support of taping the executive sessions. Commissioner Carter spoke of need for a clear record of what goes on in closed executive session. Special Counsel Jacqueline Cullom Murphy spoke of clerks concern about taping the executive sessions. Commissioner Carter spoke of attorney general's opinion. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to return to the process of audio taping the Hays County Commissioners' Court Executive Session rather than simply creating a "certified agenda". Commissioner Burnett stated that he would like to hear County Clerk Lee Carlisle's opinion and requested postponement until next week. Motions were withdrawn. This item to be reconsidered next week.

22005 EXTEND THE CONTRACT PERIOD IN THE AGREEMENT BETWEEN CTMA AND HAYS COUNTY THROUGH SEPTEMBER 30, 2004 AND AMEND THE BUDGET ACCORDINGLY [T1-661]

Commissioner Ingalsbe spoke of need for more time to hire a nurse practitioner and for transition of patient files. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to extend the contract period in the agreement between CTMA and Hays County through September 30, 2004 and amend the budget accordingly. All voting "Aye".

22006 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 16 - HAYS COUNTY/TC&B/LAN (ROW ACQUISITION SERVICE) [T1-678]

Bob Sutton, TC&B, explained the supplemental work authorization being considered. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 16 - Hays County/TC&B/LAN (ROW acquisition service). All voting "Aye".

Clerk's Note: Agenda Item# 18 RE: APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 19 - HAYS COUNTY/TC&B/LAI (WIMBERLEY BYPASS) was PULLED because action was taken on this item in a previous meeting (8/10/04).

22007 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 12 - HAYS COUNTY/TC&B/FUGRO (GEOTECHNICAL SERVICES - US 290) [T1-780]

Bob Sutton, TC&B, explained the Supplemental Work Authorization No. 3. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization NO. 3 to Work Authorization No. 12 - Hays County/TC&B/FUGRO (Geotechnical services - US290). All voting "Aye".

22008 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF BUDA TO PROVIDE 911 ADDRESSING SERVICES WITHIN ITS CITY LIMITS [T1-876]

A motion was made by Judge Powers, seconded by Commissioner Carter to approve interlocal agreement with the City of Buda to provide 911 Addressing Services within its city limits. All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY CAUSE NO. 0325. ACTION MAY FOLLOW IN OPEN COURT [T1-892]

The Court convened into closed executive session at 10:15 a.m. and reconvened into open meeting at 11:15 a.m. Judge Powers advised that no action will be taken.

**22009 HAYS COUNTY BUDGET WORKSHOP WITH ACTION [T1-898]**

Ross Malloy spoke of the **SAN ANTONIO/AUSTIN CORRIDOR COUNCIL** – it is a public/private partnership which is trying to find solutions for traffic congestion on IH35. 75% of truck traffic from Mexico is traveling on IH35 – their 3-prong strategy is to complete State Highway 130, relocate union pacific railway, and develop a passenger rail system. They have no statutory authority, however, they are advocates for transportation – they raise money for transportation projects.

P.A.W.S.

Patti Rudick, P.A.W.S. Executive Director, spoke of per capita basis for determining fees. She spoke of increase in animals being brought to PAWS by the county and the increase in funding being requested and she spoke of services being provided. \$120,000 was budgeted in the contract services line item #01-494-5448 under Animal Control. Mrs. Rudick spoke of having no more room for additional animals and she is concerned because the court is adding another animal control officer. She spoke of more enforcement of ordinances and fines may help the situation. **A motion was made by Commissioner Carter to add \$3,766 to animal control budget for contract services. Motion was withdrawn.**

SAN MARCOS/HAYS COUNTY EMS [T1-1544]

Tom Partin spoke of need for one additional unit (primary transfer unit & backup unit) – they are operating 2 in San Marcos, 1 in Kyle, 1 in Buda, & 2 in Dripping Springs. In 2003 they had 434 times that the San Marcos/Kyle unit was not available – Wimberley has their own EMS. He spoke of revenue generated by transfers/transport and their units are staying busy with emergency calls. They have a vehicle that can be utilized, however, they need money for staffing that unit (requires 6 personnel for each unit to cover 24/7).

ELECTIONS OFFICE [T1-1700]

Commissioner Ingalsbe spoke of need to remember that we will be taking possession of our new voting equipment and there is no place to store it at this time – must be climate controlled. Elections Administrator Joyce Cowan spoke of amount of space needed – HART Intercivic has stated that they will keep the equipment until May 2005 and she emphasized that security is important wherever the equipment is stored. Commissioner Molenaar suggested storing voting equipment at various locations throughout the county.

ELECTED OFFICIALS SALARIES [T1-2158]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnet to advertise elected officials salary increase of 4%. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

SHERIFF'S DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to reduce the Sheriff's budget \$49,400 in line item #01-418-5715 misc. equipment. All voting "Aye".

Court recessed until 1:30 p.m. Commissioner Molenaar was not present when court reconvened. [T1-2450]

ROAD DEPARTMENT

Proposed changes in the Road Dept. budget were: Increase fuel & lube line item to \$214,000, increase contract hauling/materials to \$150,000, increase roadway striping to \$60,000, reduce contract road work to \$653,000, increase tel/radio communication to \$30,000, increase uniform expense to \$24,000. The changes do not affect the bottom line, only line item amounts. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to adopt changes to the Road & Bridge Operations budget as proposed. All present voting "Aye".**

SHERIFF'S DEPT./CITIZENS CONCERNS [T1-2709]

Commissioner Carter asked about letters from citizens regarding Sheriff's Dept. personnel eating meals at the jail and use of county vehicles being used for private security purposes – as well as a Deputy Constable. County Auditor Bill Herzog advised that some revenue (\$1100 per year) is generated by the Sheriff's Dept. for vehicle use. Commissioner Ingalsbe spoke of security work being performed by Constable's office.

Commissioner Molenaar came to the meeting at this time.

MAGISTRATE FEE PAID TO JP'S [T1-2598]

Commissioner Ingalsbe spoke of AG's opinion regarding magistrature fees paid to JP's [GA#183]. JP3 Andy Cable would like to see magistrature allowance changed to jail duty. Attorney General's Opinion #GA-0193 states that "A county may not pay a justice of the peace amounts over and above the justice's salary for conducting inquests and serving as a magistrate". Lorraine Cheeseman advised that JP5 Lamont Ramage advised that the fee being paid is for the JP's to go to the jail on weekends and holidays. County Auditor Bill Herzog advised that \$3,000 is budgeted for magistrature and it is included in the advertised salary. **A motion was made by Commissioner Carter, seconded by Commissioner Burnett to change "magistrature allowance" to "jail duty". All voting "Aye".**

NEW PERSONNEL [T1-3237]

Commissioner Burnett spoke of District Attorney & District Clerk request that new personnel be added earlier (Oct 1, 2004) – if you allow this, you would need to allow it for all new personnel. San Marcos/Hays County EMS – requesting \$220,000 and \$162,000 budgeted.

**District Clerk**

County Auditor Bill Herzog advised that the District Clerk is asking for an additional \$1,000 over what was budgeted last year for continuing education (increase from \$1500 to \$2500). [T2-88] **A Motion was made by Commissioner Molenaar, seconded by Judge Powers to increase District Clerk's budget continuing education line item by \$1,000.** County Treasurer Michele Tuttle spoke of some elected officials serving as officers in their respective organizations and helping to get legislative changes – this would require more travel, etc. **Commissioner Carter and Commissioner Molenaar voting "Aye". Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "No". MOTION FAILED.** **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to budget \$2,000 for continuing education in the District Clerk's budget. All voting "Aye".**

Environmental Health Dept.

Fuel & lubes – additional \$3,000 was requested. [T2-225] **A motion was made by Commissioner Molenaar, seconded by Judge Powers to increase Environmental Health fuel & lubes line item by \$3,000. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

EH/GIS MAPPING/PLANNING

[T2-240] Discussion was had regarding printing expense (\$7,000) for new map books – this amount of funding is in the budget at this time and could be rolled over.

PAWS [T2-306]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to increase PAWS budget by \$3,776. All voting "Aye".

JUSTICE OF THE PEACE PCT. 5

County Auditor Bill Herzog advised that he received a request from JP5 Lamont Ramage for \$400 that is needed for an alarm system at JP5 office. **A Motion by Commissioner Molenaar, seconded by Commissioner Carter to increase JP Pct. 5 budget by \$400 to pay for alarm system. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett was not present for vote.**

SAN MARCOS/HAYS COUNTY EMS

[T2-465] Commissioner Ingalsbe advised that rural fire prevention districts will be converting to ESD's by law and only the voters can dissolve ESD's. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to fund an additional \$58,000 to the San Marcos/Hays County EMS.** Commissioner Molenaar spoke of need to look at all the ESD's to see what they are contributing to emergency services – we need a centralized EMS/ESD that is run by the county or a taxing entity. **Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye", Commissioner Carter voting "No".**

GREATER SAN MARCOS ECONOMIC DEVELOPMENT COUNCIL

Commissioner Ingalsbe spoke of the GSMEDC working with other communities to promote economic growth. Their request is for an additional \$36,250. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to fund an additional \$6,000 to the Greater San Marcos Economic Development Council. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22010 VOTE ON A PROPOSED TAX RATE INCREASE AND SCHEDULE PUBLIC HEARING ON THE TAX RATE AND BUDGET [T2-

A motion was made by Commissioner Molenaar to adopt a proposed tax rate of 47.30 - Motion died for lack of a second. A motion was made by Commissioner Carter to adopt a proposed tax rate of 43.58 - Motion died for lack of a second. **A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt a proposed tax rate of 46.30¢ and to schedule a public hearing on the tax rate and budget for September 7, 2004.** Commissioner Ingalsbe asked if adopting this tax rate would affect the office complex plan – she suggested phasing in money each year for funding this project. Judge Powers felt like we could address this in the next budget process (FY2006). **Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "Aye", Commissioner Carter and Commissioner Molenaar voting "No".**

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 24, 2004.



Lee Carlisle
**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31st DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Warren Ketterman, Director of the Buda Economic Development Council, thanked the court for all their work regarding the Cabella's project and helping Buda win the Texas Economic Development Council "Community Economic Award" and he invited the court to the conference in Dallas.

22011 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$233,320.95 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22012 APPROVE BUDGET AMENDMENT #04-30

Budgets being amended are as follows: Constable 2 \$1,100 from various line items into vehicle mtc and telephone District Court \$3,645 transfer from travel and transcription/appeals into telephone & computer eqpt Building Maintenance transfer \$36,860 from countywide contingencies into various line items Road & Bridge Operations transfer \$2,000 from staff into misc supplies. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment #04-30 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22013 APPROVE UTILITY PERMITS #01724 & #01725

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permits #01724 on CR244/Ledgerock Rd. issued to Verizon and #01725 on CR314/Spoke Hollow Drive issued to Verizon, as submitted by the Road Department. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22014 APPROVE PURCHASE OF MICROPHONE HEADSETS FOR SWAT FROM PREVIOUSLY BUDGETED FUNDS IN SHERIFF'S LAW ENFORCEMENT EQUIPMENT - COST NOT TO EXCEED \$8,005.00

Commissioner Carter spoke of Comptrollers review of counties – they recommend renting equipment instead of purchasing. Sheriff's Dept. Capt. Bo Kidd advised that these are not radio systems – they are headsets that can be utilized with a gas mask during SWAT operations. SWAT averages approximately 2 call-outs per month. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve purchase of microphone headsets for SWAT from previously budgeted funds in Sheriff's Law Enforcement Equipment, cost not to exceed \$8,005.00. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22015 RIVER OAKS OF WIMBERLEY REPLAT OF UNIT 1 SECTION 1 LOT 66 AND UNIT 1 SECTION 2 LOTS 67 & 68, AND UNIT 5 LOT 28, AND A PORTION OF VACATED R-O-W [PCT. 3 #04-3-031, 2 LOTS] * APPROVE FINAL PLAT AND WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-134]

Environmental Health Director Allen Walther advised that these lots are being combined to make larger lots – he gave staff recommendation for final plat approval and waiver of preliminary plan since this is a consolidation of four lots into two new larger lots. This plat also incorporates vacated ROW that the court vacated in May and sold to Mr. Dehart. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat and waive preliminary plan and public notification requirements for "River Oaks of Wimberley Replat of Unit 1 Section 1 Lot 66 and Unit 1 Section 2 Lot 67 & 68, and Unit 5 Lot 28, and a portion of vacated right-of-way. All voting "Aye".



22016 SKYLINE ACRES RESUBDIVISION OF LOT 10 [PCT. 3 #04-3-055, 2 LOTS] * APPROVE PRELIMINARY PLAN [T1-169]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Skyline Acres Resubdivision of Lot 10". All voting "Aye".

22017 ELM CREEK RANCH [PCT. 2 #04-2-050, 19 LOTS] * APPROVE PRELIMINARY PLAN

[T1-203] Environmental Health Director Allen Walther advised that there are 4 proposed "shared access driveways" – the lots are large – if county roads are required the developer may have to create a greater number of smaller lots. Staff recommends approval of preliminary plan. Commissioner Burnett spoke in support of this subdivision. Commissioner Carter spoke in opposition to excessive shared access driveways. A motion was made by Judge Powers, seconded by Commissioner Burnett to approve preliminary plan of "Elm Creek Ranch". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22018 APPROVE AN INTERLOCAL AGREEMENT BETWEEN SAN MARCOS CISD AND THE HAYS COUNTY HEALTH DEPARTMENT FOR USE OF SCHOOL DISTRICT FACILITIES IN THE EVENT OF A PUBLIC HEALTH EMERGENCY FOR A MASS IMMUNIZATION OR PROPHYLAXIS CLINIC [T1-302]

Gay Helmly, Health Dept. Director, spoke of this being like the other interlocal agreements throughout the county. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve an interlocal agreement between San Marcos CISD and the Hays County Health Department for use of school district facilities in the event of a public health emergency for a mass immunization or prophylaxis clinic. All voting "Aye".

22019 APPROVE CONTRACT WITH VISTA HEALTH PLAN, INC. TO BE A PROVIDER FOR MEDICAID [T1-321]

Gay Helmly, Director of Health Dept., spoke of need to have this on board when we put the Nurse Practitioner on board. VISTA Health Plan Inc. is like an HMO and they will bill for Medicaid. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve contract with Vista Health Plan, Inc. to be a provider for Medicaid. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

22020 APPROVE HEAD START PROGRAM CONTRACT WITH COMMUNITY ACTION, INC. OF HAYS, CALDWELL AND BLANCO COUNTIES [T1-373]

This is a health services agreement that provides physical examinations, immunizations and lab work on enrolled Head Start/Early Head Start children in Hays County. There is a \$12 per child fee if the child is not eligible for Title V reimbursement. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve Head Start Program with Community Action Inc. of Hays, Caldwell and Blanco Counties. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22021 APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF HEALTH, PUBLIC HEALTH REGION 7, AND HAYS COUNTY HEALTH DEPARTMENT FOR TRANSFER OF MEDICAL MATERIAL FROM THE SNS TO THE HAYS COUNTY HEALTH DEPARTMENT [T1-388]

Health Dept. Director Gay Helmly, explained the agreement which allows the State Dept. of Health to transfer medical material from the Strategic National Stockpile (SNS) to the Hays County Health Dept. so that we can effectively respond to acts of chemical, biological, radiological or nuclear terrorism or to naturally occurring public health emergencies. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a Memorandum of Agreement between the Texas Department of Health, Public Health Region 7, and Hays County Health Department for transfer of medical material from the SNS to the Hays County Health Department. All voting "Aye".



22022 DISCUSSION AND ACTION REGARDING RETURN TO THE PROCESS OF AUDIO TAPING THE HAYS COUNTY COMMISSIONERS COURT EXECUTIVE SESSION RATHER THAN SIMPLY CREATING A "CERTIFIED AGENDA" [T1-421]

Commissioner Carter spoke of AG's opinion regarding executive sessions – she feels like tape recordings would provide an effective tool to facilitate trust, accountability, and open government. Special Counsel Jacqueline Cullom Murphy spoke of it being a crime to release the tapes without a court order – the court can set rules for members of the court to access the tapes. She explained what is contained in a certified agenda (prepared by special counsel and signed by the County Judge). Commissioner Burnett felt like this would be bad policy and he spoke of liability for the Clerk's office related to tapes. County Clerk Lee Carlisle spoke in support of staying with certified agenda rather than taping executive sessions – he does not want to be accused of leaking information. Commissioner Carter felt like there is no crime if you talk about discussions in executive session – only if you use it for financial gain or to hurt someone. Jacqueline Cullom Murphy spoke of penal code provision Section 39.06 titled "misuse of official information" which constitutes a felony – she cautioned the court that there is a criminal provision that might govern what you say outside executive session and she spoke of attorney client privilege. Commissioner Ingalsbe stated that it is her understanding that we are not to release any information that goes on in executive session and she agreed that we need to follow through with an investigation if that is happening. County Clerk Lee Carlisle spoke of a 7 county survey done by his office – 3 use tapes, 2 use certified agendas, and 2 used neither – Comal County uses certified agendas. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to return to the process of audio taping the Hays County Commissioners' Court Executive Session rather than simply creating a "certified agenda". Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "No". Commissioner Ingalsbe and Commissioner Carter voting "Aye". MOTION FAILED.** Commissioner Molenaar spoke of need to ask the Sheriff's Dept. or Texas Rangers to investigate release of information from executive sessions. There are things being compromised because of leaks from executive session. He will prepare an agenda item for next week.

EXECUTIVE SESSION PURSUANT TO 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT [T1-695]

Court convened into closed session at 9:45 a.m. and reconvened into open meeting at 11:00 a.m. Judge Powers advised that no action will be taken.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 AUGUST 31, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7th DAY OF SEPTEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Jack Hugman appeared representing the San Marcos Chapter 2427 AARP - he spoke of Proposition 13 passed by the legislature which allows caps/freezes on the amount of taxes paid by senior citizens - he spoke of increase in the cost of living and difficulties being experienced by senior citizens. Commissioner Molenaar advised that the County Tax Assessor-Collector is preparing an agenda item for consideration.

Linda Anderson compared two developments in the Wimberley area - she spoke of her concerns regarding High Ridge Ranch and Cottonwood Road.

David Baker announced his opposition to the CAMPO Texas Toll Road Plan - he is opposed to making existing roads toll roads and he urged the court to vote against this. Commissioner Burnett stated that we need to urge the governor to fund roads.

22023 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$711,543.88 as presented by the County Auditor. All voting "Aye".

22024 APPROVE BUDGET AMENDMENT #04-31

The following budgets to be amended: County Judge \$500 transferred to telephone line item from dues & bonds (\$400) and cont ed (\$100) Commissioner 2 \$400 transferred from cont ed into offices supplies (\$200) and travel (\$200) Information Technology \$14,995 from various line items into countywide maint (\$8,660) and Software Pkgs (\$6,335) Human Resources \$200 transferred from employee recognition into travel (\$100) and offices supplies (\$100) R&B Operations/County Engineer \$740 transferred into office equip from staff (\$240) and office supplies (\$500) County-wide Operations \$1,216 transferred into Co Match to Eqpt & technology from law enforcement eqpt line items from Constable 1 (\$82), Constable 3 (\$161), Sheriff's Office (\$891) and Fire Marshal (\$82) DOJ/Technology '05 Grant \$12,984 transferred into law enf eqpt form revenue line items. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-31 as proposed by the County Auditor. All voting "Aye".

22025 APPROVE UTILITY PERMIT #01726 (CR196/OLD PARK ROAD)

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permit #01726 on CR196/Old Park Road issued to Verizon as submitted by the County Road Department. All voting "Aye".

22026 APPROVE SPECIFICATIONS FOR "UNIFORM SERVICES FOR HAYS COUNTY" BID #2004-B17 AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for "Uniform Services for Hays County" bid #2004-B17 and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22027 APPROVE SPECIFICATIONS FOR "HAYS COUNTY ROAD BOND PROGRAM, ROAD IMPROVEMENTS FOR HEIDENREICH LANE (CR152)" BID #2004-B19 AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for "Hays County Road Bond Program, Road Improvements for Heidenreich Lane (CR152)" Bid #2004-B19 and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



22028 APPROVE REQUEST FOR PROPOSAL SPECIFICATIONS FOR PUBLIC SAFETY MESSAGE SWITCH AND THIN CLIENT SOFTWARE FOR THE HAYS COUNTY SHERIFF'S DEPT. AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Sheriff's Dept. Capt. Sam Williams spoke of federal copsmore technology grant received by the Sheriff's Dept. to purchase 43 laptops computers for placement in vehicles – they saved some money in purchase of the hardware and the grant is restrictive on what you can use the funds for - this software will allow the officers to run drivers license, vehicle information, etc. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve request for proposal specifications for public safety message switch and thin client software for the Hays County Sheriff's Dept. and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".**

22029 APPROVE RENEWAL OF LEASE AGREEMENT BETWEEN DSISD FOR PRECINCT 4 OFFICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal of lease agreement between Dripping Springs ISD and Hays County for Precinct 4 offices. All voting "Aye".

22030 ACCEPT A DONATION FROM THE HINKLE INSULATION AND DRYWALL CO., INC. OF A USED 3 TON A/C UNIT VALUED AT \$1,500.00 FOR USE AT THE HAYS COUNTY CIVIC CENTER

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to accept a donation from Hinkle Insulation & Drywall Co. Inc. for a used 3-ton air conditioner unit valued at \$1,500 for use at the Hays County Civic Center. All voting "Aye".

Clerk's Note: Agenda Item #9 RE: AWARD 2ND CONTRACT TO CLIFF CASKEY TO SUPERVISE DAY-TO-DAY OPERATIONS OF THE FINAL PHASE OF THE BLANCO RIVER CLEANUP PROJECT WAS PULLED. No discussion and No action.

22031 APPROVE RENEWAL OF THE AUTO THEFT TASK FORCE GRANT

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal of the Auto Theft Task Force Grant. All voting "Aye".

Clerk's Note: Agenda Item #11 RE: [PCT. 3 #04-3-055, 2 LOTS] SKYLINE ACRES RESUBDIVISION OF LOT 10 * APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #12 RE: [PCT. 4 #04-4-043, 3 LOTS] THE HIGHLANDS SECTION C RESUBDIVISION OF LOT 30 * APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

22032 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (SET SPEED LIMIT) IN HILL COUNTRY RANCHES SUBDIVISION [T1-399]

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to call for a public hearing to be held on September 21, 2004 to consider establishing traffic regulations (speed limits) in Hill Country Ranches Subdivision. All voting "Aye".

22033 BELTERRA SUBDIVISION, MULTIPLE PHASES * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS [T1-410]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for action as proposed by the Road Department. Commissioner Molenaar advised that these signs are already in place but need to be established in order to enforce. **A motion was made by Commissioner Molenaar, Seconded by Commissioner Carter to establish comprehensive traffic regulations in the Belterra Subdivison as proposed by the County Road Department. All voting "Aye".**



Traffic regulations adopted are as follows:

BELTERRA PH 1 SEC 5A & 6A

STOP sign on Belterra Drive @ Trinity Hills Drive, on Belterra Drive @ Aspen Drive, on Palisade Drive @ Aspen Drive, on Monarch Lane @ Palisade Drive, on Eaton Lane @ Monarch Lane, on Eaton Lane @ Palisade Drive, on Brighton Lane @ Aspen Drive, on Granite Lane @ Aspen Drive, on Holly Court @ Brighton Lane and 30MPH Speed Limit on all streets in the subdivision.

BELTERRA PH 1 SEC 3A & 8

STOP sign on Belterra Drive @ Trinity Hills Drive, on Trinity Hills Drive @ Belterra Drive, on Lexington Drive @ Trinity Hills Drive, on Kensington Lane @ Lexington Drive, on Victoria Court @ Kensington Lane, on Stratton Court @ Lexington Drive, on Bolton Drive @ Trinity Hills Drive, on Abbey Drive @ Bolton Drive, on Oxford Drive @ Bolton Drive, on Bolton Drive @ Abbey Drive, and 30MPH Speed Limit on all streets in the subdivision.

BELTERRA PH 2 SEC 3B

STOP sign on Lexington Drive @ Kensington Lane and on Dorset Lane @ Kensington Lane, and 30MPH Speed Limit on all streets in the subdivision.

BELTERRA PH 2 SEC 6B

STOP sign on Palisade Drive @ Trinity Hills Drive, on Monarch Lane @ Palisade Drive, on Serenity Court @ Monarch Lane, on Longmont Lane @ Monarch Lane, on Trinity Hills Drive @ Belterra, and a 30MPH speed limit on all streets in the subdivision.

BELTERRA PH 2 SEC 2

STOP sign on Canterbury Drive @ Trinity Hills Drive, on Kingston Way @ Canterbury Drive, on Kingston Way @ Manchester Lane, on Canterbury Drive @ Manchester Lane, on Dorset Lane @ Manchester Lane, a 30MPH speed limit on all streets in the subdivision and 15MPH speed limit on Manchester Lane @ curves.

BELTERA PH 2 SEC 9A

STOP signs on Belterra Drive @ Abbott Drive, on Grafton Lane @ Abbott Drive, on Torrington Drive @ Abbott Drive, on Cork Lane @ Torrington Drive, on Cork Lane @ Grafton Lane, on Aberdeen Court @ Cork Lane, and 30MPH speed limit on all streets in the subdivision.

Clerk's Note: RE: Discussion with possible action to approve out-of-county vehicle use for the Code Enforcement Office = This item was in the agenda packets, however it was not on the official posted agenda. No discussion and No action taken.

22034 SHELTON RANCH ROAD * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATION (25MPH SPEED LIMIT) [T1-430]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for establishment of 25MPH speed limit on Shelton Ranch Road. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish comprehensive traffic regulation of 25MPH speed limit on Shelton Ranch Road as proposed by the County Road Department. All voting "Aye".

22035 AWARD AUDITING SERVICES TO HOLTMAN, WAGNER & COMPANY, LLP. AND AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE A CONTRACT [T1-445]

Purchasing received 5 proposals for the annual audit. After evaluation of each firm and checking references it is the recommendation of Purchasing to award the contract to Wagner, Holtman & Company LLP, based on qualifications, experience, past performance and current workload. Contract will be brought back to the court after negotiation. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to award auditing services to Holtman, Wagner & Company, LLP and authorize the County Judge to negotiate a contract. All voting "Aye".

22036 APPROVE UTILITY ADJUSTMENT AGREEMENT (HC-BOND-04) WITH HAYS COUNTY AND PEDERNALES ELECTRIC COOPERATIVE, INC., AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE - HAYS COUNTY/TURNER, COLLIE & BRADEN/PEDERNALES ELECTRIC COOPERATIVE, INC. (UTILITY ADJUSTMENT AGREEMENT) [T1-458]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve utility adjustment agreement (HC-Bond-04) with Hays County and Pedernales Electric Cooperative Inc. and authorize the County Judge to execute (Hays County/Turner, Collie & Braden/Pedernales Electric Cooperative Inc.). All voting "Aye".



22037 ACTION REGARDING THE NURSE PRACTITIONER POSITION AT THE HAYS COUNTY HEALTH DEPARTMENT [T1-474]

Commissioner Ingalsbe advised that the salary for the Nurse Practitioner was never discussed by the court and they have received only one application and the salary being requested is \$55,000. Health Dept. Director Gay Helmly spoke of gathering information from Texas State University and other counties and the difficulty in obtaining comparable information. This position is a Grade 617 with a starting salary of \$46,417. The current Nurse Practitioner (OB/GYN speciality at the Clinic) is making \$53,943.72. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to set salary at \$53,943.72 with preferred qualification of minimum of 2 years experience. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22038 ACTION TO MOVE THE POLLING LOCATION FOR PCT 447 FROM TRAVIS ELEMENTARY SCHOOL, SAN MARCOS, TX, TO THE SOUTH HAYS COUNTY FIRE STATION, 3300 HILLIARD ROAD, SAN MARCOS, TX [T1-720]

Elections Administrator Joyce Cowan recommended moving the polling location for Pct. 447 – will be a better facility for conducting the election. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve changing the polling location for Pct. 447 from Travis Elementary School (San Marcos, Texas) to the South Hays County Fire Station (3300 Hilliard Road, San Marcos). All voting "Aye".**

22039 ADOPT A RESOLUTION TO JOIN THE CITY OF SAN MARCOS FOR THE HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT ON OCTOBER 16, 2004

[T1-750] Resource Management Director Jerry Pinnix spoke in support of this event. \$6,000 is earmarked for this event. This is a countywide event that will be held at the San Marcos City Hall north parking lot. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt a Resolution to join the City of San Marcos for the Household Hazardous Waste Collection Event on October 16, 2004. All voting "Aye".**

22040 PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM THE PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR (10:00 AM). SET AND ANNOUNCE THE DATE, TIME, AND PLACE OF THE MEETING TO VOTE ON THE TAX RATE [T1-810]

Judge Powers declared the public hearing open. Joe Menard spoke of the energy plant that was built in Hays County and has now shut down – he spoke of high salaries being paid to Sheriff's Dept. Officers in Hays County. He spoke of increase in taxes, utility bills and health costs and difficulty seniors are having. Sherri Bilson spoke of promise by the court last year not to increase the tax rate. Joe Schneider spoke in opposition to a tax increase – he spoke of increase in property appraisals - he also requested that the salaries of elected officials not be increased. Clint Frankmann spoke of yearly tax increases and annual increase in property appraisals. He spoke in opposition to salary increases. Commissioner Carter spoke of people being hard pressed. Commissioner Burnett spoke of residential growth not paying for itself – we need to promote proper commercial/Industrial growth (I35 corridor). **A motion was made by Judge Powers, seconded by Commissioner Molenaar To vote on the tax rate on September 21, 2004 at @ 10:00 a.m. in the Hays County Commissioners' Courtroom. All voting "Aye".**

22041 REQUEST THE DISTRICT ATTORNEY TO RETAIN A SPECIAL INVESTIGATOR TO INVESTIGATE POSSIBLE CRIMINAL VIOLATIONS ASSOCIATED WITH THE IMPROPER RELEASE OF PRIVILEGED EXECUTIVE SESSION INFORMATION

[T1-1056] Charles O'Dell (Hays CAN) spoke of general rule of closed executive sessions – they support an investigation. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to request the District Attorney to appoint a special investigator to look into leaked executive session information or other improper conduct by any county elected official or other individuals which may have violated the law and damaged the County's interest relating to the Heatherwood lawsuits. All voting "Aye".**

PUBLIC HEARING ON THE FY 2005 HAYS COUNTY BUDGET [T1-1219]

Judge Powers declared the public hearing open. Sherri Bilson spoke of county pay raises – she does not feel like the people who previously received a 10% increase should be considered for the 4% merit increase and elected officials should not receive an increase. Public hearing was closed.



22042 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY 2005 (FOLLOWING PUBLIC HEARING ON BUDGET) [T1-1263]

County Auditor Bill Herzog spoke of published notice only showing the increases in salaries – he provided a list of county elected officials salaries. Commissioner Burnett spoke of a 10 county survey of salaries (a Waters survey done for Texas Association of Counties). Commissioner Carter spoke of \$52,000 that could be saved by forgoing elected officials salary increases and she spoke of items that could be funded with this money. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to not increase salaries and allowances for Hays County Elected Officials for FY2005. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar voting "No". MOTION PASSED.**

22043 ADOPT THE FY 2005 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES (FOLLOWING PUBLIC HEARING ON BUDGET) [T1-1416]

Ruben Garza, Director of Southside Community Center, gave the court their appreciation for support of social services – more people outside of San Marcos are requesting assistance. County Auditor Bill Herzog went over proposed changes to the budget. Commissioner Carter spoke of reducing salaries that were approved several years ago in order to reduce the tax rate. Bill Herzog advised that a \$1.75 million reduction in the budget would bring us down to the effective tax rate – the raises from 2 years ago were \$1.4 million. Commissioner Molenaar spoke of reducing the budget by rolling back all salaries given two years ago (\$2.3 million). [T1-1635] **A motion was made by Commissioner Carter to take back the Waters pay raises given to county employees two years ago (apprx. \$1.5 million savings). MOTION DIED FOR LACK OF A SECOND.**

County Auditor Bill Herzog presented the following changes to the FY2005 Hays County Budget (Pg 1):

HAYS COUNTY BUDGET FY 2005 FINAL BUDGET CHANGES Fund 10 – Health Services Fund	
Department 465 – TB	
Staff Salaries	- 4,050
FICA/Retirement	- 664
Insurance	- 557
Supplies	+ 700
Travel	+ 1,000
Other Expense	+ 500
Contract Svcs	+ 3,700
	+ 629
Department 728 – Director of Nursing	
Staff Salaries	- 2,275
FICA/Retirement	- 379
Insurance	- 115
Department 708 – Immunization	
Staff Salaries	- 11,790
FICA/Retirement	- 1,951
Insurance	- 1,563
Supplies	+ 3,908
Travel	+ 1,000
Other	+ 142
	- 10,254
Department 737 – Bioterrorism	
Staff Salaries	+ 14,780
FICA/Retirement	+ 2,178
Insurance	+ 2,213
Misc/General Supplies	- 1,430
Travel	+ 5,041
Other Expense	- 30,016
Contract Svce	+ 12,000
Misc Equipment	+ 7,628
	+ 12,394
TOTAL FUND 10	-0-

[T1-1691] **A Motion was made by Commissioner Burnett, seconded by Judge Powers to approve Page 1 of the final budget changes to the FY2005 Hays County Budget. Commissioner Molenaar was not present for vote, Commissioner Carter voting "No", Commissioner Burnett, Commissioner Ingalsbe and Judge Powers voting "Aye". MOTION PASSED.**



HAYS COUNTY BUDGET	
FY 2005	
FINAL BUDGET CHANGES	
Fund 35 - Family Health Services Fund	
Department 612 - Family Clinic	
Staff Salaries (Nurse Practitioner)	+ 7,526.72
FICA/Retirement	+ 1,240.00
	+ 8,766.72
TOTAL FUND 35	+ 8,766.72
Fund 01 - General Fund	
Department 403 - Extension Office	
Fuel & Lubes	+ 300
Office Equip. Mtc.	- 300
	-0-
Department 420 - County Judge	
Longevity	- 300
Department 482 - District Court Reporters	
Membership Fees & Bonds	+ 198
Department Human Resources	
Salaries	- 2,434
FICA/Retirement	- 401
	- 2,835
TOTAL FUND 01	- 2,937
TOTAL ALL FUNDS	+ 5,829.72

PG 2

[T1-1752] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Page 2 of the final budget changes to the FY2005 Hays County Budget and take savings from elected officials pay increase to cover shortages. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye", Commissioner Carter voting "No". **MOTION PASSED**

[T1-1786] A motion was made by Judge Powers to adopt the FY2005 Hays County Budget with final changes that have been made. **MOTION DIED FOR LACK OF A SECOND.**

[T1-1947] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve funding for new District Clerk personnel (Clerk = \$6,222) and new District Attorney personnel (Misc. Prosecutor = \$15,141) to begin on January 1, 2005. Commissioner Molenaar and Judge Powers voting "Aye", Commissioner Ingalsbe, Commissioner Carter, and Commissioner Burnett voting "No". **MOTION FAILED.**

[T1-2050] A motion was made by Commissioner Burnett to add \$7,600 to the Wimberley Community Center line item. **MOTION DIED FOR LACK OF SECOND**

[T1-2070] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt the FY2005 Hays County Budget with final changes that have been made. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting "Aye", Commissioner Ingalsbe voting "No". Commissioner Carter was not present for vote. **MOTION PASSED**

Clerk's Note: EXECUTIVE SESSION PURSUANT TO 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY was **PULLED** - A special meeting will be held on Wednesday September 8, 2004 at 10:00 a.m.

Clerk's Note: EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY CAUSE NO. 0325 was **PULLED**.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 SEPTEMBER 7, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8th DAY OF SEPTEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
 DEBBIE GONZALEZ INGALSBE
 WILLIAM "BILL" BURNETT

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 3

WITH THE FOLLOWING MEMBERS ABSENT: COMMISSIONER PCT. 2 H. S. "SUSIE" CARTER AND COMMISSIONER PCT. 4 RUSS G. MOLENAAR; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

EXECUTIVE SESSION PURSUANT TO 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY

The court convened into closed Executive Session pursuant to Texas Government Code Section 551.071 to meet with legal counsel to discuss and deliberate ongoing negotiations between Hays County and State Street Global Markets, LLC regarding the Hays County Juvenile Detention Facility. Upon completion of the closed session the court reconvened into open meeting – no action was taken and the **Special Meeting** was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 8, 2004.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





SEPTEMBER 14, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 14TH DAY OF SEPTEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF \$700,000 TO THE VILLAGE OF WIMBERLEY FOR THE BLUE HOLE PARK PROJECT

Grants Administrator Richard Salmon spoke of previous court action on January 20, 2004 awarding \$700,000 from the county park bond funds to the Village of Wimberley for the Blue Hole Park Project. On August 26, 2004, the Parks & Wildlife Commission approved a grant request in the amount of \$1,908,500. Commissioner Burnett presented a check to the Village of Wimberley Mayor Steve Klepfer. Mr. Klepfer spoke of support of this project – they have raised \$3.5 million – he thanked the court for their support.

PUBLIC COMMENT

[T1-85] **RE: ESTATE OF SAN MARCOS** Larry Watts spoke of road work done in the Estates of San Marcos – they want the same type of roads that were put in Willow Creek, Turkey Hollow and Country Estates (paved roads). Commissioner Burnett advised that he has spoken with some people who have called him about this matter and he will get with Mr. Watts to discuss possible solutions. Mike McCallick provided the court with photos of recent road work in the Estates of San Marcos and explained problems with that work – he would like some resolution to the problems. Dugan Taylor spoke of safety issues with kids in the neighborhood playing on the road. Commissioner Burnett spoke of chip seal roadways – there are progressive steps that need to be taken or we may possibly have to go to a hot mix roadway.

[T1-193] **RE: HIGH RIDGE SUBDIVISION** Linda Anderson spoke of problems with High Ridge Subdivision – she feels like this subdivision does not comply with county rules and regulations. David Jones spoke of possible fraud or a mistake in approving the High Ridge Subdivision. He asked the court to do something about this subdivision.

22044 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$1,185,020.97 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett not present for vote.

22045 APPROVE BUDGET AMENDMENT #04-32

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 04-32 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett not present for vote.

22046 APPROVE UTILITY PERMITS #01727 & 01728

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01727 on CR169/Bell Springs Road issued to Pedernales Electric Coop. and #01728 on Ted Burger Road issued to Oak Rx as submitted by the Road Department. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett not present for vote.

22047 [PCT. 2 #04-2-050, 19 LOTS] ELM CREEK RANCH – APPROVE FINAL PLAT [T1-332]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. These are large lots (5-10 acres) and complies with our rules regarding access. Commissioner Carter felt like this is an excessive use of shared access driveways. Allen Walther advised that our rules allow up to 3 houses that do not have independent access onto a public roadway – there are 19 lots in the subdivision and 11 have direct frontage onto a public roadway (6 of those are flag lots). A motion was made by Judge Powers, seconded by Commissioner Molenaar, to approve final plat of "Elm Creek Ranch". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye", and Commissioner Carter voting "No".



22048 [PCT. 3 #04-3-055, 2 LOTS] SKYLINE ACRES RESUBDIVISION OF LOT 10 - APPROVE FINAL PLAT [T1-429]

Environmental Health Director Allen Walther advised that Skyline Acres is an unrecorded subdivision – the lots will be renamed as Lot 10A & 10B on recorded plat. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of “Skyline Acres Resubdivision of Lot 10”. All voting “Aye”.**

22049 ROAD NAME DESIGNATION - NAME A PRIVATE EASEMENT “BECKER RUN” OFF PROCHNOW ROAD [T1-445]

Environmental Health Director Allen Walther advised that the owners of property in Walker Ranch (an unrecorded subdivision) have presented a written request to name their private easement “Becker Run”. He gave staff gave recommendation to approve this road name designation. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe To designate road name of “Becker Run” to a private easement located in Walker Ranch off Prochnow Road. All voting “Aye”.**

22050 ROAD NAME DESIGNATION – NAME A PRIVATE EASEMENT “WALKER RANCH ROAD” OFF PROCHNOW RD. [T1-456]

Environmental Health Director Allen Walther gave staff recommendation to approve the road name designation of “Walker Ranch Road” as requested by property owners on in Walker Ranch. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to designate road name of “Walker Ranch Road” to a private easement located off Prochnow Road. All voting “Aye”.**

22051 APPROVE OUT-OF-COUNTY VEHICLE USE FOR THE CODE ENFORCEMENT OFFICER [T1-464]

Environmental Health Director Allen Walther advised that the new code enforcement officer lives in Luling. Since he is expected to be on call in case of possible hazardous spills or illegal dumping, it is important that he be able to respond quickly. The court approved the same authorization for the previous officer. Commissioner Carter suggested reimbursement for mileage if the CEO needs to use his own personal vehicle. Allen Walther spoke of not having emergency equipment in his personal vehicle that might be needed for hazardous material spills, etc. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve out-of-county vehicle use for the Code Enforcement Officer. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

22052 APPROVE THE PURCHASE OF ONE METAL BUILDING FOR THE HAYS COUNTY ROAD DEPARTMENT [T1-522]

This metal building will be located at the Yarrington Yard and will be assembled by county personnel. The primary use will be storage of materials, equipment and wet weather maintenance of equipment. Road Dept. Mechanic Gary Ingalsbe advised that it would also house road workers. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of one metal building for the Hays County Road Department. All voting “Aye”.**

22053 APPROVE \$222,500, FROM COUNTY PARK BOND FUNDS, FOR THE CITY OF KYLE’S STEEPLECHASE PARK PROJECT IN THE FORM OF A LETTER OF COMMITMENT [T1-545]

Kyle Parks & Rec. Director Kerry Urbanowicz gave a powerpoint presentation regarding “Steeplechase Park” located on the east side of IH35 along Plum Creek. This 31 acre park has Plum Creek running along the entire southern border. Partners in this project are: Hays County, City of Kyle, Emmett & Miriam McCoy, Wells Fargo Bank, and KB Homes. Where is the money coming from: private donations = \$17,000 City of Kyle General Fund & Park Improvement Fund = \$205,500 Hays County Park & Open Space Grant = \$222,500. Phase 1 includes: roadway, restroom, utilities, covered pavilion, picnic tables, bar-b-cue grills, trash receptacles, and equipment storage. Phase 2 includes: parking, trails, playscape, Frisbee disc golf, beach volleyball, field improvements, and benches & lighting. Phase 3 includes: 2 additional restroom facilities, shade structure over playscape, additional picnic tables, additional BBQ grills, washer & horseshoe pits, and additional landscaping. County bond funds disbursement would be as follows: \$108,500 on October 1, 2004; \$45,000 on October 1, 2005; and \$52,000 on October 1, 2006. The City of Kyle will match county funds as per disbursements and will commit to make improvements and maintain the property. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve \$222,500 from County Park Bond Funds for the City of Kyle’s Steeplechase Park Project in the form of a Letter of Commitment. All voting “Aye”.**



22054 APPROVE RENEWAL LEASE AGREEMENT WITH LYNX PROPERTY SERVICES FOR THE LEASE OF OFFICE SPACE FOR THE HAYS COUNTY ADULT PROBATION DEPT. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME [T1-902]

County Auditor Bill Herzog advised that they are offering a 3-year renewal at \$1.06 per square foot plus utilities. This is an increase from .91 cents per sq. ft. and reflects an increase in lease payment from \$7,046.50 to \$8,215.00 per month. Commissioner Molenaar spoke of this being a standard contract. Bill Herzog advised that it would cost even more to go on a month to month lease. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve renewal lease agreement with Lynx Property Services for the lease of office space for the Hays County Adult Probation Department and authorize the County Judge to execute the same. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar not present to vote.**

22055 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF RURAL AFFAIRS - COMMUNITY DEVELOPMENT PROGRAM FOR UP TO \$250,000 FOR A WATER IMPROVEMENT PROJECT FOR CEDAR OAKS MESA [T1-919]

Don Connally, Manager of the Cedar Oaks Mesa Water Company, thanked everyone that made this become a reality. Grants Administrator Richard Salmon explained the grant. Grant and matching funds will be used to carry out a water improvement project for Cedar Oaks Mesa Subdivision near Wimberley. The project consists of installation of water distribution lines within the subdivision. A previous grant for \$250,000 was used to drill a well, build a storage tank and install fire hydrants. The resident of Cedar Oaks Mesa will be providing \$25,000 to Hays County for a 10% match. Commissioner Burnett spoke in support of this grant application. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve resolution authorizing the County Judge to submit a grant application to the Office of Rural Affairs - Community Development Program for up to \$250,000 for a Water Improvement Project for Cedar Oaks Mesa. All voting "Aye".**

22056 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS JUDICIAL COUNCIL-TASK FORCE ON INDIGENT DEFENSE FOR UP TO \$50,538 [T1-976]

Grants Administrator Richard Salmon explained the grant. Under provisions of the Fair Defense Act, 77th Regular Session, some counties are eligible to receive financial assistance from the Task Force on Indigent Defense. For FY2004 Hays County is eligible to receive \$50,538. No county match is required. Grant funds may be used for attorney fees, expenses for licensed investigators, experts, forensic specialist, or mental health experts related to the criminal defense of indigent defendants. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve resolution authorizing the County Judge to submit a Grant Application to the Texas Judicial Council - Task Force on Indigent Defense for up to \$50,538. All voting "Aye".**

22057 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 12 - HAYS COUNTY / TC&B / FUGRO - GEOTECHNICAL SERVICES (WIMBERLEY BYPASS) AND CONSTRUCTION MATERIALS TESTING (CENTERPOINT RD/MCCARTY LANE, HEIDENREICH LANE, AND MT. GAINOR/MT.SHARP/PUMP STATION ROADS) [T1-1004]

The work to be performed by the Engineer under this contract shall consist of performing a geotechnical investigation for the Wimberley Bypass and construction phase services (on-site construction materials testing) for Centerpoint Rd, McCarty Lane, Heidenreich Lane, Mt. Gainor, Mt. Shart, and Pump Station roads. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 4 to Work Authorization No. 12 - Hays County/TC&B/Fugro - Geotechnical Services (Wimberley ByPass) and Construction Materials Testing (Centerpoint Rd/McCarty Lane, Heidenreich Lane, and Mt.Gainor/Mt. Sharp/Pump Station Roads). All voting "Aye"**

22058 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 11 - HAYS COUNTY/TC&B/KC ENGINEERING (HILLSIDE TERRACE) [T1-1063]

The work to be performed under this contract shall consist of providing additional engineering and surveying services. Additional surveying is required for the engineering analysis of the drainage structure in front of the Julia Joseph Sawyer tract and the storm sewer infrastructure outfall alternative on FM2001. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 11 - Hays County/TC&B/KC Engineering (Hillside Terrace). All voting "Aye".**



22059 ADOPT RESOLUTION REGARDING SECTION 147 (F) – APPROVAL OF BONDS FOR ADVENTIST HEALTH SYSTEM/SUNBELT [T1-1090]

Nichiksib Meind (Jenkins & Gilchrist) spoke of public hearing that was held – no public appeared – approval by the court is required and there is no liability to the county. Portions of the proceeds are intended to be used in Hays County for the Central Texas Medical Center. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt Resolution regarding Section 147(f) Approval of Bonds for Adventist Health System/Sunbelt. All voting “Aye”.**

22060 APPROVE CONTRACTS WITH THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDEF) AND THE HAYS COUNTY SHERIFF'S DEPARTMENT'S NARCOTICS TASK FORCE AND AUTHORIZE THE HAYS COUNTY SHERIFF TO BE THE DESIGNATED SIGNATORY ON FUTURE CONTRACTS OF THIS NATURE

[T1-1125] Chief Deputy Sheriff Regis DeArza advised that the contract is to pay overtime for the Detective on the Organized Crime Drug Enforcement Task Force. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contracts with the Organized Crime Drug Enforcement Task Force (OCDEF) and the Hays County Sheriff's Department's Narcotics Task Force and authorize the Hays County Sheriff to be the designated signatory on future contracts of this nature. All voting “Aye”.**

22061 ACCEPT A DONATION FROM THE HAYS COUNTY YOUTH LIVESTOCK ASSOCIATION FOR 164 ALUMINUM BLEACHERS [T1-1180]

Commissioner Molenaar spoke of Hays County Youth Livestock Association helping to make improvements to the Civic Center. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept a donation from the Hays County Youth Livestock Association for 164 aluminum bleachers. All voting “Aye”.**

22062 ESTABLISH GUIDELINES FOR ALLOCATING THE FY2005 MERIT INCREASES

[T1-1200] County Auditor Bill Herzog asked for direction from the Court regarding allocation of merit increases for vacant positions and positions that have already reached their maximum. The Dept. Head will determine the amount of money given to their employees. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish guidelines for allocating the FY2005 merit increases: no merit increase will be allocated for vacant positions or for positions that have already reached their maximum grade range effective Sept. 14, 2004. All voting “Aye”.**

22063 ENACT AN ORDER OF THE HAYS COUNTY COMMISSIONERS' COURT AUTHORIZING THE ISSUANCE OF HAYS COUNTY, TEXAS UNLIMITED TAX ROAD BONDS, SERIES 2004, AND ALL RELATED LEGAL REQUIREMENTS FOR THE ISSUANCE OF \$15,000,000 IN ROAD BONDS AS APPROVED BY HAYS COUNTY VOTERS IN 2001 [T1-1280]

Dan Wegmiller (First Southwest Company) explained the order being enacted – Hays County received a Triple A3 bond rating which lowers the interest costs charged by investors. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to enact an Order of the Hays County Commissioner's Court authorizing the issuance of Hays County, Texas Unlimited Tax Road Bonds, Series 2004, and all related legal requirements for the issuance of \$15,000,000 in road bonds as approved by Hays County Voters in 2001. All voting “Aye”.**

PRESENTATION REGARDING THE PROPOSED CREATION OF A TAX INCREMENT REINVESTMENT ZONE AND/OR TAX INCREMENT FINANCING DISTRICT ALONG PARTS OF THE INTERSTATE 35 CORRIDOR IN KYLE, TEXAS [T1-1438]

Kyle City Manager Tom Mattis, spoke of FM1626/TIF District which will provide construction of new road to extend existing FM1626 from FM2770 intersection to I-35, including a railroad overpass, and construction of a new exit ramp and 6-lane overpass at Bunton Road. He spoke of TxDot involvement and TIF funding. The county's contribution would be 100% of the property tax for improvements for 20 years. They estimate that the county should receive sales tax of approximately \$2.6 million per year in this district. The current tax revenues are: City of Kyle = \$10,982, County = \$12,913, Hays CISD = \$59,539, Kyle VFD = \$ 1,549, and Plum Creek CD = \$1,291 – this revenue will continue, only the improvements will not be taxed for 20 years. No action is being requested today – this presentation meets their statutory requirements to come before the court and they will follow up with written documentation for action by the court. They hope to begin construction by January 2005.



22064 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOMES, INC., V. HAYS COUNTY, CAUSE NO. 04-0325 WITH ACTION [T1-1885]

Court convened into closed executive session at 11:15 a.m. and reconvened into open meeting at 11:50 a.m. Commissioner Burnett explained that Karen Watkins and Phillip Schmandt of McGinnis, Lochridge & Kilgore have asked the court to accept their resignation and their firm's resignation from representing the Court in the second lawsuit filed by Papalote Homes – they explained that because of the events that prompted the court last week to ask for an investigation of possible leaks from executive session, their representation of the Court in the lawsuit has been irretrievably compromised. They also explained that they potentially are witnesses in any investigation of leaks of privileged information from executive session. That possibility further reduces their ability to represent the Court effectively in the lawsuit and potentially creates conflict of interest problems for them. Commissioner Burnett advised that while he would like to see Karen and Phillip continue to represent the Court in the future, he does not believe we can ask them to continue to do the same good job if their ethical obligations require them to resign or if we cannot preserve the confidentiality of the advice and analysis they give to us. [T1-1930] **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept the resignation of Karen Watkins, Phillip Schmandt and their firm McGinnis, Lochridge & Kilgore. All voting "Aye".**

Commissioner Burnett spoke of the money already spent on this lawsuit (\$25,000-30,000) and it will cost another \$30,000 if we continue with a second law firm starting from scratch. [T1-1965] **A motion was made by Commissioner Burnett, seconded by Judge Powers to instruct Special Counsel to extend our offer of settlement to Papalote Homes to include a payment of attorney fees totaling \$10,000, that was previously requested, and the following statement that was given to us by Phillip Schmandt: *In the matter of the case styled "Papalote Homes vs. Hays County" regarding an alleged violation of the Open Meetings act, while Hays County admits no guilt, it has agreed to settle the case and pay Papalote Homes its attorney fees rather than incur greater costs to defend the suit. The Hays County Commissioners Court regrets the circumstances made subject to the suit and affirms its commitment to uphold the provisions of the Open Meetings Act. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Carter voting "No" and Commissioner Ingalsbe abstained*** MOTION PASSED.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 SEPTEMBER 14, 2004.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st DAY OF SEPTEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

AND THE FOLLOWING MEMBER WAS ABSENT: COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Linda Anderson requested that the High Ridge Subdivision be vacated – she feels like it is in a non compliance state. Commissioner Burnett advised that there will be an agenda item once staff has the information needed.

22065 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$339,063.94 as presented by the County Auditor. All present voting "Aye".

22066 APPROVE UTILITY PERMIT #01729

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01729 on Cross Creek Road issued to L.C.R.A. as submitted by the County Road Dept. All present voting "Aye".

22067 AWARD THE BID FOR "ROAD BUILDING MATERIALS" TO MULTIPLE VENDORS

Bids were submitted by Colorado Materials, TXI, Industrial Asphalt, Braun Tex Materials, Centex Materials, Koch Materials, Ergon Asphalt & Emulsions, Yarrington Road Materials, & Transit Mix. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award the bid for "Road Building Materials" to multiple vendors. All present voting "Aye".

22068 APPROVE JUNE 2004 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the June 2004 Treasurer's Report and Investment Report. All present voting "Aye".

22069 APPROVE RENEWAL OF CONTRACT FOR PRESCRIPTION & OTC DRUGS FOR THE HAYS COUNTY JAIL FOR ONE (1) ADDITIONAL YEAR WITH THORPE LANE PHARMACY AS PROVIDED IN THE ORIGINAL CONTRACT

Purchasing advised that the Jail is pleased with the performance of Thorpe Lane Pharmacy and wish to renew their contract. There will be an increase in the dispensing fee of .50 cents as provided for in the original contract (from \$2.35 to \$2.85). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to renew the contract for prescription and OTC drugs for the Hays County Jail for one additional year with Thorpe Lane Pharmacy as provided in the original contract. All present voting "Aye".

22070 ACCEPT INTERNAL EXAMINATION REPORT FOR THE JUSTICE OF THE PEACE PRECINCT 5 OFFICE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept internal examination report for the Justice of the Peace Pct. 5 office. All present voting "Aye".

22071 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION RENEWAL TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE 2005 PUBLIC HEALTH PREPAREDNESS (BIOTERRORISM) GRANT

The amount of the grant that has been allocated to Hays County for FY05 is \$183,247. The deadline for submission is September 30, 2004. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit a Grant Application Renewal to the Texas Department of State Health Services for the 2005 Public Health Preparedness Grant. All present voting "Aye".



22072 [PCT. 3 #04-3-061, 3 LOTS] **HILL COUNTRY ESTATES SECTION 2 RESUBDIVISION OF LOT 22 * APPROVE PRELIMINARY PLAN** [T1-92]

Environmental Health Director Allen Walther advised that these lots will be served by rainwater collection systems. He noted the access easement on the plat (supplemental easement allowing access from Hugo Road rather than RR12) and the existing water well on Lot 22A which will be plugged by the owner. Commissioner Carter suggested a plat note restricting Lots 22B & 22C to rain water collection only. Subdivision Coordinator Jon Thompson advised that these are commercial lots that fall under a different section of the subdivision rules and the commercial use for these lots are intended to be for environmentally friendly businesses. The rainwater collection system is not required, however, it is what the developer is proposing. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Hill Country Estates Section 2 Resubdivision of Lot 22". Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22073 [PCT. 3 #04-3-060] **KELLY'S COUNTRY VARIANCE REQUEST - GRANT A VARIANCE FROM HAYS COUNTY ROAD STANDARDS** [T1-294]

Charles O'Dell questioned this variance and asked for the reason for this request. Commissioner Burnett advised that Road Supt/Engineer Jerry Borchering is in support of this request. Subdivision Coordinator Jon Thompson advised that standards for a "country lane" has a cutoff of 10 lots and there are 12 lots in this subdivision - the issue pertains to curve radius - the topography of the land creates a problem with radius at curves for "local street" standards. Commissioner Burnett stated that he does not support variances unless there is a compelling reason and he feels like safety is the issue on this private dead-in road. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to grant a variance on roadway designation from a "local street" to a "country lane" in the Kelly's Country Subdivision. Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22074 [PCT. 3 #01-4-038] **HILL COUNTRY RANCHES - PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT)** [T1-455]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Dept. recommendation is for a 25 MPH speed limit on Plainview Road, Frio Lane, Rabbit Road, Lakeside Drive, Angostura Lane, Montell Road, and Buzzard High Road in Hill Country Ranches Subdivision. **A motion was made by Commissioner Burnett, seconded by Judge Powers to establish traffic regulation of 25MPH speed limit on roads in the "Hill Country Ranches" subdivision. All present voting "Aye".**

22075 **APPROVE PURCHASE OF SIGN TRUCK FOR THE ROAD DEPARTMENT** [T1-508]

This is a replacement vehicle for current unit. This vehicle will be purchased from state contract in the amount of \$34,553 - funds are available. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of a sign truck for the Road Department as per request. All present voting "Aye".**

22076 **APPROVE PURCHASE OF MODEL 1800 HYDRAULIC TRUCK CONVEYOR FOR THE ROAD DEPARTMENT** [T1-513]

This unit will side discharge base or cold mix/hot mix from the bed of a dump truck. As material is discharged a leveling devise uniformly distributes the material. A front bumper mounted roller is then used to compact the material. This unit will be used Countywide for edge/shoulder road repairs. The cost of the unit is \$15,064.50 and is a sole source through Lone Star Machinery Co. Funds are available. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of Model 1800 Hydraulic Truck Conveyor for the Road Department. All present voting "Aye".**

22077 **APPROVE CONTRACTS WITH DR. ANDERSON AND DR. SANTOS FOR MEDICAL OVERSIGHT OVER THE NURSE PRACTITIONER AT THE HEALTH DEPARTMENT**

[T1-520] Gay Helmly spoke of this being a part of the process to get a Nurse Practitioner in place at the Health Dept. The funds to pay for these services will come from Indigent Health Care. The agreed upon fee is \$100 per clinic and will be paid on a monthly basis. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve contracts with Dr. Anderson and Dr. Santos for medical oversight over the Nurse Practitioner at the Health Department. All present voting "Aye".**

22078 **SALARY GRIEVANCE COMMITTEE**

Special Counsel Jacqueline Cullom Murphy explained the reason for the selection of this 9 public member salary grievance committee pursuant to Local Government Code Chapter 152. Judge Powers randomly selected 18 names (9 members & 9 alternates) from the 2003 grand jury membership as required by law. The first 9 members selected were: Frank Deleon, Richard Giberson, Nicole Danielle Crow, Donald L. Bilson, Anna Marie Weaver, Nancy Eileen Trapp, Darrell Ross Potter, Pedro Rodriguez Jr., Linda Foley Clement - the 9 alternates were: Christy G. Moore, Michael Lee Long, Diana H. Rodriguez, Robert Cameron Ehlers, Julia Ferguson Fountain, Sharon Kay Pfluger, Paul Randall, Dana Kay Williams, and Jerry Clinton Langston.



22079 ADOPT AN ORDER SETTING THE TAX RATE FOR FY 2005 BUDGET AND LEVY TAXES [T1-614]

County Auditor Bill Herzog advised that the proposed tax rate is 46.30 cents. With the deduction of the elected officials salaries from the budget, the tax rate could be as low as 46.23 cents (.07 difference). Ralph Davis asked about difference between the FY2005 budget and FY2004 budget. Bill Herzog spoke of FY2005 budget being an approx \$1.5 increase over the FY2004 budget – increase includes road bond debt, new positions, etc. The breakdown for the 46.30 cents tax rate are as follows [all figures are in pennies per \$100 taxable property valuations]:

General Maintenance and Operations	32.25 cents
General Debt	6.95 cents
Road and Bridge M&O	<u>7.10 cents</u>
TOTAL AD VALOREM TAX RATE	
FOR FISCAL YEAR 2005	46.30 cents

A motion was made by Commissioner Burnett, seconded by Judge Powers to adopt an Order Setting The Tax Rate for Fiscal Year 2005 for Hays County at 46.30 cents [32.25 cents for general maintenance & operations, 6.95 cents for general debt, and 7.10 cents for road & bridge maintenance & operations]. Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye" Commissioner Carter voting "No".

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE DEPARTMENT HEAD EVALUATIONS

Court did not convene into closed executive session. [T1-740] Luis Gonzales provided members of the court with a pamphlet regarding employees appraisals (evaluations). Court discussed schedule for review and department head evaluations. No action was taken.

COURT WAS ADJOURNED.

I, **LEE CARLISLE**, 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 **SEPTEMBER 21, 2004**.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



SEPTEMBER 28, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 28th DAY OF SEPTEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALEZ INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

RECOGNITION OF HAYS COUNTY ELECTED OFFICIAL/EMPLOYEE

Human Resources Director Luiz Gonzales read a letter of appreciation from the Attorney General of Texas regarding excellent work by the Precinct 1 Constable's office in support of the mission of the AG's office to provide child support enforcement services for the citizens of Hays County. Their accounting records show that the Office of the Attorney General has paid the Precinct 1 Constable \$15,889.50 for serving papers through June Of 2004 and estimate the total for 2004 to be in the \$20,000 range. The Constable's office has a very high service rate and are responsive to orders of the court to execute warrants when required by the court.

County Judge Jim Powers presented Lorraine Cheeseman with a 10 year service pin and he announced that she will be retiring at the end of this month.

22080 EXECUTIVE SESSION PURSUANT TO 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY WITH ACTION [T1-86]

The court convened into closed executive at 9:05 a.m. and reconvened into open meeting at 9:25 a.m. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize legal counsel to release information pertaining to the engineering report to State Street Bank. All voting "Aye".

PRESENTATION AND DISCUSSION ON TOLL ROADS WITH MICHAEL AULICK, EXECUTIVE DIRECTOR OF CAMPO AND BOB DAIGH, DISTRICT ENGINEER OF TXDOT [T1-102]

Bob Daigh, District Engineer for TxDot spoke of working with Judge Powers and Commissioner Molenaar to see what we can do to advance the very important projects that Hays County has brought to the commission. He spoke of ranking of cities regarding traffic congestion and the Austin area is the most congested midsize city in the entire country (just below the New York area). We will need to improve mobility – build a basic roadway infrastructure and run our buses expeditiously and, if the citizens agree, we need to provide good local commuter rail service. He spoke of the shortfall being billions of dollars and that is why CAMPO took the courageous step earlier this year to vote to toll those projects that can be tolled which will accelerate turnpike projects and frees up very valuable revenue for other projects in this area and in Hays County. Michael Aulick, Executive Director of CAMPO, presented members of the court with a copy of the September 2004 CAMPO Newsletter addressing Toll Roads. He advised that the Capital Area Metropolitan Planning Organization (CAMPO) serves the 3 county region of Williamson, Travis and Hays Counties in central Texas. CAMPO is governed by a 23 member Transportation Policy Board composed of elected officials representing cities, counties and state legislative districts within the CAMPO's boundaries, as well as representatives from transportation agencies. CAMPO is responsible for promoting an efficient, affordable transportation system that meets the mobility needs of area residents while enhancing regional livability, the economy and the environment. CAMPO provides transportation planning and air quality services and coordinates with state and local jurisdictions to determine the priorities for spending federal transportation dollars in the region. The newsletter shows a map of the toll roads for Phase 1 & Phase 2. The 2nd phase includes 260 miles of new tolled freeway mainlanes on the following roads: US183(S) from IH35 to SH71(E); SH71(E) from IH35 to Thornbery Lane; Loop 1(S) from US290(W) to William Cannon; SH45(SW) from Loop 1 to FM1626; US290(W) from FM1826 to east of Williamson Creek; SH71(W) west of US290; US290(E) from US183(S) to SH130, and Loop 360 from US183(N) to US290(W). He spoke of shortage of highway funding and he explained that the gasoline tax is used to maintain existing highways. He spoke of 50% increase in population in the 3 county region (Williamson, Travis & Hays). There will be frontage roads along the toll roads (non-toll alternative) to access local businesses, etc. **Public comments** on this item were as follows: [T1-373] Sal Costello (Austin) spoke in opposition to toll roads – 3 of these roads are being built at this time with taxpayer dollars that are going to become toll roads. He does not feel like it will improve traffic congestion. Commissioner Burnett spoke of need for legislature to fund the department of transportation.



[T1-446] Bill Brock (Hays County resident) spoke of survey in Dripping Springs area – the tolls will be costly to people who live in this area – he supports additional gasoline tax. Commissioner Burnett advised that CAMPO had resolutions of support from the Dripping Springs Chamber of Commerce and the Kyle Chamber of Commerce. [T1-512] David Baker (Wimberley resident) does not support double taxing on roads that are already paid for. He spoke of need for a smarter more efficient plan. [T1-554] Will Conley (San Marcos resident) spoke of changes in funding transportation – toll roads are one of the options. He believes the Travis County plan is a poor plan and needs to be reconsidered. [T1-574] Dick Kallerman (Transportation contact for Central Texas Regional Sierra Club & Austin resident) spoke of cost for toll roads – adding roads does not solve congestion. He spoke of land use planning and HOV lanes and he spoke of other regions putting in land use planning and rail. [T1-656] Dan Ekakiadis (Kyle resident) agrees that we should not put tolls on roads that have already been paid for. He spoke of rapid transit systems – he feels like this should have been put out to the voters for approval and he does not support an additional gas tax. [T1-708] Margaret Mills (Buda ETJ) feels like the citizens were not made a part of this vote – she spoke of this being double taxation and she spoke of need for mass transit (bus and light rail). [T1-756] Charles O'Dell spoke of Commissioner Burnett's CAMPO vote for the toll road plan and he spoke of alleged ethics violation. Commissioner Burnett stated that the Engineering Firm he works for does not work for TXDot or the RMA and has no interest in this toll plan – he said that he did speak with Commissioner Molenaar, Commissioner Ingalsbe and Judge Powers about the CAMPO vote as well as having resolutions from the Kyle and Dripping Springs Chambers of Commerce. He stated that he is not compromised and he has voted for what is in the best interest of this region (to get roads on the ground as quickly as possible). He stated that he has no conflict of interest.

22081 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$327,642.86 as presented by the County Auditor. All voting "Aye".

Clerk's Note: Agenda Item #4 RE: APPROVE BUDGET AMENDMENT 04-32 was PULLED. There was no budget amendment submitted for approval.

22082 APPROVE UTILITY PERMIT #01730

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01730 on CR152/Heidenreich Lane issued to County Line Water Supply as submitted by the Road Department. All voting "Aye".

22083 APPROVE JULY 2004 TREASURER'S REPORT

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the July 2004 Treasurer's Report and Investment Report. All voting "Aye".

22084 APPROVE PHARMACIST CONSULTING AGREEMENT RENEWAL BETWEEN HAYS COUNTY AND JOHN S. ANDERSON, R.PH

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Pharmacist Consulting Agreement renewal between Hays County and John S. Anderson, R.PH. All voting "Aye".

22085 APPROVE CONTRACT FOR ANNUAL AUDIT WITH HOLTMAN, WAGNER & COMPANY, L.L.P.

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve contract for Annual Audit with Holtman, Wagner & Company, L.L.P. All voting "Aye".

22086 APPROVE FY 2005 FEE SCHEDULE FOR THE HAYS COUNTY HEALTH DEPT.

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the FY2005 Fee Schedule for the Hays County Health Dept. All voting "Aye".

TB Control		Family Services	
06 - x-ray	\$ 40.00	01-B/P	\$ 5.00
07 - TB Ski	\$ 15.00	02 Cholesterol	\$ 20.00
Immunization Use Sliding Scale		04 Diabetes Testing	\$ 10.00
10 VFC-L	\$ 15.00	05 HIV	\$ 25.00
10 VFC-L	\$ 20.00	08 Adult HepA	\$ 60.00
10A VFC Medcd		08 Adult HepB	\$ 50.00
12 Copies	\$ 2.00	09 Flu	\$ 20.00
Title V		09 Pneumonia	\$ 25.00
11 Pregna	\$ 15.00	09 Flu/Pnu 3 rd Party	
21CoPay		14 Maternity Admit	\$ 70.00
Well Child	\$ 15.00	14 Maternity Return	\$ 40.00
Sick Child	\$ 12.00	15 Well Child	\$ 40.00
Mat. Admit	\$ 17.00	15 Newborn Screen	\$ 30.00
Mat Return	\$ 10.00	15A WC 3rd Party	
Ultrasound	\$ 25.00	17 Depo Inj	\$ 50.00
Fam. Plan	\$ 12.00	18 Fam Plan Exam	\$ 70.00
DePo Inj.	\$ 12.00	18A FP Exam 3 rd Par	



Family Practice Clinic			
CPT Code	Level 1	Level 2	Level 3
99201	\$ 30.00	\$ 37.00	\$ 45.00
99202	\$ 35.00	\$ 43.00	\$ 53.00
99203	\$ 45.00	\$ 55.00	\$ 67.00
99204	\$ 67.00	\$ 83.00	\$101.00
99205	\$ 85.00	\$105.00	\$130.00
99211	\$ 23.00	\$ 25.00	\$ 31.00
99212	\$ 30.00	\$ 37.00	\$ 45.00
99213	\$ 43.00	\$ 53.00	\$ 65.00
99214	\$ 49.00	\$ 61.00	\$ 75.00
99215	\$ 67.00	\$ 85.00	\$105.00

22087 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN INTERLOCAL RENEWAL APPLICATION FOR IMMUNIZATION SERVICES 2005

The Grant amount is \$102,402.00. This is a continuation of the existing Immunization Grant through the Texas Dept. of Health Services to provide immunization administration and education of vaccine preventable diseases. This grant also includes a surveillance and epidemiologic component for required reportable diseases. Through this grant we are also charged with auditing local day cares, schools (public and private) and registered Family Homes for compliance with State Immunization laws. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit an Interlocal Renewal Application for Immunization Services 2005. All voting "Aye".**

22088 ADOPT THE SHERIFF AND CONSTABLE FEES FOR 2005 PURSUANT TO LOCAL GOVERNMENT CODE 118.131.

No changes are being made to the current fees. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt the Sheriff and Constable Fees for 2005 pursuant to Local Government Code 118.131. All voting "Aye".**

22089 [PCT. 3 #04-3-011] IMPLEMENT CANCELLATION PROCESS FOR THE "HIGH RIDGE RANCH" SUBDIVISION PLAT [T1-926]

David Jones thanked Commissioner Burnett for bringing this back to court for consideration – he urged the court to cancel this subdivision. Linda Anderson also thanked Commissioner Burnett for placing this back on the agenda and for visiting with her regarding this matter – she supports cancellation and starting with a new beginning. Commissioner Burnett advised that there were errors made – a portion of one subdivision needs to be vacated before it can be included in another subdivision. Environmental Health Director Allen Walther advised that the majority of this subdivision is in Comal County and they have already approved the subdivision plat – the Hays County portion does not require a water availability and assessment. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to instruct staff and legal counsel to start the cancellation process on "High Ridge Ranch" subdivision effective this date. All voting "Aye".**

22090 [PCT. 4 #04-4-040] HEATHERWOOD – ACCEPT A LETTER-OF-CREDIT IN LIEU OF THE ALREADY POSTED CASH BOND FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-1058]

Subdivision Coordinator Jon Thompson advised that the developer posted a cash bond for construction fiscal security and he would like to exchange it for a letter of credit. The cash bond was in the amount of \$48,660.50 and the letter of credit is in the amount of \$50,000. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept a Letter of Credit in lieu of the already posted cash bond for the construction of road and drainage improvements in "Heatherwood" subdivision. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22091 CALL FOR A PUBLIC HEARING ON OCTOBER 12, 2004 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) IN THE RIVER HILLS SUBDIVISION [T1-1114]

No speed limit has ever been adopted by the court in this subdivision. The roads in this subdivision are River Hills Drive, Ruiz Street, Dedeke Place and Picasso Drive. The Road Dept. will have a recommended speed limit at the time of the public hearing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to call for a public hearing on October 12, 2004 to consider establishing traffic regulations (speed limits) in the River Hills Subdivision. All voting "Aye".**



NO ACTION ON REQUEST TO CALL FOR A PUBLIC HEARING ON OCTOBER 21, 2004 TO CONSIDER THE CREATION OF THE WOODCREEK NORTH ROAD DISTRICT, A COUNTY ROAD DISTRICT PURSUANT TO CHAPTER 257 OF THE TRANSPORTATION CODE [T1-1120]

David Jackson (Attorney representing developer Wimberley Quicksand Partners Ltd.) spoke of need for a public hearing and for the Commissioners' Court to create the "Woodcreek North Road District". They propose to hold an election in 2005. Winton Porterfield (Loomis Austin) advised that the total cost is approximately \$15-20 million. Mr. Jackson spoke of phasing the project (total of 37 miles of road). Winton Porterfield advised that there are 3400 lots in the district with approximately 700-800 rooftops. Commissioner Burnett spoke of Woodcreek subdivision being platted in the 1970's – there are lots that are not buildable and roads that were never built – the homeowners association never had enough money to bring roads up to county standards for acceptance into the county road maintenance system. He suggested that they create a road district. Bond Counsel Dan Wegmiller explained the bond process (must show value before bonds are sold) – this is not a debt of the county. Commissioner Burnett stated that if the intent is for the county to take over maintenance of the road, the road dept. will be involved in a review process. Mr. Jackson advised that the roads will be dedicated to the county. Jim Scully (Vice President of the Woodcreek Property Owners Assoc) spoke of problem with collecting fees from property owners – for 3 ½ years + they have discussed ways and means to get money to improve the roads and the type of road district that would be appropriate. They have tried to work with the developers to develop a plan. The proposed plan is to reconstruct Valley Springs (a major artery) and Crazy Cross (already done to county specs by the WPOA). He feels like it does not become a county road until road improvements are made. Mr. Scully advised that he is against it as presented but he is for it if a plan is presented to the property owners before the public hearing is held. He feels like if the developer would pay the required fees the WPOA would be able to improve the roads. Mr. Scully advised that there are approximately 400 members in the WPOA and they own these private roads. Mr. Jackson spoke of proposed phases and advised that there is a law suit pending – they intend to have a meeting with the WPOA before the public hearing – the WPOA attorney has advised that they have no problem with calling for a public hearing. He spoke of time line for holding elections (February or May). [T1-1600] Erwin Cavan (Fulbright & Jaworski) spoke of public hearing not creating the district – the court can create a district and dissolution the district if there is no interest to issue bonds. Commissioner Molenaar spoke of election requirements for creating a district. Elections Administrator Joyce Cowan spoke of petition she received to order an election for issuance of bonds. Winton Porterfield advised that they know what it will take to improve the roads in the most effective way to meet public health and safety issues and to meet county standards – the county creates the road district and the residents must vote for issuance of bonds to fund the improvements – the petition was submitted to provide the court with information that there is a interest in this process. [T1-2528] Jacqueline Cullom Murphy spoke of need to provide more background information – she spoke of statutory deadlines that must be met. Mr. Jackson stated that he would meet with the WPOA and their Attorney. Commissioner Molenaar advised that he would like to see a copy of the petition. No action was taken.

Clerk's Note: Agenda Item #15 RE: [PCT. 4 #02-4-037] CALICHE HILL SECTION 1 LOT 1 & CALICHE HILL SECTION 2 LOT 1 RESUBDIVISION - CALL FOR A PUBLIC HEARING FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS ON "AMERICAN WAY" ON OCTOBER 12, 2004 was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

22092 APPROVE AN AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 5 - HAYS COUNTY/TC&B/LAN (KOHLEERS CROSSING) [T1-1878]

Bob Sutton (Turner, Collie & Braden Inc.) explained the supplemental work authorization. A motion was made by Commissioner Carter, seconded by Judge Powers to approve an agreement for Engineering Services with Turner, Collie & Braden, Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 5 – Hays County/TC&B/LAN (Kohlers Crossing). Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett was not present to vote.

CONSIDER DECLARING AN EMERGENCY AND AMEND THE FISCAL YEAR 2005 BUDGET TO PROVIDE SPECIAL PROSECUTOR LINE ITEMS FOR EACH HAYS COUNTY JUSTICE OF THE PEACE COURT [T1-1933]

Justice of the Peace Pct. 3 Andy Cable spoke of the District Attorney fax informing the JP's that he would no longer be able to provide prosecutors for the JP courts until April 1, 2005. He read from the statute (Code of Criminal Procedure Article 2.07) requiring legal representation. The JP's are requesting funds to hire attorneys to represent the State in their courts (@\$50 per hour). Commissioner Molenaar suggested taking a Misdemeanor Prosecutor out of the District Attorney's budget to fund this expense. Special Counsel Jacqueline Cullom Murphy spoke of legal services line item that was a consideration or contingency funds. County Auditor Bill Herzog spoke of cost being approximately \$28,000 to fund all the JP courts for six months. Judge Cable spoke of creating a line item for each JP which would allow them to hire attorneys at their discretion. [T1-2286] A motion was made by Judge Powers to declare an emergency and amend the Fiscal Year 2005 Budget to provide a Special Prosecutor line item for each Hays County Justice of the Peace Court in the amount of \$4,660 out of reserves. Motion DIED for lack of a second. Court to reconsider this item in the near future.



22093 APPROVE RENEWAL OF THE AGREEMENT BETWEEN CHARLES NAGEL AND HAYS COUNTY REGARDING THE MANAGEMENT OF THE HAYS COUNTY CIVIC CENTER [T1-2591]

Commissioner Molenaar advised that there are no changes to the contract and he recommends renewal for one year. Charles Nagel advised that previous year revenues were \$48,000 (includes donations) and he is now under contract for \$51,535 - he estimates revenues of \$140,000-150,000 for FY2005. He spoke of Orange County Choppers event, AKC dog shows, fraternity events, rodeo events, and possible concerts. He spoke of donation of bleachers and installation of mister system to reduce temperature in the building. He spoke of big horse event to be held this weekend. He spoke of need to make the arena convertible for other venues. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve renewal of the Agreement between Charles Nagel and Hays County regarding the management of the Hays County Civic Center. All voting "Aye".**

22094 ACCEPT THE BLANCO RIVER CLEANUP PROJECT FROM THE USDA NATURAL RESOURCE CONSERVATION SERVICE AND AUTHORIZE JUDGE JIM POWERS TO EXECUTE AMENDED CONTRACT WITH NRCS [T1-2910]

Grants Administrator Richard Salmon explained the project. The project consists of the clearing and disposal of trees, logs, brush, shrubs, stumps and rubbish along approximately 12 miles of the Blanco River as per construction specifications provided by NRCS under the Watershed Protection Act. Phase I has been completed and Phase 2 was pending until NRCS notified us that most of their staff is being reassigned to recovery efforts in Florida. They have asked Hays County to take over the project. No county funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept the Blanco River Cleanup Project from the USDA Natural Resource Conservation Service and authorize Judge Jim Powers to execute contract with NRCS. All voting "Aye".**

22095 AWARD ENGINEERING CONTRACT ON BLANCO RIVER CLEANUP PROJECT TO HEJL & LEE AND ASSOCIATES AND EXECUTE A CONTRACT FOR \$31,950 [T1-2949]

Grants Administrator Richard Salmon advised that with the takeover of the Blanco River Cleanup Project from NRCS we will need to contract with an engineering company. Because these grants were authorized under a major presidential disaster declaration issued on July 4, 2002, Hays County is exempt from the regular procurement process for professional services. He suggested the selection of Hejl & Lee and Associates as the engineer for this project. Hejl & Lee has an excellent track record working for Hays County on sewer and water improvement projects throughout the county. ORCA grant funds will be used to pay all engineering expenses. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award engineering contract on Blanco River Cleanup Project to Hejl & Lee and Associates and execute a contract for \$31,950. All voting "Aye".**

22096 AWARD 2ND CONTRACT TO CLIFF CASKEY TO SUPERVISE DAY-TO-DAY OPERATIONS OF PHASE II OF THE BLANCO RIVER CLEANUP PROJECT FOR \$13,500 [T1-2975]

Grants Administrator Richard Salmon spoke of need for day-to-day supervision and notification to landowners. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award 2nd contract to Cliff Caskey to supervise day-to-day operations of Phase II of the Blanco River Cleanup Project for \$13,500. All voting "Aye".**

22097 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS SECRETARY OF STATE PURSUANT TO TITLE I, SECTION 101 AND TITLE II, SECTION 251 OF HELP AMERICA VOTE ACT (HAVA) AND TO EXECUTE CONTRACT FOR \$209,881.21 [T1-3000]

Grants Administrator Richard Salmon explained the grant. There are 3 basic purpose areas of funding for the county as identified in the Texas HAVA State Plan, which include the following: (1) County Education Fund, (2) Accessible Voting System in each polling place, and (3) General HAVA Compliance. Under the County Education Fund, Hays County will have \$7,000 available for reimbursement (funds can be used for costs incurred as a result of attending professional election training such as conferences and seminars). Under the Accessible Voting System in Each Polling Place purpose area, Hays County will have \$105,000 available for reimbursement (funds can be used to purchase voting equipment consistent with the mandates described in Section 9 of the award agreement). Under the General HAVA Compliance purpose area, Hays County will have \$97,881.21 available for reimbursement (funds can be used for general compliance with Title II requirements of HAVA which are listed in Section 6 of the award agreement). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a Resolution Authorizing the County Judge to accept a Grant from the Texas Secretary of State pursuant to Title I, Section 101 and Title II Section 251 of HELP AMERICA VOTE ACT (HAVA) and to execute a contract for \$209,881.21. All voting "Aye".**



22098 ADOPT A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO FOR UP TO \$21,000 TO PURCHASE EQUIPMENT FOR THE CITIZENS COLLECTION STATION & TRANSFER STATION

[T1-3031] Grants Administrator Richard Salmon explained the grant. This grant request will be to purchase used forklifts – one for the transfer station and one for the citizens collection station. Hays County will provide no cash match, but will instead provide in-kind match equal to the value of existing recycling facilities. The forklifts will allow the county to move and stack bailed products. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a Resolution authorizing the County Judge to submit a Grant application to CAPCO for up to \$21,000 to purchase equipment for the Citizens Collection Station & Transfer Station. All voting "Aye".**

22099 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS AND SAN MARCOS CISD RELATING TO ROAD IMPROVEMENTS TO OLD BASTROP HWY (CR 266) FROM HWY 123 SOUTH TO THE INTERSECTION OF MCCARTY LANE [T1-3051]

Commissioner Ingalsbe spoke of revised interlocal agreement (minor changes). She advised that \$150,000 is available in the FY2005 Road Dept. budget (roll over funds) that can be utilized without affecting any remaining projects that need to be completed and \$150,000 will be taken out of Pct 1 priority list next year. Winton Porterfield advised that the City of San Marcos will annex some of the roadway and provide maintenance for all the roadway. The City of San Marcos has unanimously approved these provisions. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to enter into an interlocal agreement with the City of San Marcos and San Marcos CISD relating to road improvements to Old Bastrop Highway (CR266) from Hwy. 123 south to the intersection of McCarty Lane. All voting "Aye".**

22100 ACCEPT A DONATION OF LABOR COST FROM BILL'S HEATING & AIR CONDITIONING TO INSTALL THE 3 TON AC UNIT AT THE HAYS COUNTY CIVIC CENTER [T1-3246]

Commissioner Molenaar spoke of donation of an AC unit that now needs to be installed – labor cost being donated is a \$2,000 value. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept a donation of labor cost from Bill's Heating & Air Conditioning to install the 3-ton AC unit at the Hays County Civic Center. All voting "Aye".**

22101 ENACT A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS' COURT REGARDING THE RESALE OF DELINQUENT TAX PROPERTIES AS AUTHORIZED BY SECTION 34.05(1), TEXAS PROPERTY CODE [T1-3296]

Standards and procedures regarding resale of delinquent tax properties being established are: During the redemption period, private bids may be received by the County Tax Assessor-Collector and presented to the Commissioners Court for review. Any tendered bid during the redemption period must be for 100% of the taxes, penalties, interest, attorney's fees and costs due or it shall be automatically rejected by the Court. Within 6 months of the expiration of the redemption period, a private sale will be held during which the bid in trust property will be placed up for resale by Hays County. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to enact a Resolution of the Hays County Commissioners' Court regarding the resale of Delinquent Tax Properties as authorized by Section 34.05(1) Texas Property Code. All voting "Aye".**

22102 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE ROCK CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR THE ASSESSMENT AND COLLECTION OF TAXES [T1-3372]

Tax Assessor-Collector Luanne Caraway spoke of this being a new taxing district – they will not assess a tax until next year. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to enter into an interlocal cooperation agreement with the Rock Creek Water Control and Improvement District No. 1 for the assessment and collection of taxes. All voting "Aye".**

22103 ACCEPT A BID FOR 100% OF THE TAXES, PENALTIES, INTEREST, ATTORNEY'S FEES AND COSTS DUE IN CAUSE NO. 99-1288, HAYS COUNTY V. ROGER GALAN

[T1-3423] **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept a bid for 100% of the taxes, penalties, interest, attorney's fees and costs due in Cause No. 99-1288, Hays County v. Roger Galan. All voting "Aye".**



DISCUSSION RELATED TO AUTOMATIC INCREASE AND RECOMMENDATION FROM THE HAYS COUNTY GRIEVANCE COMMITTEE REGARDING THE SALARY GRIEVANCE OF CONSTABLE BILLY REEVES, CONSTABLE RON MCGILL AND CONSTABLE LUPE CRUZ [T1-3444]

Special Counsel Jacqueline Cullom Murphy spoke of Salary Grievance Committee meeting that was held yesterday in which they had 7 regular members plus 2 alternates present. The first vote by the committee was to raise the Constable's salaries to \$59,019 pursuant to request of the Constables – 5 members voted for that increase – since the vote was not unanimous, it only comes to the court as a recommendation. **A second motion was made to increase their salaries to \$46,000 and all nine members voted in support of that motion, therefore it is an automatic increase and must be included in the budget.** County Auditor Bill Herzog advised that \$20,967 will be added to the budget to increase the salaries of the Constables filing the grievance. Only the three Constables filing a grievance will receive the increase. Increases in other elected officials can only be made once a year and must be published in the newspaper before the budget is adopted.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE DEPARTMENT HEAD EVALUATIONS

The Court convened into closed executive session and upon completion reconvened into open meeting. No action was taken.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 SEPTEMBER 28, 2004.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF OCTOBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: COMMISSIONER PCT. 3 WILLIAM "WILL" BURNETT; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22104 ADOPT A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2004 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN HAYS COUNTY

County Clerk Lee Carlisle read the Proclamation. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring the month of October 2004 as "Domestic Violence Awareness Month" in Hays County, All present voting "Aye". Melissa Johnson spoke of services provided and thanked the court for their support and adoption of this proclamation.

22105 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2004 AS "HOME CARE MONTH"

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring the month of November 2004 as "Home Care Month". All present voting "Aye". Carol Trafford (RN, and representative of Central Texas Medical Center Home Health and Hospice) spoke of having the privilege to assist people in their home with health care services.

22106 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$883,226.08 as presented by the County Auditor. All present voting "Aye".

22107 APPROVE BUDGET AMENDMENT NO. 04-32

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-32 as proposed by the County Auditor. All present voting "Aye".

22108 APPROVE UTILITY PERMITS #01731 & #10732

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01731 on CR266/Redwood Rd & Old Bastrop Highway issued to Grande Communications, and #01732 on Holder Lane issued to Pedernales Electric Coop. as submitted by the Road Department. All present voting "Aye".

22109 APPROVE AUGUST 2004 TREASURER'S REPORT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the August 2004 Treasurer's Report as submitted. All present voting "Aye".

22110 APPROVE AWARD OF BID FOR "UNIFORM RENTAL" TO G & K SERVICES

Bids were received from G&K, Cintas, & UniFirst. Purchasing recommends awarding the contract for uniform rental to G & K Services based on the lowest and best bid. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve award of bid for "uniform rental" to G & K Services. All present voting "Aye".

22111 APPROVE ADMINISTRATIVE CHANGE TO LAW ENFORCEMENT CHART

County Treasurer Michele Tuttle recommended removal of the steps in the Law Enforcement Salary Chart and maintain no change in the current ranges. This will be consistent with the other grade step charts (nonexempt and exempt). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe All present voting "Aye".



22112 APPROVE PURCHASE OF USED CAB & CHASSIS FOR THE ROAD DEPARTMENT IN THE AMOUNT OF \$17,500

This unit will replace a water truck that is a continuous maintenance problem. Funds are available in the road department budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of a used cab & chassis for the Road Department in the amount of \$17,500. All present voting "Aye".**

22113 ACTION RELATING TO PROSECUTOR SERVICES FOR THE JUSTICE OF THE PEACE COURTS AND AMEND THE FISCAL YEAR 2005 BUDGET ACCORDINGLY

[T1-160] Commissioner Molenaar spoke of contacting some of the JP's regarding their needs for a prosecutor in the JP offices. He suggested hiring a misdemeanor prosecutor (in the DA's Office) to serve the Justice of the Peace courts. A job description has been created for this position which includes in the summary that this person will prosecute misdemeanor cases in the six justice of the peace courts at a minimum of 12 business days each month, not including the time needed to prepare for these court appearances. This position will be at the pleasure of the justice courts and they will get this person on specific days that they need them. It will cost \$25,212.00 to fund this position from October 2004 – March 2005. District Attorney Mike Wenk advised that he contacted each JP and he advised them that he would support whatever option they chose and they have indicated that they would like to continue using his personnel. He spoke of district court and county court at law increasing their jury trials and he does not have the manpower to respond to this increase. County Auditor Bill Herzog advised that there are funds available from the non-allocated salary merit increases. JP2 Beth Smith spoke in support of hiring a misdemeanor prosecutor in the District Attorney's office and she spoke of option to hire an independent attorney. Commissioner Carter spoke in favor of allowing the JP's to hire an independent attorney. [T1-380] **A motion was made by Commissioner Molenaar, seconded by Judge Powers to fund a Misdemeanor Assistant District Attorney/Justice of the Peace Prosecutor by eliminating the felony prosecutor position and move those budgeted funds into a misdemeanor prosecutor position and add \$25,212 to the budget for that position, to come out of excess merit increase funds, to be effective October 1, 2004 using the proposed job description and to serve at the pleasure of the Justices of the Peace. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22114 APPROVE ASSESSMENT AND COLLECTION AGREEMENT WITH THE CITY OF DRIPPING SPRINGS [T1-509]

County Tax Assessor-Collector Luanne Caraway advised that the City of Dripping Springs has requested that the County collect their ad valorem taxes beginning with tax year 2004. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve assessment and collection agreement with the City of Dripping Springs. All present voting "Aye".**

22115 [#03-4-061] CREEK ROAD RANCH SECTION 2 - ACCEPT COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS, CONSIDER THE RELEASE OF CONSTRUCTION FISCAL, AND ACCEPT THE MAINTENANCE FISCAL SECURITY

[T1-530] County Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept completion of road and drainage improvements, release the construction fiscal and accept maintenance fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept completion of the road and drainage improvements, release construction fiscal, and accept maintenance fiscal security for "Creek Road Ranch Section 2". All present voting "Aye".**

22116 [#02-4-037] CALICHE HILL SECTION 1 LOT 1 & CALICHE HILL SECTION 2 LOT 1 RESUBDIVISION - CALL FOR A PUBLIC HEARING FOR THE ESTABLISHMENT OF TRAFFIC REGULATIONS (SET SPEED LIMIT) ON "AMERICAN WAY" [T1-548]

A motion was made by Commissioner Molenaar, seconded by Judge Powers to call for a public hearing on October 19, 2004 to consider establishing traffic regulations (speed limit) on "American Way" in the Caliche Hill Section 1 Lot 1 & Caliche Hill Section 2 Lot 1 Resubdivision. All present voting "Aye".

22117 [#04-4-013] THE PRESERVE PHASE 3 - ACCEPT COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION FISCAL [T1-565]

This is to be a privately maintained road, therefore no maintenance fiscal is required. County Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept completion of road and drainage improvements and release the construction fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept completion of the road and drainage improvements and release construction fiscal security for "The Preserve Phase 3". Commissioner Ingalsbe, Commissioner Carter, and Commissioner Molenaar voting "Aye". Judge Powers abstained.**



Clerk's Note: Agenda Item #13 RE: APPROVE AWARD OF BID FOR "ROAD BOND PROGRAM" FOR ROAD IMPROVEMENTS FOR CENTERPOINT ROAD AND MCCARTY LANE TO CAPITAL EXCAVATION IN THE AMOUNT OF \$1,541,613.69 was PULLED. No discussion and no action was taken.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 5, 2004.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





OCTOBER 12, 2004

VOLUME T PAGE 101

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12TH DAY OF OCTOBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY RICHARD PARRISH OF THE HAYS COUNTY EXTENSION OFFICE COVERING THE HAYS 4-H PROGRAM

Richard Parrish, Hays County 4H Extension Agent, spoke of celebrating National 4H Week. He spoke of number of youth involved with 4H in Hays County and volunteers. Raquel Nino (San Marcos 4H) gave the history of 4H in Texas. Cody Richter (Dripping Springs 4H) spoke of his experience in the 4H program and showing goats. Carise Magee (Wimberley 4H) spoke of her experience in the 4H program with her horse project. Richard Parrish spoke of Monday night rides at the civic center. Colby Maron (Dripping Springs 4H) spoke of it being his 5th year in 4H [he shows rabbits] and he spoke of his experience in 4H and how it has helped him succeed in school. Carie Walker (Wimberley 4H) has been a member for 10 years – she spoke of the skills she has achieved from 4H and how it has helped her to succeed in life. She continues to be a member and supports the 4H program. They presented members of the court with a small gift cup and Richard Parrish gave his appreciation to the court for their continued support.

22118 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$457,374.05 as presented by the County Auditor. All voting "Aye".

22119 APPROVE UTILITY PERMITS

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permit #01733 on Shelton Ranch Road issued to Verizon, #01734 on CR151/Bunton Lane issued to County Line Water Supply, #01735 on CR135/Grist Mill Road issued to County Line Water Supply, #01736 on Centerpoint Rd. issued to CenturyTel of San Marcos, and #01737 on CR151/Bunton Lane issued to P.E.C. All voting "Aye".

22120 APPROVE SPECIFICATIONS FOR THE BLANCO RIVER CLEANUP PROJECT – PHASE II AND AUTHORIZE THE COUNTY PURCHASING AGENT TO ADVERTISE AND SOLICIT FOR BIDS

Hays County and the City of San Marcos are cooperating in this Blanco River Cleanup Project. The project consists of the clearing and disposal of trees. Logs, brush, shrubs, stumps and rubbish along approximately 12 miles of the Blanco River as per construction specification provided by NRCS under the Watershed Protection Act. The Texas Office of Rural Affairs (ORCA) is providing \$250,000 to Hays County as matching funds for the \$342,000 currently exempt from the normal process of procuring professional services due to the "presidential declaration" associated with the natural disaster, which made these grants possible. Phase I has been completed and Hays County is now ready to solicit bids for Phase II. The county has to award this project soon to retain both the NRCS and ORCA funds. No county funds are needed. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for the Blanco River Cleanup Project – Phase II and authorize the County Purchasing Agent to advertise and solicit for bids. All voting "Aye".

22121 APPROVE RENEWAL OF ANNUAL OFFICE SUPPLY CONTRACT WITH OFFICE DEPOT FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN ORIGINAL CONTRACT

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal of annual office supply contract with Office Depot for one (1) additional year as provided in the original contract. All voting "Aye".



22122 [PCT. 3 #04-4-062] BURNETT RANCH UNIT 5 LOT 121, 2 LOTS RESUBDIVISION AND PARTIAL VACATING OF LOT 121 * APPROVE PRELIMINARY PLAN [T1-337]

David Jones spoke of importance of doing both agenda item #8 & #9 together. Commissioner Burnett stated that the intent is to do both items. Environmental Health Director Allen Walther advised that item #8 [Burnett Ranch 5 Lot 121 resubdivision) is to correct the situation brought to our attention and staff recommends approval of preliminary plan. He does not agree with vacation of High Ridge because if item #8 gets approval, it will correct the High Ridge problem. [T1-490] David Jones disagrees because of public notification process that was not done. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the preliminary plan for "Burnett Ranch Unit 5 Lot 121 Resubdivision and partial vacation". All voting "Aye".**

22123 CANCELLATION OF THE HIGH RIDGE RANCH SUBDIVISION [T1-562]

When this subdivision was originally approved it included a 0.29 acre portion of Burnett Ranches which had not been vacated. David Jones spoke in support of canceling this subdivision and require developer to start the subdivision process over again and comply with subdivision rules. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve cancellation of the "High Ridge Ranch" subdivision. All voting "Aye".** [CLERK'S NOTE: HIGH RIDGE RANCH PLAT IS RECORDED IN VOLUME 11 PAGE 386-391]

22124 [PCT. 4 #04-4-066, 2 LOTS] F & W SUBDIVISION SECTION 2 * APPROVE PRELIMINARY PLAN AND GRANT VARIANCE FROM MAXIMUM SHARED ACCESS DRIVEWAY LENGTH [T1-578]

Environmental Health Director Allen Walther spoke of length of SAD (shared access driveway). Property owner is requesting a variance to the rule limiting a shared access driveway to 1320 feet – they would like to create a SAD 1700 feet long (380 additional feet). Allen Walther gave staff recommendation for preliminary plan approval and variance to SAD. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve the preliminary plan for "F & W Subdivision Section 2" and grant a variance for the maximum shared access driveway length (from 1320 feet to 1700 feet). All present voting "Aye". Commissioner Burnett not present for vote.**

22125 [PCT. 1 #02-1-013] THE RANCH @ PORTER CREEK SECTION 1 - CALL FOR A PUBLIC HEARING ON OCTOBER 26, 2004 TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS (STOP SIGN & SPEED LIMIT) [T1-609]

The Road Dept. is proposing a STOP sign on Bonanza Street at Cotton Gin Road and a speed limit of 25MPH on Bonanza Street. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on October 26, 2004 to establish comprehensive traffic regulations in "The Ranch @ Porter Creek Section 1" subdivision (STOP signs and Speed Limit). All voting "Aye".**

22126 RIVER HILLS SUBDIVISION -PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) [T1-618]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borchering recommended a speed limit of 30MPH. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish traffic regulation of 30MPH speed limit in the "River Hills" subdivision. All voting "Aye".**

22127 [PCT. 4 #02-4-037] CALICHE HILL SECTION 1 LOT 1 & CALICHE HILL SECTION 2 LOT 1 RESUBDIVISION - RELEASE THE MAINTENANCE FISCAL SECURITY AND ACCEPT THE STREET, "AMERICAN WAY" INTO THE COUNTY MAINTENANCE SYSTEM [T1-636]

Road Supt/Engineer Jerry Borchering advised that repairs have been made and he gave staff recommendation for release of maintenance fiscal security and acceptance of "American Way" into the county maintenance system. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release the maintenance fiscal security and accept the street "American Way" in the Caliche Hill Section 1 Lot 1 & Section 2 Lot 1 Resubdivision into the county maintenance system. All voting "Aye".**

22128 APPROVE CONTRACT RENEWAL BETWEEN HAYS COUNTY AND AFFILIATED COMPUTER SERVICES FOR THE PURPOSE OF RECORDS MANAGEMENT, RECORDATION AND CASHIERING OF COUNTY OFFICIAL RECORDS AND VITAL RECORDS BY THE HAYS COUNTY CLERK'S OFFICE AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve contract renewal between Hays County and Affiliated Computer Services (ACS) for the purpose of records management recordation and cashiering of county official records and vital records by the Hays County Clerk's Office and authorize the County Judge to execute same. All voting "Aye".



22129 AWARD BID FOR "ROAD BOND PROGRAM" FOR ROAD IMPROVEMENTS FOR CENTERPOINT ROAD AND MCCARTY LANE TO CAPITAL EXCAVATION IN THE AMOUNT OF \$1,541,613.69 [T1-651]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award bid for "Road Bond Program" for road improvements for Centerpoint Road and McCarty Lane to Capital Excavation in the amount of \$1,541,613.69. All voting "Aye".

22130 APPROVE PUBLIC ROAD CROSSING IMPROVEMENT AGREEMENTS BETWEEN UNION PACIFIC RAILROAD COMPANY AND HAYS COUNTY FOR CENTERPOINT ROAD AND MCCARTY LANE [T1-681]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve public road crossing improvement agreements between Union Pacific Railroad Company and Hays County for Centerpoint Road and McCarty Lane. All voting "Aye".

22131 AWARD ROAD BOND PROJECT FOR IMPROVEMENTS TO HEIDENREICH LANE TO CAPITAL EXCAVATIONS IN THE AMOUNT OF \$1,599,152.46 [T1-690]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award road bond project for improvements to Heidenreich Lane to Capital Excavations in the amount of \$1,599,152.46. All voting "Aye".

22132 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 6 TO WORK AUTHORIZATION NO. 2 - HAYS COUNTY/TC&B/SURVCON (MT. GAINOR RD) [T1-781]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve agreement for Engineering Services with Turner, Collie & Braden, Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 6 to Work Authorization No. 2 - Hays County/TC&B/Survcon (Mt. Gainor Road). All voting "Aye".

22133 APPROVE THE COUNTY HOLIDAYS FOR 2005 [T1-833]

Commissioner Ingalsbe spoke of options for holidays for 2005 (2 days for new years or Texas Independence Day). The Court agreed to approve holiday option with Texas Independence Day. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve the County Holidays for 2005. All voting "Aye".

HAYS COUNTY HOLIDAYS FOR 2005

NEW YEARS	JAN	3	MON
MARTIN LUTHER KING'S BIRTHDAY.....	JAN	17	MON
PRESIDENT'S DAY.....	FEB	21	MON
TEXAS INDEPENDENCE DAY.....	MAR	2	WED
GOOD FRIDAY.....	MAR	25	FRI
MEMORIAL DAY.....	MAY	30	MON
INDEPENDENCE DAY.....	JUL	4	MON
LABOR DAY.....	SEP	5	MON
COLUMBUS DAY.....	OCT	10	MON
VETERAN'S DAY.....	NOV	11	FRI
THANKSGIVING.....	NOV	24	THU
	NOV	25	FRI
CHRISTMAS.....	DEC	23	FRI
	DEC	26	MON

22134 APPROVE PURCHASE OF AN AIRSOURCE 3000 AIR PURIFIER FOR DISTRICT CLERK'S OFFICE [T1-881]

Commissioner Ingalsbe spoke of an air purifier unit being tried out in the District Clerks office for one week and it has improved conditions in her office. The cost of the unit is \$599 and it was proposed that funding come from Commissioner Pct. 1 special project funds (\$399) and from the County Judge's special projects line item (\$200). A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve purchase of an Air Source 3000 Air Purifier for the District Clerk's office in the amount of \$599 with funding provided by Commissioner Pct. 2 (\$399 from Special Projects line item) and the County Judge (\$200 from Special Projects line item). All voting "Aye".



22135 APPROVE REQUEST FOR OPTIONAL EQUIPMENT FOR CONSTABLE PCT. 2 VEHICLE [T1-932]

County Auditor Bill Herzog spoke of court not having standardized items for county vehicles – the Dodge Quad Cab SLT truck being purchased for Constable Pct. 2 is short \$50 from the amount budgeted. A discussion was had regarding the various options being purchased (i.e. grill guard, pipe running board, and hard lockable cover for the bed). Bill Herzog advised that the \$50 could be taken out his vehicle maintenance line item. Commissioner Molenaar advised that he cannot support this vehicle purchase. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve request for optional equipment for Constable Pct. 2 vehicle and amend the budget accordingly. Commissioner Ingalsbe, Commissioner Burnett and Judge Powers voting "Aye". Commissioner Carter & Commissioner Molenaar voting "No". MOTION PASSED**

22136 APPROVE BUDGET AMENDMENT NO. 05-01

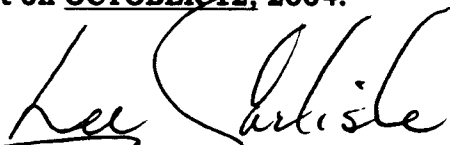
Commissioner Carter had this item pulled from the consent agenda so that it could be voted on separately and County Auditor Bill Herzog advised that the amendment to Constable 2 budget was subject to approval of agenda item #20 regarding purchase of optional equipment. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-01 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

Clerk's Note: Agenda Item #21 RE: APPROVE APPOINTMENT OF DUKE MORELAND TO THE WIMBERLEY, HAYS COUNTY, EMERGENCY SERVICES DISTRICT #3, REPLACING BILL BRENDLER WHO IS STEPPING DOWN was PULLED. No discussion and no action taken.
[T1-pulled]

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 12, 2004.





**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





OCTOBER 19, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 19TH DAY OF OCTOBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

22137 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 23 - 29, 2004 AS "RED RIBBON WEEK" IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a Proclamation declaring the week of October 23-29, 2004 as "Red Ribbon Week" in Hays County. All voting "Aye".

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Justice of the Peace Pct. 2 Beth Smith presented a 15 year service pin to Sylvia Varela. Commissioner Pct. 2 Susie Carter presented a 5 year service pin to Suzanne Williams. Justice of the Peace Andy Cable presented a 5 year service pin to Janet Pesl. Commissioner Pct. 3 Bill Burnett presented a 15 year service pin to Cynthia Carter.

PUBLIC COMMENT

[T1-205] Lloyd T. O'Leary spoke of his concerns about the intersection of Lime Kiln and Hilliard Road – his fence continues to be damaged. He stated that he had talked to the Road Dept. about installing bollards – he would like a solution to this problem (flashing lights, bollards or some other resolution).

22138 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$404,686.40 as presented by the County Auditor. All voting "Aye".

22139 APPROVE AWARD FOR PROPOSAL FOR PUBLIC SAFETY MESSAGE SWITCH AND THIN CLIENT SOFTWARE TO BRAZOS TECHNOLOGY AND AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE CONTRACT

This item is being funded through a Sheriff's match of Copsmore Grant. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve award for proposal for Public Safety Message Switch and Thin Client Software to Brazos Technology and authorize the County Judge to negotiate a contract. All voting "Aye".

22140 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$45,650 GRANT FROM THE OFFICE OF GOVERNOR-CRIMINAL JUSTICE DIVISION FOR THE VAWA PROSECUTOR PROGRAM AND TO EXECUTE THE SAME

Federal law mandates the Violence Against Women Act Program. Hays County has been using grant funds and county match to operate the program for the past 8 years. Grant funds are provided through CAPCO by way of the Office of the Governor/Criminal Justice Division. The current grant pays for 83.6% of the salary and benefits of the VAWA Prosecutor and the county pays the rest. Also the county currently pays 100% of the salary and benefits of the part-time VAWA Investigator in the District Attorney's Office. In the past, the Prosecutor spent a great deal of time locating victims and witnesses for the court. Now the Investigator does that and the program is much more cost effective. The current grant request will be for \$45,650 and the grant period will be from 9/1/04 to 8/31/05. The county will need to provide a cash match of \$47,741. Since this is a federally mandated program the county will eventually have to take over all costs in the future. Therefore, it is advantageous for Hays County to leverage county funds in this fashion. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a \$45,650 Grant from the Office of the Governor-Criminal Justice Division for the VAWA Prosecutor Program and execute the same. All voting "Aye".



22141 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$22,127 GRANT FROM THE OFFICE OF THE GOVERNOR-CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AND TO EXECUTE CONTRACT

Grant application was made to the Office of the Governor – Criminal Justice Division – Juvenile Accountability Block Program. Grant and matching funds will be used by the Hays County Juvenile Probation to continue to pay the salary and benefits of the 2nd drill instructor for the “Day Boot Camp” at Hays CISD. The County is allocated \$13,569 from the State and the City of San Marcos is allocated \$8,558 for a total of \$22,127. The City of San Marcos has elected not to apply for the grant and waives their funds to the county. The county “Day Boot Camp” program has been highly successful. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a \$22,127 Grant from the Office of the Governor-Criminal Justice Division, Juvenile Accountability Block Grant Program and to execute a contract. All voting “Aye”.**

22142 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$150,000 GRANT FROM THE LOWER COLORADO RIVER AUTHORITY – PARKS IN PARTNERSHIP PROGRAM FOR THE FIVE MILE DAM PARK AND TO EXECUTE CONTRACT

Hays County was recently notified of the \$150,000 grant award for improvements to 5 Mile Dam, which now includes the 43 acres adjacent to the existing park. Hays County has also been awarded \$500,000 from the Texas Parks and Wildlife Department. We anticipate getting the contract from them within 30 days. After both contracts are received, we will start the procurement of professional services and then the design phase of the project. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a \$150,000 Grant from the Lower Colorado River Authority – Parks in Partnership Program for the Five Mile Dam Park and to execute a contract. All voting “Aye”.**

22143 [PCT. 3 #04-3-0058, 2 lots] BURNETT RANCH SECTION 3 LOT 62 REPLAT * APPROVE PRELIMINARY PLAN [T1-260]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan for “Burnett Ranch Section 3 Lot 62 Replat”. All voting “Aye”.**

22144 [PCT. 3 #04-3-020, LOT] HENLY SOUTH FIREHOUSE * APPROVE PRELIMINARY PLAN AND WAIVE ALL DEVELOPMENT AND PLATTING REVIEW FEES [T1-270]

Environmental Health Director Allen Walther spoke of this being a location for a fire station – he gave staff recommendation for approval of preliminary plan and waiver of county development and platting review fees. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan and waive all development and platting review fees for “Henly South Firehouse” subdivision. All voting “Aye”.**

22145 [PCT. 3# 04-3-061, 3 LOTS] HILL COUNTRY ESTATES SECTION 2 LOT 22 RESUBDIVISION * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-287]

Judge Powers declared the public hearing open. John Reed Lyday owns adjoining tract and spoke of documents that need to be officially recorded [submitted his concerns in writing]. He spoke of buffer zone and commercial restrictions to Lot 22. Tommy Wheeler (owns 2 lots on Hugo Road) voiced his concern about subdivisions occurring in this area – he is concerned about availability of water. [T1-524] Thomas Teal (resides on Hugo Road) spoke of restrictions from commercial businesses and he spoke of safety issues related to commercial property. He opposes this resubdivision. Subdivision Coordinator Jon Thompson spoke of research of recorded restrictive covenants and letter from Attorney Bob Kiesling. Commissioner Burnett spoke of traffic being a major issue throughout the county, however, this resubdivision does meet with county rules and regulations. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Property owner/developer Tim DeJong spoke of rainwater collection system that he is committed to – the 35 ft. buffer is in his deed and he has no intention to violate it – he has been working with TxDot to improve traffic safety issues. The public hearing was closed. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of “Hill Country Estates Section 2 Lot 22 Resubdivision”. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

DISCUSSION RE: RESOLUTION REVISING THE TOLL ROAD DECISIONS [T1-792]

Commissioner Carter spoke in opposition to tolling existing roads and she presented a proposed resolution revising the toll road decisions. Commissioner Burnett spoke of legislative intent – he feels like changes will be made – he does not disagree with the resolution – he is opposed to tolling existing roadways – Hays County has no possible toll roads. Commissioner Carter spoke of her constituents working in Austin and having to deal with these toll roads. Commissioner Molenaar spoke of businesses being built on state highways and requiring traffic lights. Commissioner Burnett advised that he would like to work with Commissioner Carter to revise the wording of the resolution – he spoke of 29% of the gasoline tax not going for transportation.



Commissioner Burnett spoke of provision in the law that allow voters to approve tolling of existing roadways. Commissioner Ingalsbe advised that she has received over 5,000 emails from people who are concerned about tolling existing roads. Commissioner Burnett spoke of toll roads in Austin would free up TxDot money for projects pending in Hays County. [T1-1103] David Baker spoke in support of proposed resolution. [T1-1145] Charles O'Dell (Hays CAN) spoke of his wife commuting every day from Hays County into Austin – toll gates into Austin penalize Hays County citizens - he feels like more roads are not the solution. [T1-1233] Mike Cox spoke of information on the CAMPO website indicate that they will be revisiting the plan in December – he asked for no action on the resolution today or amend it to ask the State to not pass anymore un-funded mandates. [T1-1298] Jim Green spoke of need to convince the legislature to fund TxDot like it should and need for the court to try to attract support from TAC and other organizations. Mr. Green spoke of need for all the gasoline tax to be spent for roads. Commissioner Burnett spoke of need for different modes of transportation.

22146 [PCT. 4 #04-4-067, 2 LOTS] **SUNSET CANYON SECTION V LOTS 882 & 883 REPLAT * APPROVE FINAL PLAT AND WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS** [T1-1374]

Environmental Health Director Allen Walther spoke of amending a common lot line – he gave staff recommendation for waiving preliminary plan and public notification requirements and approve the final plat. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat and waive preliminary plan and public notification requirements for "Sunset Canyon Section V Lot 882 & 883 Replat". All voting "Aye".**

22147 [PCT. 4 #04-4-066, 2 LOTS] **F & W SUBDIVISION SECTION 2 * APPROVE FINAL PLAT** [T1-1387]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "F & W Subdivision Section 2". All voting "Aye".**

22148 [PCT. 4 #04-4-068, 2 LOTS] **MEADOW OAKS PHASE 1 LOTS 20 & 21 REPLAT * WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS AND APPROVE FINAL PLAT** [T1-1398]

Environmental Health Director Allen Walther spoke of amending a common lot line – he gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive preliminary plan and public notification requirements and approve final plat of "Meadow Oaks Phase 1 Lots 20 & 21 Replat". All voting "Aye".**

CLERK'S NOTE: AGENDA ITEM #14 RE: [PCT. 4 #04-4-065, 343 LOTS] *SPRING CREEK RANCH PHASE 1 * PRELIMINARY PLAN AND PHASED DEVELOPMENT AGREEMENT WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.*

22149 [PCT. 4 #02-4-037] **CALICHE HILL SECTION 1 LOT 1 & CALICHE HILL SECTION 2 LOT 1 RESUBDIVISION * PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON "AMERICAN WAY DRIVE"** [T1-1418]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 25MPH. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to establish traffic regulation of 25MPH on "American Way Drive" in the Caliche Hill Section 1 Lot 1 & Caliche Hill Section 2 Lot 1 Resubdivision. All voting "Aye".**

22150 **APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 17 - HAYS COUNTY/TCB/LAN (DRY HOLE RD.)** [T1-1439]

Maen Hourani (Senior Project Manager for TC&B) explained the work authorization. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve agreement for Engineering Services with Turner, Collie Braden Inc. and authorize the County Judge to execute Work Authorization No. 17 – Hays County/TCB/LAN (Dry Hole Road). All voting "Aye".**

22151 **CANCELLATION OF COMMISSIONERS' COURT ON NOVEMBER 30, 2004 and DECEMBER 28, 2004** [T1-1470]

The Court considered canceling the following Commissioners' Court meetings: November 2nd (election day), November 30th (Tuesday after Thanksgiving holiday), and December 28th (Tuesday after Christmas holidays). Grants Administrator Richard Salmon asked that the meeting of November 2, 2004 not be canceled because it will affect grants they are working on and one they are about to award. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve cancellation of Commissioners' Court on November 30, 2004 and December 28, 2004. All voting "Aye".**



DISCUSSION REGARDING LCRA RADIO SYSTEM FOR PUBLIC SAFETY DEPARTMENTS WITHIN HAYS COUNTY, CONTRACT FOR INFRASTRUCTURE SERVICES WITH LCRA, AND THE PURCHASE OF EQUIPMENT REQUIRED TO OPERATE ON THE SYSTEM [T1-1500]

With new Federal Communications Commission rules and regulations, Hays County will be required to change its public safety radio system to meet the new standards. The current radio system is inadequate and poses a safety issue to officers and will not be in compliance with FCC rules and regulations in the near future. The system that is recommended is part of the LCRA trunked 900 mhz system. This system is state of the art technology and the infrastructure is leased from LCRA preventing costly repairs and upgrades to the county. Fire Marshal Mark Chambers spoke of working on this for several years – we now have a final price for this system which will be operated out of the Sheriff's office. This is a total equipment change and any system we go with, we will have to purchase new equipment. The final quote for the LCRA radio system is \$1,230,929.76 (handheld portable radios, mobile radios, installation of radios, microwave tower at Sheriff's office and support equipment, encoding & paging capabilities, consoles, etc. in dispatch). This equipment will be for the Sheriff's Office, Constables, Fire Marshal, Environmental Health Officer, & the DA's office. Sheriff's Dept. Capt. Sam Williams spoke of radio system currently used and the proposed system. Mark Chambers spoke of Fire/EMS that will be converting to this system. Commissioner Ingalsbe spoke of need to consider funding options. Commissioner Molenaar spoke of using reserve funds. Mark Chambers advised that LCRA does not expect payment until the system is up and running (6-8 months). LCRA will not build the tower structure (in Wimberley) until the county makes a commitment. A discussion was had regarding funding options that could be effective October 2005. Mark Chambers advised that the monthly rental cost will be \$6,723 per month and he suggested having a service contract on the console equipment. Sam Williams stated that they consider this a "sole source vendor" exempt from the bid process. Commissioner Carter felt like the auditor's office should review this before action is taken. **No action was taken this date – to be reconsidered next week.**

22152 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING: A) PARCEL 3, CENTERPOINT ROAD, SAN MARCOS SB VENTURE LTD., FEE OWNER; B) PARCEL 2, CENTERPOINT ROAD, OUTLET WEST INVESTORS, LTD., FEE OWNER; AND, C) PARCEL 13, MOUNT GAINOR ROAD, RICHARD AND PATRICIA HABERMAN, FEE OWNERS AND APPROVAL OF RESOLUTIONS AUTHORIZING CONDEMNATION OF THESE PARCELS [T1-2390]

Court convened into closed meeting at 11:35 a.m. and reconvened into open meeting at 12:05 p.m. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize condemnation proceedings relating to the Hays County Road Bond Program to obtain right of way interest in Parcels #2, #2E, #3, & #3E on Centerpoint Road and Parcel #13 on Mt. Gainor Road and authorize the County Judge to execute resolutions authorizing the same. All voting "Aye".

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 19, 2004.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



OCTOBER 26, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF OCTOBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22153 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$410,169.51 as presented by the County Auditor. All voting "Aye".

22154 APPROVE BUDGET AMENDMENT 05-02

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve Budget Amendment #05-02 as proposed by the County Auditor. All voting "Aye".

22155 APPROVE UTILITY PERMIT #01738

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve Utility Permit #01738 on Darden Hill Road issued to August Partners Inc. All voting "Aye".

22156 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$21,544 TO FEMA/DEM EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM

This is a grant the county has been getting for a number of years. The grant and county funds pay the salary and benefits of Mark Chambers, the county fire marshal and emergency management coordinator. EMPG stands for "Emergency Management Performance Grant" program. A new employee is budgeted for the Fire Marshal's office for FY2004-05 and will be hired on April 1, 2004. This employee will be assigned to EMC duties only. A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for \$21,544 to FEMA/DEM Emergency Management Performance Grant (EMPG) Program. All voting "Aye".

22157 APPROVE RENEWAL CONTRACT FOR ANIMAL SHELTERING SERVICES WITH THE PUBLIC FOR ANIMAL WELFARE SOCIETY, INC. (PAWS)

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve renewal contract for animal sheltering services with The Public For Animal Welfare Society, Inc. All voting "Aye".

22158 ADOPT ADMINISTRATIVE CHANGES REGARDING WORKER'S COMPENSATION "FIRST WEEK" PAYMENT PROCEDURES

Court needs to adopt administrative changes due to new procedures regarding worker's compensation "first week" reimbursement: change the 7-day payment policy to a 40-hour payment policy, Hays County is to pay the employee for the first 40 hours on worker's compensation and the worker's compensation insurance will pay the employee for any hours beyond the first 40. A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to adopt administrative changes regarding workers' compensation "First Week" payment procedures. All voting "Aye".

22159 APPROVE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR A/C AND HEATING SERVICES" BID #2005-B01 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve specifications for "Annual Contract for A/C and Heating Services" Bid #2005-B01 and authorize purchasing agent to solicit for bid and advertise. All voting "Aye".



- 22160 APPROVE RENEWAL AGREEMENTS FOR APPOINTMENT OF MIKE KELLY, M.D. AS THE HAYS COUNTY LOCAL HEALTH AUTHORITY; DRs. CHARLES ANDERSON, TERESA IRWIN, A. RAY JACOBSON, KOTESWARA KUNDA, ALAN PARKS, AND BETH REID FOR PHYSICIAN SERVICES [T1-30]**

Health Dept. Director Gay Helmly explained the services provided by the recommended doctors. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal agreements for appointment of Mike Kelly, M.D. as the Hays County Local Health Authority; Drs. Charles Anderson, Teresa Irwin, A. Ray Jacobson, Koteswara Kunda, Alan Parks and Beth Reid for Physician Services. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

- 22161 [PCT. 3 #04-3-019, 8 LOTS] WILDFLOWER SUBDIVISION * APPROVE FINAL PLAT [T1-86]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett seconded by Commissioner Molenaar to approve final plat of "Wildflower Subdivision". All voting "Aye".

- 22162 [PCT. 3 #04-3-020, 1 LOT] HENLY SOUTH FIREHOUSE * APPROVE FINAL PLAT [T1-123]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Christina McKinney was on hand to answer any questions the court may have. A motion was made by Commissioner Burnett seconded by Commissioner Molenaar to approve final plat of "Henly South Firehouse" subdivision. All voting "Aye".

- 22163 [PCT. 4 #04-4-069, 2 LOTS] HIGHLANDS, SECTION C LOTS 19B & 20A * APPROVE VACATING OF THE PUBLIC UTILITY EASEMENT [T1-133]**

Environmental Health Director Allen Walther gave staff recommendation for approval of vacating the public utility easement. Both lots are owned by Rodger & Carol Johnson and they have received a release of easement from Pedernales Electric Cooperative & CenturyTel. A motion was made by Commissioner Molenaar seconded by Commissioner Burnett to approve vacating the public utility easement in the Highlands Section C Lots 19B & 20A. All voting "Aye".

- 22164 [PCT. 4 #04-4-065, 343 LOTS] HIGHPOINTE PHASE 1 * APPROVE PRELIMINARY PLAN AND PHASED DEVELOPMENT AGREEMENT [T1-150]**

Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plan and phased development agreement. Charles O'Dell (Hays CAN) spoke in opposition to this phased development. Allen Walther spoke in support of phased development agreements. A motion was made by Commissioner Molenaar seconded by Commissioner Burnett to approve preliminary plan and Phased Development Agreement for "Highpointe Phase 1". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

Clerk's Note: Agenda Item #13 RE: [PCT. 4 #04-4-032, 14 LOTS] WALKING W RANCH, PHASE B * APPROVE FINAL PLAT, APPROVE COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS, AND ACCEPT MAINTENANCE FISCAL SECURITY was PULLED. No discussion and no action taken.

- 22165 [PCT. 1 #02-1-013] THE RANCH @ PORTER CREEK * PUBLIC HEARING FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE MAINTENANCE FISCAL, AND ACCEPT STREETS FOR COUNTY MAINTENANCE**

[T1-386] Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish traffic regulations to set speed limit at 25 mph, place a STOP sign on Bonanza Street at Cotton Gin Road, release maintenance fiscal security and accept streets for county maintenance in The Ranch @ Porter Creek Subdivision (Bonanza Street). A motion was made by Commissioner Ingalsbe seconded by Commissioner Carter to establish traffic regulations to set speed limit of 25 mph on Bonanza Street and place a stop sign on Bonanza Street at Cotton Gin Road, release maintenance fiscal and accept street (Bonanza Street) for county maintenance in the Ranch @ Porter Creek Subdivision. All voting "Aye".



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22166 APPROVE LCRA RADIO SYSTEM FOR PUBLIC SAFETY DEPARTMENTS WITHIN HAYS COUNTY AND AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT FOR INFRASTRUCTURE SERVICES WITH LCRA AND THE PURCHASE OF EQUIPMENT REQUIRED TO OPERATE ON THE SYSTEM [T1-409]

This item was discussed by the court in length at its October 19th meeting. Hays County Fire Marshal Mark Chambers explained the contract. Jason Urban of LCRA spoke of agreement contingent on building a tower in Wimberley and approval of LCRA Board. Discussion was had regarding amount to be paid and when it would be paid out. A motion was made by Commissioner Molenaar seconded by County Judge to approve LCRA Radio System for Public Safety Departments within Hays County and authorize the County Judge to enter into a contract for infrastructure services with LCRA and the purchase of equipment required to operate on the system contingent on LCRA's approval of building tower in Wimberley and to also secure financing needed with payment to begin on October 1, 2005. All voting "Aye".

22167 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$26,280 FROM THE OFFICE OF GOVERNOR/CRIMINAL JUSTICE DIVISION/JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM AND TO EXECUTE CONTRACT [T1-721]

The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. The local MHMR only provides services to those residents that live in the county. As the juvenile populations grows in the Hays County Juvenile Center, a significant number will need mental health services and this grant will help to address that need. No matching funds are required. A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to authorize the County Judge to accept \$26,280 from the Office of Governor - Criminal Justice Division - Juvenile Justice and Delinquency Prevention Program and to execute contract. All voting "Aye".

22168 APPROVE REVISED PARTICIPATION AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS TRANSPORTATION COMMISSION FOR IMPROVEMENTS OF STATE HIGHWAYS IN HAYS COUNTY [T1-753]

Bob Sutton (TC&B) spoke of a revised agreement to TxDot in which Hays County proposes to contribute \$9,200,000 toward the development of the US290 and FM1626 projects. Hays County will continue to discuss implementation of the RM12 widening with TxDot staff. [1178] A motion was made by Commissioner Molenaar seconded by Commissioner Burnett to adopt Revised Participation Agreement and authorize the County Judge to sign the agreement between Hays County and the Texas Transportation Commission for improvements of State Highways in Hays County and submit agreement to Chairman Williamson. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

EXECUTIVE SESSION PURSUANT TO 552.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT [T1-1231]

The court convened into closed executive session at 10:26 a.m. and reconvened into open meeting at 12:10 p.m. No discussion and no action taken.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 26, 2004.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2ND DAY OF NOVEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22169 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$572,040.71 as presented by the County Auditor. All voting "Aye".

22170 APPROVE UTILITY PERMIT #01740

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01740 on Love Drive issued to Goforth Water Supply Corp. All voting "Aye".

22171 ACCEPT INTERNAL EXAMINATION REPORTS FOR THE CIVIC CENTER AND TAX ASSESSOR-COLLECTOR OFFICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept internal examination reports for the Civic Center and Tax Assessor-Collector Offices. All voting "Aye".

22172 APPROVE RENEWAL OF CONTRACT FOR "ELECTRICAL SERVICES FOR HAYS COUNTY" FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL CONTRACT WITH TED BREIHAN CO.

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of contract for "Electrical Services for Hays County" for one additional year as provided in original contract with Ted Breihan Co. All voting "Aye".

22173 AWARD BLANCO RIVER CLEANUP PROJECT - PHASE II TO ROBLES & SONS, INC. FOR \$247,000, SUBJECT TO FUNDING FROM TEXAS' OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA) AND UNITED STATES DEPARTMENT OF AGRICULTURE - NATURAL RESOURCE CONSERVATION SERVICE (USDA/NRCS) AND APPROVAL OF CONTRACT BY HAYS COUNTY ATTORNEY JACQUELINE CULLOM-MURPHY AND COUNTY AUDITOR BILL HERZOG

This is the second and final phase of the cleanup of approximately 8 miles of the Blanco River from the confluence for the Blanco and San Marcos Rivers to .25 miles west of the IH 35 bridge. The Texas Office of Rural Community Affair (ORCA) and the U. S. Dept. of Agriculture Natural Resource Conservation Program (USDA/NRCS) are providing 100% of the costs. Robles and Sons Inc. have done demolition work with the county before - they were the company that demolished the 38 homes in Wimberley under the FEMA Buyout Project. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award Blanco River Cleanup Project - Phase II to Robles & Sons Inc. for \$247,000 subject to funding from the Texas Office of Rural Community Affair (ORCA) and United States Department of Agriculture - Natural Resource Conservation Service (USDA/NRCS) and approval of contract by Hays County Attorney Jacqueline Cullom Murphy and County Auditor Bill Herzog. All voting "Aye".

22174 APPROVE OVERTIME COST REIMBURSEMENT AGREEMENT, FOR THE CENTRAL TEXAS JOINT TERRORISM TASK FORCE, BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND HAYS COUNTY SHERIFF'S OFFICE

Commissioner Carter asked about costs for overtime. Chief Deputy Sam Williams advised that they have an investigator assigned to the task force and there is no specific amount of overtime - the federal government will reimburse the county for any overtime. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve overtime cost reimbursement agreement for the Central Texas Joint Terrorism Task Force between the Federal Bureau of Investigation and the Hays County Sheriff's Office. All voting "Aye".



22175 [PCT. 4 #04-4-032, 14 LOTS] WALKING W RANCH PHASE B * APPROVE FINAL PLAT; APPROVE COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS, AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-108]

Environmental Health Director Allen Walther advised that this is part of a phased development – the roads are complete and have been inspected and approved by the Road Department. He gave staff recommendation for approval. A cash bond of \$10,600 has been posted for maintenance fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat, approve completion of the road and drainage improvements, and accept maintenance fiscal security for “Walking W Ranch Phase B” subdivision. All voting “Aye”.**

22176 RESCIND ACTION OF OCTOBER 12, 2004 WHICH PROPOSED CANCELLATION OF THE HIGH RIDGE RANCH SUBDIVISION [T1-123]

Linda Anderson spoke in support of action taken on October 12, 2004 to cancel High Ridge Ranch Subdivision. Gene Majors, Attorney for Moreline Properties, spoke of cancellation of a subdivision must be from the owners of the property – some of the lots have already been sold based on the recorded plat and closings are pending on other lots. He feels like the order is void and invalid and they are requesting that the court rescind the order of October 12, 2004 and reinstate the plat. David Jones advised that the problem is in the submittal of the plat – it does not reflect the property in the Burnett Ranch Subdivision. Special Counsel Jacqueline Cullom Murphy spoke of errors in the submittal process and attempts to correct the problem. Environmental Health Director Allen Walther feels like the replat in Burnett Ranch will correct the errors in High Ridge Ranch and he recommends action to rescind the cancellation of High Ridge Ranch Subdivision. Commissioner Burnett spoke of divisions in the Burnett Ranch Subdivision that were made that need to be looked into and possible prosecution of violations. Commissioner Molenaar spoke of need to take action today. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to rescind action of October 12, 2004 which proposed cancellation of the “High Ridge Ranch” subdivision. All voting “Aye”.**

22177 CALL FOR A PUBLIC HEARING ON NOVEMBER 16, 2004 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS FOR SADDLEBLANKET TRAIL [T1-478]

Road Supt/Engineer Jerry Borchering advised that he will recommend a 25MPH speed limit for Saddleblanket Trail. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to call for a public hearing on November 16, 2004 to consider establishing traffic regulations for “Saddleblanket Trail”. All voting “Aye”.**

22178 APPROVE RESOLUTION IN SUPPORT OF THE TEXAS HISTORICAL COMMISSION'S TEXAS HERITAGE TRAILS PROGRAM [T1-499]

Grants Administrator Richard Salmon explained that this resolution is in support of a grant application by the City of San Marcos to the Texas Historical Commission's Texas Heritage Trails Program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a resolution in support of the Texas Historical Commission's Texas Heritage Trails Program. All voting “Aye”.**

22179 APPROVE AUTOMATED VICTIM CRIME NOTIFICATION TECHNOLOGY FOR THE HAYS COUNTY CRIMINAL JUSTICE SYSTEM, THROUGH THE TEXAS VINE PROGRAM, FULLY FUNDED BY THE TEXAS ATTORNEY GENERAL'S OFFICE

[T1-512] The VINE (Victim Information & Notification Everyday) is the nation's leading automated victim notification solution. VINE allows crime victims across the country to obtain timely, reliable information about criminal cases and the custody status of offenders and makes information about booking and release of inmates housed in county jails and state prison available to the victims at no cost, over the phone or web (www.vinelink.com). Users can register to be notified immediately of a change in the inmate's status, such as release or escape. Lynn Baker, Appriss Data Center, explained the VINE Program - the amount of funding for Hays County is \$76,000. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve automated victims crime notification technology for the Hays County Criminal Justice System through the Texas VINE Program, which is fully funded by the Texas Attorney General's Office. All voting “Aye”.**

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 NOVEMBER 2, 2004.



Lee Carlisle
**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9th DAY OF NOVEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22180 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$704,891.08 as presented by the County Auditor. All voting "Aye".

22181 APPROVE BUDGET AMENDMENT # 05-03

Proposed budget amendments are as follows: OJP/Bullet Proof Vests Grant Law Enforcement Equipment line item increase of \$11,000 from grant award of \$5,500 and Sheriff's Office matching funds of \$5,500. Animal Control various line items increased by total amount of \$18,540 from various line items in the Sheriff's budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment NO. 05-03 as proposed by the County Auditor. All voting "Aye".

22182 APPROVE UTILITY PERMIT #01741

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01741 on CR152/Heidenreich Lane issued to Verizon Communications. All voting "Aye".

22183 APPROVE SUB-AWARD AGREEMENT WITH TEXAS STATE UNIVERSITY RELATING TO THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING PROGRAM AND AUTHORIZE THE COUNTY JUDGE TO SIGN SAME

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve sub-award agreement with Texas State University relating to the Advanced Law Enforcement Rapid Response Training Program and authorize the County Judge to sign same. All voting "Aye".

22184 APPROVE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH APPRISS, INC. AND THE TEXAS ATTORNEY GENERAL'S OFFICE RELATING TO THE VICTIM INFORMATION AND NOTIFICATION PROGRAM APPROVED BY COMMISSIONERS' COURT ON NOVEMBER 2, 2004

This is a service agreement between Hays County and the State of Texas approved vendor APPRISS to establish an automated victim notification system. The Texas Attorney General will provide implementation (startup) funds of \$45,540 and annual maintenance costs of \$25,880 thereafter. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve and authorize the County Judge to execute agreement with Appriss, Inc. and the Texas Attorney General's Office relating to the Victim Information and Notification Program approved by Commissioners' Court on November 2, 2004. All voting "Aye".

22185 APPROVE RENEWAL OF CONTRACT FOR "ANNUAL PLUMBING SERVICES FOR HAYS COUNTY" FOR ONE YEAR AS PROVIDED IN ORIGINAL CONTRACT TO A1-TRI COUNTY PLUMBING

All terms and conditions of contract remain unchanged and in full force and effect. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve renewal of contract for "Annual Plumbing Services for Hays County" for one year as provided in original contract to A1-Tri County Plumbing. All voting "Aye".



22186 APPROVE CANCELLATION OF THE AGREEMENT BETWEEN HAYS COUNTY AND AMERICAN MUNICIPAL SERVICES CORPORATION AS RECOMMENDED BY THE HAYS COUNTY JUSTICES OF THE PEACE AND AUTHORIZE JUSTICE LAMONT RAMAGE TO SEND CANCELLATION NOTICE

The JP's would like to cancel the contract with American Municipal Services Corp. since they are now using the OMNI program. They are working on a contract with another company that will aid in collection of delinquent debt on cases that are not eligible for the OMNI program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve cancellation of the Agreement between Hays County and American Municipal Services Corporation as recommended by the Hays County Justices of the Peace and authorize Justice Lamont Ramage to send cancellation notice. All voting "Aye".**

BURNETT RANCH UNIT 5 RESUBDIVISION AND PARTIAL VACATING OF LOT 121
[PCT. 3 #04-4-062, 2 LOTS] * **PUBLIC HEARING** [T1-27]

Judge Powers declared the public hearing open. The final plat has not been submitted, therefore, no action will be taken at this time. Linda Anderson spoke of existing restrictions in this subdivision and her opposition to this resubdivision. David Jones spoke of information he provided to members of the court and how he feels like this resubdivision and vacation is illegal. Charles Anema spoke in opposition to this resubdivision. Lois Hickman spoke of being active in the Burnett Ranches HOA and they are interested in keeping traffic down – she feels like this is an illegal road and the new subdivision (High Ridge) should have their access in Comal County. Don Aishman advised that he sold part of Lot 121 for what he thought was agricultural purposes and it was then sold to someone else – he feels like it was represented incorrectly to him and he feels like access to the new subdivision should be through Comal County. Brent Bates spoke in opposition to allowing access through Burnett Ranch subdivision. Judge Powers declared the public hearing closed

22187 DRIFTWOOD ACRES [PCT. 4 #04-4-064, 3 LOTS] * **APPROVE PRELIMINARY PLAN** [T1-435]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Driftwood Acres" subdivision. All voting "Aye".**

22188 APPOINT MR. CHRIS DIBRELL TO THE WIMBERLEY/HAYS COUNTY EMERGENCY SERVICES DISTRICT #3, REPLACING MR. BILL BRENDLER WHO IS STEPPING DOWN [T1-443]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Chris Dibrell to the Wimberley/Hays County Emergency Services District #3, replacing Bill Brendler who is stepping down. All voting "Aye".

22189 APPROVE AGREEMENT WITH THE CAPITAL AREA PLANNING COUNCIL TO SET UP AN EMERGENCY NOTIFICATION SYSTEM (ENS) USING HOMELAND SECURITY FUNDS [T1-460]

Grants Administrator Richard Salmon explained the ENS. Grant funds will be used for the purchase of the system, however, local governments who want this service will need to pay the monthly pro-rata share of recurring costs which includes the use of 3 T-1 Servers, database updates and long distance costs. That cost for Hays County will be \$1,262 annually. ENS can be used to notify county residents of emergency situations. This system gives you the ability to call every single phone in a particular area to warn of immediate danger such as flooding, hazardous spills, escaped convict, etc. County Auditor Bill Herzog advised that county funds needed will come out of contingencies. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve agreement with the Capital Area Planning Council to set up an emergency notification system (ENS) using homeland security funds. All voting "Aye".**

22190 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 23 - HAYS COUNTY/TC&B (CONSTRUCTION PHASE SERVICES - FIELD SERVICES) [T1-530]

Bob Austin (TC&B) explained this work authorization – TC&B will monitor construction progress and provide observation services and review invoices for Centerpoint Road, McCarty Lane & Heidenreich Lane. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 23 – Hays County/TC&B (Construction phase services – field services). All voting "Aye".**



- 22191 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 4 - HAYS COUNTY/TC&B/OTHON (HEIDENREICH LANE) [T1-580]**

Bob Austin (TC&B) explained the work authorization. The Engineer will evaluate the need for and perform project design modifications resulting from change order requests during the construction phase and conduct 3 site visits and provide initial coordination with the contractors concerning scheduling and billing. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 4 to Worth Authorization No. 4 - Hays County/TC&B/Othom (Heidenreich Lane). All voting "Aye".

- 22192 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 7 - HAYS COUNTY/TC&B/PBS&J (CENTERPOINT ROAD) [T1-611]**

The Engineer will evaluate the need for and perform project design modifications resulting from change order requests during the construction phase in coordination with the County and conduct 3 site visits. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 7 - Hays County/TC&B/PBS&J (Centerpoint Road). All voting "Aye".

- 22193 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 8 - HAYS COUNTY/TC&B/PBS&J (MCCARTY LANE) [T1-621]**

Engineer will evaluate the need for & perform project design modifications resulting from change order requests during the construction phase and conduct 3 site visits. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 5 to Work Authorization No. 8 - Hays County/TC&B/PBS&J (McCarty Lane). All voting "Aye".

The court convened into closed executive session at 9:45 a.m. and reconvened into open meeting at 12:45 p.m.

- 22194 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING: A) PARCELS 3 AND 4, WIMBERLEY BYPASS, EUGENE ERVINE WOOLSEY, FEE OWNER. ACTION MAY FOLLOW IN OPEN COURT INCLUDING THE APPROVAL OF RESOLUTIONS AUTHORIZING CONDEMNATION OF THOSE PARCELS [T1-635]**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize outside legal counsel Elly Del Prado Dietz to proceed with condemnation relating to Parcels 3 and 4, Wimberley By-Pass, owned by Eugene Ervine Woolsey and authorize the County Judge to execute the resolution determining need and authorizing condemnation. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POTENTIAL PURCHASE OF REAL PROPERTY (PROPERTY CONNECTED TO THE OLD HOSPITAL PROPERTY OWNED BY HAYS COUNTY AND LOCATED IN SAN MARCOS, TEXAS). ACTION MAY FOLLOW IN OPEN COURT

No discussion in open meeting and no action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE HAYS COUNTY PERSONAL HEALTH DIRECTOR. ACTION MAY FOLLOW IN OPEN COURT

No discussion in open meeting and no action taken.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 NOVEMBER 9, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF NOVEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
ELIZABETH Q. GONZALEZ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: COMMISSIONER PCT. 3 WILILIAM "BILL" BURNETT AND COMMISSONER PCT. 4 RUSS G. MOLENAAR; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:


22195 CANVASS ELECTION RETURNS FROM NOVEMBER 2, 2004 ELECTION OF FEDERAL, STATE AND LOCAL OFFICIALS

Elections Administrator Joyce Cowan presented the vote tabulation for the General Election held on November 2, 2004 and she spoke of provisional ballots that were cast. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to canvass and accept election returns from the November 2, 2004 Election of Federal, State and Local Officials. All present voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 10, 2004.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16th DAY OF NOVEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

22196 ADOPT PROCLAMATION DECLARING NOVEMBER 2004 AS "NATIONAL HOSPICE MONTH" IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt Proclamation declaring November 2004 as "National Hospice Month" in Hays County. All voting "Aye". Ron Scott, CTMC Hospice, thanked the court for adoption of the proclamation.

PUBLIC COMMENT

Constable Pct. 2 James Kohler spoke of need for a copy machine for his department. Commissioner Carter advised that her copier is available when staff is in her office – she spoke of vandalism and unauthorized use. He was advised that he will be provided a key to the room where the copier is.

22197 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 341,516.92 as presented by the County Auditor. All voting "Aye".

22198 APPROVE BUDGET AMENDMENT # 04-34

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-34 as proposed by the County Auditor. All voting "Aye".

22199 APPROVE BUDGET AMENDMENT # 05-04

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-04 as proposed by the County Auditor. All voting "Aye".

22200 APPROVE RENEWAL CONTRACT WITH TOP VENDORS FOR IMPLEMENTATION OF COUNTY PARKS MASTER PLAN

Since May 20, 2003 the county has compiled 6 park projects totaling \$1,902,000 and leveraged that amount 4 to 1. Of the \$20,000 allocated by the Commissioners' Court only \$3,720 has been used. The interest earned on the bonds is more than paying for these contracts and is an eligible use of park bond funds. At present we have 3 pending park projects for a total of \$752,000. After those projects are completed we will have committed 79% of total bond funds. Top vendors are Sean Garretson & Margaret Winks (Resolution #21024 5/20/03). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve renewal contract with top vendors for implementation of County Parks Master Plan. All voting "Aye".

22201 DRIFTWOOD ACRES [PCT. 4 04-4-064, 3 lots] * APPROVE FINAL PLAT [T1-119]

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Driftwood Acres". All voting "Aye".

22202 SADDLEBLANKET TRAIL * PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS [T1-126]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 25 MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of 25MPH speed limit on Saddleblanket Trail. All voting "Aye".



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22203 CALL FOR A PUBLIC HEARING ON DECEMBER 7, 2004 ON THE PETITION FOR THE CREATION OF THE POLO COUNTRY CLUB PUBLIC IMPROVEMENT DISTRICT (PID) LOCATED ON HIGHWAY 290, WITHIN HAYS COUNTY [T1-140]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on December 7, 2004 on the petition for the creation of the Polo Country Club Public Improvement District (PID) located on Highway 290 within Hays County. All voting "Aye".

22204 APPOINTMENTS TO THE HAYS COUNTY CHILD PROTECTIVE BOARD - DAVID GLICKLER (KYLE) TO REPLACE DEE DEE STEVENSON, PATTY JONES (KYLE), AND JUNE HANKINS (SAN MARCOS) TO FILL BOARD VACANCIES [T1-164]

Anna Farr presented the names of Patty Jones and June Hankins to fill vacancies on the board. David Glickler submitted an application to the County Judge for filling a vacancy and there are still two vacancies on the board. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve appointment of David Glickler (Kyle) to replace Dee Dee Stevenson, Patty Jones (Kyle) and June Hankins (San Marcos) to fill board vacancies on the Hays County Child Protective Board. All voting "Aye".

22205 PROPOSAL FOR BACK SCANNING AND INDEXING OF RECORDS IN THE HAYS COUNTY DISTRICT CLERK'S OFFICE AND ALLOCATE FUNDS FOR THE TAX OFFICE [RECORDS PRESERVATION FUND] [T1-180]

Judge Powers spoke of proposal that was submitted by District Clerk Cecelia Adair in the amount of \$71,175. Tax Assessor-Collector Luanne Caraway has indicated that she needs \$17,500 for her records. County Auditor Bill Herzog advised that \$75,000 was budgeted for all the county offices and the District Clerk is requesting most of the funding. A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the proposal and authorize the Purchasing Department to negotiate a contract with Landata and the County Judge to enter into a contract for scanning and indexing of records in the District Clerk's office in the amount of \$53,175 and to furthermore, allocate \$17,500 for the Tax Office, out of the \$75,000 budgeted in the Records Preservation Fund. All voting "Aye".

Court convened into closed executive session at 9:30 a.m. and reconvened into open meeting as follows:

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POTENTIAL PURCHASE OF REAL PROPERTY (PROPERTY CONNECTED TO THE OLD HOSPITAL PROPERTY OWNED BY HAYS COUNTY AND LOCATED IN SAN MARCOS, TEXAS). ACTION MAY FOLLOW IN OPEN COURT

NO action was taken on this agenda item.

22206 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE HAYS COUNTY PERSONAL HEALTH DIRECTOR. ACTION MAY FOLLOW IN OPEN COURT [T1-288]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to terminate the Personal Health Department Director, based on the findings, and furthermore to place the Human Resources Director to serve as Acting Director of the Personal Health Dept. until such time is suitable or replacement can be found with all these duties and responsibilities thereof. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 NOVEMBER 16, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF NOVEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner led the Court in the Pledge of Allegiance to the Flags.

22207 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$481,770.75 As presented by the County Auditor. All voting "Aye".

22208 APPROVE BUDGET AMENDMENT # 05-05

Budgets being amended are: Building Mtc./Commissioner Pct. 4: \$478 from Pct. 4 to Bldg Mtc. For cost of AC/Heat unit for office District Clerk: \$40 for case binder expense. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #05-05 as proposed by the County Auditor. All voting "Aye".

22209 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #1742 on Oak Run Drive issued to Verizon, #1743 on CR157 issued to Guadalupe-Blanco River Authority, #1744 on CR158 issued to Guadalupe-Blanco River Authority, #1745 on Quail Ridge issued to Guadalupe-Blanco River Authority, and #1746 on Quail Ridge issued to Guadalupe-Blanco River Authority as submitted by the Road Department. All voting "Aye".

22210 APPROVE SPECIFICATIONS FOR "OLD STAGECOACH ROAD/BLANCO RIVER BRIDGE WIDENING" AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for "Old Stagecoach Road/Blanco River Bridge Widening" and authorize Purchasing Agent to solicit for bid and advertise. All voting "Aye".

22211 APPROVE A/C & HEATING SERVICES TO TEJAS REFRIGERATION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve A/C & Heating services to Tejas Refrigeration. All voting "Aye".

22212 APPROVE AGREEMENT FOR RENTAL OF RADAR EQUIPMENT FOR DPS WITH APPLIED CONCEPTS AND AUTHORIZE THE COUNTY JUDGE TO SIGN RENTAL AGREEMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Agreement for Rental of Radar Equipment for DPS with Applied Concepts and authorize the County Judge to sign rental agreement. All voting "Aye".

22213 [PCT. 2 #04-2-07, 2 LOTS] ELLIOTT RANCH PHASE 3 LOTS 6 & 7 AMENDED * APPROVE FINAL PLAT, WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-30]

Environmental Health Director Allen Walther advised that owners are amending the common lot line – he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirement. No additional lots are being created. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to waive the preliminary plan and public notification requirements and approve final plat of "Elliott Ranch Phase 3 Lots 6 & 7 Amended". All voting "Aye".



22214 [PCT. 2 #03-2-051, 228 LOTS] HAYS 967 * APPROVE EXTENSION OF PRELIMINARY PLAN APPROVAL [T1-43]

Environmental Health Director Allen Walther advised that a request is being made to extend the time for preliminary plan approval. Bryan Jordan explained why they are requesting a 6 month extension. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a six month extension of preliminary plan for "Hays 967". All voting "Aye".**

22215 [PCT. 3 04-3-075, 2 LOTS] RED HAWK RANCH TRACT 1 & 6 REPLAT * APPROVE FINAL PLAT, WAIVE PUBLIC NOTIFICATION AND PRELIMINARY PLAN REQUIREMENTS

[T1-72] Environmental Health Director Allen Walther advised that this is a revision to a common lot line – he gave staff recommendation for final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to waive public notification and preliminary plan requirements and approve final plat of "Red Hawk Ranch Tract 1 & 6 Replat". All voting "Aye".**

22216 [PCT. 3 04-3-058, 2 LOTS] BURNETT RANCH UNIT 3 LOT 62 RESUBDIVISION * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-84]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that some opposition was submitted to the resubdivision – staff recommends approval of final plat. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Burnett Ranch Unit 3 Lot 62 Resubdivision". All voting "Aye".**

22217 [PCT. 3 #04-3-060, 12 LOTS] KELLY'S COUNTRY * APPROVE PRELIMINARY PLAN [T1-133]

Environmental Health Director Allen Walther spoke of use of water wells – Trinity Ground Water Conservation District have voiced their concerns and staff has requested those comments in writing. He does not recommend shared wells – staff will recommend a plat note to not allow shared wells. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve preliminary plan for "Kelly's Country" with stipulation that shared water wells not be allowed. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22218 [PCT. 3 #04-3-070, 2 LOTS] PARKER'S RIDGE SECTION 2 * APPROVE PRELIMINARY PLAN [T1-191]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plat of "Parker's Ridge Section 2". All voting "Aye".**

22219 [PCT. 4 #04-4-008] THE PRESERVE @ LA VENTANA PHASE 1 * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS [T1-200]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release the construction fiscal security and accept completion of the construction of street and drainage improvements and for "The Preserve @ La Ventana Phase I". All voting "Aye".

22220 [PCT. 4 #04-4-009] LA VENTANA PHASE 6 * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS [T1-212]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of fiscal security and acceptance of completion of construction of street and drainage improvements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett, to release construction fiscal security and accept completion of the construction of street and drainage improvements in "La Ventana Phase 6". All voting "Aye".**

22221 [PCT. 4 #04-4-010] LA VENTANA PHASE 7 * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS [T1-224]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of fiscal security and acceptance of completion of construction of street and drainage improvements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept completion of the construction of street and drainage improvements in "La Ventana Phase 7". All voting "Aye".**



- 22222 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 11 - HAYS COUNTY/TC&B/KC ENGINEERING (HILLSIDE TERRACE) [T1-238]**

Bob Sutton (TC&B) explained this work authorization. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 11 – Hays County/TC&B/KC Engineering (Hillside Terrace). All voting “Aye”.

- 22223 APPROVE AGREEMENT WITH CITY OF SAN MARCOS RELATING TO THE RELOCATION OF OVERHEAD ELECTRICAL FACILITIES ALONG MCCARTY LANE**

[T1-302] Bob Sutton spoke of need to relocate the overhead electrical facilities along McCarty Lane. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement with City of San Marcos relating to the relocation of overhead electrical facilities along McCarty Lane. All voting “Aye”.

- 22224 ACTION IN SUPPORT OF PRELIMINARY ROADWAY IMPROVEMENT PROJECTS IN THE CITY OF KYLE [T1-320]**

Special Counsel Jacqueline Cullom Murphy spoke of confusion in the contract and need for additional time. Commissioner Carter spoke of the City of Kyle trying to obtain donation of right-of-way and they need more time to lower the costs. [T1-1050] Kyle City Administrator Tom Mattis advised that the City of Kyle is already in agreement with funding. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to support the preliminary roadway improvement projects in Kyle and to come back with the final contract. All voting “Aye”.

Clerk’s Note: Agenda Item #19 RE: HIRE HALFF ASSOCIATES AS THE ENGINEERING/SURVEYING FIRM FOR PHASE I PLANNING OF A BRIDGE OVER BARTON CREEK ON MCGREGOR LANE DISCUSSION WITH POSSIBLE ACTION TO ESTABLISH MAP BOOK DISTRIBUTION AND SET PRICES FOR BOOKS AND RELATED MATERIALS was PULLED. No discussion and no action taken.

- 22225 ESTABLISH MAP BOOK DISTRIBUTION AND SET PRICES FOR BOOKS AND RELATED MATERIALS [T1-363]**

Environmental Health Director Allen Walther spoke of having 600 new map books and they have received numerous requests for the book – CD’s will be available. Distribution list indicates offices that will receive a free copy and staff recommends selling the remaining books for \$20 each and CD for \$20. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept the map book distribution list proposed by Environmental Health Planning & GIS and set the price for remaining books at \$20 each and CD’s at \$20 each. All voting “Aye”.

- 22226 AUTHORIZE PURCHASE OF A 21” BATTERY POWERED AUTOMATIC FLOOR SCRUBBER FOR THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY [T1-478]**

Maintenance Supervisor Ron Knott spoke of staff taking a more active role in maintaining floors and reducing contract costs. Funds to come out of contract janitorial line item #5458. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize purchase of a 21” battery powered automatic floor scrubber for the Hays County Building Maintenance Department and amend the budget \$3260 out of contract janitorial line item #5458. All voting “Aye”.

- 22227 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REAL ESTATE CONTRACT WITH VISION LAND GROUP FOR THE PURCHASE OF 1.08 ACRES OF REAL PROPERTY LOCATED ADJACENT TO THE “OLD HOSPITAL PROPERTY” IN SAN MARCOS, TEXAS (J.M. VERAMENDI LEAGUE NO. 2, A-17, CITY OF SAN MARCOS) AND ACCEPT THE DONATION OF AN ADDITIONAL ACRE AND AMEND THE BUDGET ACCORDINGLY [T1-546]**

Commissioner Ingalsbe spoke of negotiations and advised that she supports this purchase. County Auditor Bill Herzog spoke of available funding in the budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute a real estate contract with Vision Land Group for the purchase of 1.08 acres of real property located adjacent to the “Old Hospital Property” in San Marcos, Texas (J.M. Veramendi League No. 2, A-17 City of San Marcos) and accept the donation of an additional acre and amend the budget accordingly. All voting “Aye”.

**22228 APPROVE RESOLUTION REVISING THE TOLL ROAD DECISION [T1-596]**

Commissioner Carter and Commissioner Burnett have been working together to revise the toll road decision and Commissioner Carter read a proposed resolution. Commissioner Burnett advised that his proposed resolution has some different wording – he does not support a State income tax (this was left off Commissioner Carter's version). Commissioner Burnett spoke of the gas tax (only 46% goes to transportation) – he does not want an increase in the gas tax, only that a larger percentage of it be used for transportation. Commissioner Carter spoke in support of not tolling existing lanes. Commissioner Burnett read his resolution and the court agreed to adopt that version. **A motion was made by Judge Powers, seconded by Commissioner Carter to adopt Resolution Revising the Toll Road Decision. All voting "Aye".**

**RESOLUTION OF HAYS COUNTY COMMISSIONERS COURT
REGARDING STATE HIGHWAY FUNDING**

Whereas, the Hays County Commissioners Court recognizes that the Texas Department of Transportation only has approximately 1/3 of the amount of the transportation needs state wide; and

Whereas, the Hays County Commissioners Court recognizes that approximately 46% of gas tax dollars go to TxDOT for transportation funding; and

Whereas, the Hays County Commissioners Court opposes a state income tax or increasing the gas tax for transportation funding,

NOW, THEREFORE, BE IT RESOLVED THAT THE HAYS COUNTY COMMISSIONERS COURT supports the Texas Legislature increasing the portion of existing gas tax to go toward transportation funding and therefore reducing the need for toll funding.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE HAYS COUNTY COMMISSIONERS COURT oppose the tolling of existing lanes of traffic, without approval by the voters in a local option election, and encourage all state MPO's and the Texas Legislature to do likewise.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 10:10 a.m. and reconvened into open meeting at 10:35 a.m. No action was taken.

22229 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TAX INCREMENT REINVESTMENT ZONE PARTICIPATION AGREEMENT WITH THE CITY OF KYLE RELATING TO THE ORDINANCE CREATING REINVESTMENT ZONE NUMBER ONE, CITY OF KYLE, TEXAS, PURSUANT TO CHAPTER 311, TEX. TAX CODE

[T1-814] Kyle City Administrator Tom Mattis spoke of Bunton Overpass improvement with this project. It is possible that money may be generated by the TIFF to make future improvements to other overpasses. **A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute a Tax Increment Reinvestment Zone Participation Agreement with the City of Kyle relating to the Ordinance creating Reinvestment Zone Number One, City of Kyle, Texas, pursuant to Chapter 311 Texas Tax Code. All voting "Aye".**

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 NOVEMBER 23, 2004.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 7th DAY OF DECEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell spoke in opposition to settlement with **Papalote Homes Ltd.** (Heatherwood Subdivision).

22230 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of **\$722,345.16** (11/30/04 disbursements) and **\$262,331.16** (12/07/04 disbursements) as presented by the County Auditor. All voting "Aye".

22231 APPROVE BUDGET AMENDMENT # 05-06

Budget being amended: Sheriff (418) = \$1,471 transfer from photo supply/processing into misc. equipment to fund ID photo printers for security badges. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 05-06 as proposed by the County Auditor. All voting "Aye".

22232 APPROVE UTILITY PERMITS #01747-01759 & 01761

The following Utility Permits were submitted by the Road Department for approval:

PERMIT #	CR#/NAME	UTILITY COMPANY
01761	Oakwood Loop	Time Warner Cable
01759	Mason Dixon Drive	Time Warner Cable
01758	Tortuga Racing Lane	Time Warner Cable
01757	Bubba's Bluff	Time Warner Cable
01756	Westward Look	Time Warner Cable
01755	Eastward Look	Time Warner Cable
01754	West Cave Circle	Time Warner Cable
01753	Montevista Cove	Time Warner Cable
01752	Montecito Blvd	Time Warner Cable
01751	Fawn Crossing	Time Warner Cable
01750	West Cave Blvd.	Time Warner Cable
01749	West Cave Crossing	Time Warner Cable
01748	Kit Carson	LCRA
01747	West Fitzhugh Road	P.E.C.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permits #01761 and 01747- 01759 as submitted by the Road Department. All voting "Aye".

Agenda Item #4 RE: APPROVE REAPPOINTMENT OF FIRE COMMISSIONERS RON SPANGENBERG, DAVID SLIDER, AND EDDIE GUMBERT TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #4 was **PULLED**. No discussion and no action taken.

22233 PARKER'S RIDGE SECTION 2 [PCT. 3 #04-3-070, 2 LOTS] * APPROVE FINAL PLAT

[T1-85] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Parker's Ridge Section 2". All voting "Aye".



22234 [PCT. 4 #04-4-079, 2 LOTS] HAYS COUNTRY ACRES LOT 15 RESUBDIVISION * APPROVE PRELIMINARY PLAN [T1-93]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Hays Country Acres Resubdivision of Lot 15". All voting "Aye".

22235 [PCT. 4 #04-4-073, 2 LOTS] HIGHLANDS EAST LOT 6 RESUBDIVISION * APPROVE PRELIMINARY PLAN [T1-103]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Highlands East Resubdivision of Lot 6". All voting "Aye".

22236 [PCT. 4 #04-4-080, 4 LOTS] GLENN KOTHMANN PROPERTIES SUBDIVISION LOTS 51A & 51B RESUBDIVISION * APPROVE PRELIMINARY PLAN [T1-115]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Glenn Kothmann Properties Resubdivision of Lots 51A & 51B". All voting "Aye".

22237 PUBLIC HEARING REGARDING PETITION FOR CREATION OF PROPOSED PUBLIC IMPROVEMENT DISTRICT (PID) - (POLO COUNTRY CLUB PUBLIC IMPROVEMENT DISTRICT) [T1-126]

Judge Powers declared the public hearing open. Charles O'Dell advised that the City Council of Dripping Springs let this item die on their agenda and he recommended postponing any action until all questions are answered (i.e. where will the centralized treatment plant be located?). Parke Patterson (Consultant representing Rooster Springs LP) and Attorney Mark Zeppa appeared before the court. He stated that all the information has been provided to the Commissioners Court and City of Dripping Springs – the water reclamation plant will be located on property across the street and adjacent to Belterra and the water will be irrigated to the golf course. He stated that the City of Dripping Springs decided to not take action on the PID – they felt like it was the county's duty to create the PID. Commissioner Carter spoke of MUD's and PID's and she spoke of taxation in these districts without government control. Parke Patterson spoke of county having oversight of the district – they do not propose an assessment greater than their competition (Belterra) and they do not want to overtax anyone. The county would be responsible for appointing the board of directors and have final say about debt being issued. Matt Felps (Engineer) spoke of well reduction addressed in agreement and permit (2003) issued by the Trinity Groundwater Conservation District. Well water dependency will be reduced as more lots are developed and more effluent is available for irrigating the golf course. Judge Powers closed the public hearing. No action was taken today. Commissioner Molenaar spoke of other issues that will be under consideration by the PID. Environmental Health Director Allen Walther advised that it would be helpful to know what areas of the golf course will be dependent on ground water and unable to use effluent irrigation.

22238 ACTION TO CONSIDER A REQUEST FROM THE CITY OF SAN MARCOS TO WAIVE THE SIXTY-DAY STATUTORY NOTICE REQUIRED FOR THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (PROPOSED TIRZ IS GENERALLY BOUNDED BY POST ROAD ON THE EAST, BLANCO RIVER ON THE WEST, OLD STAGECOACH ON THE SOUTH AND LOOP 110 ON THE NORTH) [T1-863]

Bill Calderon (Hawes Hill Calderon LLP) appeared before the court and advised that this reinvestment zone is being proposed as a financing mechanism to repay the developer for costs associated with the construction of a railroad overpass. He is only requesting a waiver of the sixty day statutory notice required. They will come back to the court in the future regarding participation in the TIRZ. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve request from the City of San Marcos to waive the sixty (60) day statutory notice required for the creation of a Tax Increment Reinvestment Zone (proposed TIRZ is generally bounded by Post Road on the east, Blanco River on the west, Old Stagecoach on the south, and Loop 110 on the North). All voting "Aye".

AGENDA ITEM#11 RE: APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF KYLE RELATING TO ROAD CONSTRUCTION ON DRY HOLE ROAD AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME was PULLED. No discussion and no action taken.

22239 ACCEPT RESIGNATION OF RODNEY VAN OUDERKERKE AND APPROVE APPOINTMENT OF RICHARD GACHOT AS CHAIR OF THE HAYS COUNTY HISTORICAL COMMISSION [T1-1002]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept resignation of Rodney Van Ouderkerke and approve appointment of Richard Gachot as Chair of the Hays County Historical Commission. All voting "Aye".



22240 APPROVE A CHANGE IN TITLE/RANK FROM JAIL LIEUTENANT TO JAIL CAPTAIN [T1-1036]

Chief Deputy Sheriff Sam Williams spoke of restructuring in the Jail – they have a Lieutenant & a Captain who are performing the same duties, therefore, they would like to raise the Lieutenant to a Captain – the cost will be \$7440 for the remainder of the fiscal year which can be funded through attrition (staff salaries line item #01-419-5521). **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve a change in title/rank from Jail Lieutenant to Jail Captain to be effective this date and funded out of staff salaries line item #01-419-5521. All voting "Aye".**

22241 CALL FOR LOCAL OPTION ELECTION TO BE HELD ON MAY 7, 2005, IN JUSTICE PRECINCT 4 [T1-1123]

Election Administrator Joyce Cowan advised that 2 petitions have been presented and confirmed for an election to be called in accordance with terms and provisions of the Texas Alcoholic Beverage Code in Justice Precinct 4 for the purpose of submitting to the legally qualified voters of said area the determination of (1) "the legal sale of beer and wine" (2) "the legal sale of mixed beverages in restaurants by food and beverage certificate holders only". Commissioner Molenaar stated that he supports the people's rights to have an election but he does not support the sale of alcohol. Charlie Johnson spoke of Justice Precinct 3 – this is an economic issue and he feels like the people have the right to vote on this issue. Commissioner Burnett spoke of costs to hold these elections. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a local option election to be held on May 7, 2005 in Justice Precinct 4 for the purpose of submitting to the legally qualified voters of said area the determination of "the legal sale of beer and wine" and "the legal sale of mixed beverages in restaurants by food and beverage certificate holders only". All voting "Aye".**

22242 APPOINT A COUNTY REPRESENTATIVE TO THE TAX INCREMENT REINVESTMENT ZONE #1 BOARD OF DIRECTORS IN KYLE TEXAS OR WAIVE THE HAYS COUNTY APPOINTMENT [T1-1218]

Executive Assistant Brad Bailey explained the request and advised that the other taxing entities have waived their appointments to the board. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to waive the Hays County appointment to the Tax Increment Reinvestment Zone #1 in Kyle, Texas. All voting "Aye".**

22243 AUTHORIZE THE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT WITH CIRA FOR WEBSITE DESIGN FOR TAX OFFICE [T1-1253]

Gail Latham explained the interlocal agreement with CIRA and services to be provided for the Tax Office. Stan Reed (Texas Association of Counties) was present. Funds are paid to CIRA by TAC. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to sign an interlocal agreement with CIRA for website design for the tax office. All voting "Aye".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOMES, LTD. V. HAYS COUNTY COMMISSIONERS COURT, CAUSE NO. 04-0325

[T1-1368] Charles O'Dell spoke of costs for the two **Papalote Homes** lawsuits. He spoke of outside counsel's opinion regarding this matter. When asked how he knew this information, he advised that he probably heard or read the comment – he can't remember. Commissioner Carter spoke of issue of open meeting allegations. She feels like there was sufficient backup in the meeting in question and she spoke of what is required by law for agenda items. **The court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:45 a.m. [T1-1572] Judge Powers advised that no action will be taken.**

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 DECEMBER 7, 2004.




**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



DECEMBER 14, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 14th DAY OF DECEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

Commissioner Carter introduced Angela Hall (Commissioner Pct. 2). Environmental Health Director Allen Walther introduced Bobby Douglas (Code Enforcement Officer) and David McGhee (Sanitarian). Luis Gonzales introduced So-Fong Wong (Nurse Practitioner in Personal Health).

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Building Maintenance Supv. Ron Knott presented a 20 year service pin to Fidela Lopez and a 5 year service pin to Tomas Medina. Priscilla Hargrave (Personal Health Dept.) presented a 10 year service pin to Nancy Marmolejo. Graciela Cisneros earned a 5 year service pin. DA Office Manager Caroline Brown presented a 5 year service pin to Jody Ginn, Chief Investigator for the District Attorney's office. Fire Marshal Mark Chambers presented a 5 year service pin to Agripina Lopez (Veterans Administration/Fire Marshal offices). Paulette Wallington (Tax Office) earned a 20 year service pin.

22244 APPROVE PAYMENT OF COUNTY INVOICES - pulled invoices for Trumbles greetings inc (418 & 419)

County Auditor Bill Herzog advised that the two invoices from Trumble Greetings Inc. are being pulled from Dept. 418/Sheriff's Office and 419/Jail Operations (\$190.95). A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$699,668.03 (\$699,859.88 - \$190.95) as presented by the County Auditor. All voting "Aye".

22245 APPROVE BUDGET AMENDMENT # 05-07

Budgets being amended: Fire Marshal (472): \$34,626.00 for a pass-thru donation to Hays County through Homeland Security for video/video thermal system equipment for truck. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve Budget Amendment NO. 05-07 as proposed by the County Auditor. All voting "Aye".

22246 APPROVE UTILITY PERMITS #01762-01764

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve Utility Permit #01762 on CR131/Windy Hill Road issued to CenterPoint Energy, #01763 on Picasso Drive issued to Crystal Clear Water Supply, and #01764 on Centerpoint Road issued to Hays County Developers Ltd. as submitted by the County Road Department. All voting "Aye".

22247 APPROVE TWO (2) YEAR REAPPOINTMENT OF MARK CHAMBERS AS HAYS COUNTY FIRE MARSHAL

The appointment of Fire Marshal is required by state statute. This appointment is for a two (2) year term beginning January 1, 2005 and ending December 31, 2006. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve a two (2) year reappointment of Mark Chambers as Hays County Fire Marshal. All voting "Aye".

22248 APPROVE REPLACEMENT CONTRACT WITH NETPLEA FOR THE COLLECTION OF DELINQUENT FINES AND COURT COSTS AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve replacement contract with NetPlea for the collection of delinquent fines and court costs as requested by the Justices of the Peace and authorize the County Judge to execute the same. All voting "Aye".



22249 [PCT. 2 #03-2-075, 55 LOTS] **ELLIOTT RANCH SECTION 4 * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS** [T1-145]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Elliott Ranch Section 4" and accept fiscal surety for the construction of road and drainage improvements. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett not present for vote.

22250 [PCT. 2 #04-2-082, 2 LOTS] **KAI VISTA SECTION 1 LOTS 5 & 6 * RELEASE OF PUBLIC UTILITY EASEMENT** [T1-156]

Lots 5 & 6 are owned by The Susan Patricia Colvin Revocable Living Trust – easement releases have been received from Goforth Water Supply Corp., Time Warner Cable, Southwestern Bell Telephone Co., and PEC. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release the public utility easement along the common lot line of "Kai Vista Section 1 Lots 5 & 6". All voting "Aye".

22251 [PCT. 4 #04-4-078, 2 LOTS] **SPRINGLAKE LOT 51 * APPROVE PRELIMINARY PLAN**

[T1-168] Property owner Patrick Reilly proposed to divide Lot 51 (9.77 acres) into two lots (Tract 5a-B = 8.27 acres & Tract 51-C = 1.50 acres). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Springlake Lot 51". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22252 [PCT. 4 #04-4-038, 91 LOTS] **BELTERRA PHASE 2 SECTION 9B * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS** [T1-186]

Environmental Health Director Allen Walther spoke of this being a phased development – he gave staff recommendation for final approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Belterra Phase 2 Section 9B" and accept fiscal surety for the construction of road and drainage improvements. All voting "Aye".

22253 [PCT. 4 #04-4-079, 2 LOTS] **HAYS COUNTRY ACRES LOT 15 RESUBDIVISION * PUBLIC HEARING AND APPROVAL OF FINAL PLAT** [T1-198]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Hays Country Acres Lot 15 Resubdivision". All voting "Aye".

22254 [PCT. 4 #04-4-043, 3 LOTS] **HIGHLANDS SECTION C LOT 30 RESUBDIVISION * APPROVE FINAL PLAT** [T1-214]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Subdivision Coordinator Jon Thompson spoke of corrections that were made since the public hearing. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Highlands Section C Lot 30 Resubdivision". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22255 [PCT. 4 #04-4-073, 2 LOTS] **HIGHLANDS EAST LOT 6 RESUBDIVISION * APPROVE FINAL PLAT** [T1-266]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat of "Highlands East Lot 6 Resubdivision". All voting "Aye".

22256 **CALL FOR A PUBLIC HEARING ON JANUARY 4, 2005 TO ESTABLISH TRAFFIC REGULATIONS FOR A 3-WAY STOP ON COTTONWOOD RD** [T1-275]

Linda Anderson spoke in opposition to placement of a stop sign at this intersection. David Jones urged the court to open up public hearing to other alternatives for this dangerous intersection. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on January 4, 2005 to consider establishing traffic regulations on "Cottonwood Road" to include; but not limited to; Stop signs, other additional traffic signage, reflectors, and stripping of centerline and edges of roadway. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".



22257 CALL FOR A PUBLIC HEARING ON JANUARY 4, 2005 TO ESTABLISH TRAFFIC REGULATIONS ON MAYBROOK DRIVE AND DRYDEN DRIVE IN HUNTINGTON ESTATES [T1-477]

Road Supt/Engineer Jerry Borchering spoke of providing for a 4-Way STOP at this intersection. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on January 4, 2005 to establish traffic regulations on Maybrook Drive and Dryden Drive in "Huntington Estates". All voting "Aye".

22258 PERMIT CONGRESSMAN-ELECT HENRY CUELLAR USAGE OF ROOM 205 IN THE HAYS COUNTY COURTHOUSE AND AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN AGREEMENT [T1-495]

Executive Assistant Brad Bailey spoke of letter of request from Congressman Cuellar for office space to serve Hays-Comal-Guadalupe counties. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to permit Congressman-elect Henry Cuellar usage of Room 205 in the Hays County Courthouse and authorize the County Judge to enter into an agreement. All voting "Aye".

22259 APPROVE LEASE AGREEMENT WITH CENTURYTEL (NO FUNDS REQUIRED) FOR THE PROVISION OF SPACE AND POWER FOR TELECOMMUNICATIONS FACILITIES TO BE USED BY THE HAYS COUNTY SHERIFF'S OFFICE [T1-537]

This lease is to document the Sheriff's Dept. radio equipment that was installed at 3125 Ranch Road 12 in San Marcos earlier this year. CenturyTel has decided to not require monetary compensation to keep in line with its commitment to supporting, and in appreciation of, the San Marcos community. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve lease agreement with CenturyTel (no funds required) for the provision of space and power for telecommunications facilities to be used by the Hays County Sheriff's Office. All voting "Aye".

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 DECEMBER 14, 2004.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st DAY OF DECEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE PLAQUES

Judge Powers presented a Hays County Service Plaque to retiring Justice of the Peace Pct. 1 Place 1 Macel Sullivan (17 years of service). Judge Sullivan advised that it has been a pleasure to serve Hays County. Judge Powers presented a Hays County Service Plaque to Commissioner Pct. 3 Bill Burnett who is completing his second term of office and did not run for re-election. Commissioner Molenaar spoke in support of Bill Burnett. Former County Judge Walter "Bud" Burnett spoke of how proud he is of his son and what a great job he has done. Charlie Johnson (Wimberley resident) spoke in support of Bill Burnett.

PRESENTATION OF \$150,000 CHECK TO CAMP BEN MCCULLOCH, INC., FOR RESTORATION OF CAMP BEN PARK IN PCT. 4

Grants Administrator Richard Salmon spoke of letter of commitment from the Court. On the 24th day of May 2004 the Commissioners Court voted unanimously to award \$150,000 form county park and open space bond funds to the Camp Ben McCulloch Non-Profit Organization. Commissioner Molenaar presented a \$150,000 check to Harold Robinson and other representatives of the Camp Ben McCulloch Inc. that were present. Harold Robinson thanked the court for their involvement and improvement of Camp Ben McCulloch – they will continue to provide public access and economic development. They are now on the register of historic places. Commissioner Burnett spoke of bonds approved by voters for parks in Hays County that will last for generations.

22260 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$591,636.61 as presented by the County Auditor. All voting "Aye".

22261 APPROVE BUDGET AMENDMENT # 05-08

Budget being amended: County Judge (420):\$100 from dues and bonds being transferred to Grants (404) for dues & bonds plus \$90 being transferred from office supplies to books line item in the Grants Dept. budget. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-08 as proposed by the County Auditor. All voting "Aye".

22262 APPROVE UTILITY PERMIT #01765

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01765 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority. All voting "Aye".

22263 APPROVE SOFTWARE GROUP CAD WORKSTATION LICENSE AGREEMENT

This additional TSG CAD Workstation License was approved in the FY2005 budget. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Software Group CAD Workstation License Agreement. All voting "Aye".



22264 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$38,300 GRANT FROM CAPCOG FOR THE HAYS COUNTY CITIZENS COLLECTION STATION AND TO EXECUTE CONTRACT

This grant will be used to provide covered sheds to install and operate vertical balers received as donations from HEB in the fall of 2003. Hays County will provide no cash match, but will instead provide in-kind match equal to the value of existing recycling facilities. The construction of these sheds and the installation of the vertical balers will allow the county to shift from selling in bulk to selling baled products. The balers will allow the county to have a products that will provide income instead of having to pay someone to pickup bulk products. Primary items to be baled will be cardboard, aluminum cans and plastics. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept a \$38,300 Grant from CAPCOG for the Hays County Citizens Collection Station and to execute a contract. All voting "Aye".**

22265 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY UNDER THE STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP) FOR A TOTAL OF \$20,354.00

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept a grant from the State Homeland Security under the State Law Enforcement Terrorism Prevention Program (LETPP) for a total of \$20,354.00. All voting "Aye".

22266 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR A TOTAL OF \$319,830.00

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept grant from the State Homeland Security Program (SHSP) for a total of \$319,830.00. All voting "Aye".

22267 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDED BLANCO RIVER CLEANUP PROGRAM CONTRACT FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS

The Blanco River Cleanup Project consists of the cleanup of 12 miles of the Blanco River, 2 miles of the Dry Cypress and the rebuilding of the low-water crossing on Haske Road. Grants have been approved by the NRCS and ORCA for a combined total of \$873,152. These grant funds were made available after President Bush declared Hays and surrounding counties a presidential disaster area on July 5, 2002. When NRCS turned over the project to Hays County we had to amend the contract to allow for expenses related to engineering and contract administration. ORCA approved the request and this is the amended contract. Hays County is not providing any funds into this project. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to sign amended Blanco River Cleanup Program Contract from the Office of Rural Community Affairs. All voting "Aye".**

22268 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$53,444.00 GRANT FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE AND TO EXECUTE CONTRACT

Under provisions of the Fair Defense Act, 77th Regular Session, some counties are eligible to receive financial assistance fro the Task Force on Indigent Defense. Hays County requested a grant of \$50,538 and was awarded \$53,444. The amount was larger than requested because some counties did not apply or did not qualify. No county match required. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept \$53,444.00 grant from the Texas Task Force on Indigent Defense and to execute a contract. All voting "Aye".**

22269 APPROVE BY-LAWS OF THE HAYS COUNTY PARKS FOUNDATION, INC.

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the By-Laws of the Hays County Parks Foundation Inc. All voting "Aye".

22270 APPROVE THE BY-LAWS OF THE HAYS COUNTY HISTORICAL COMMISSION AS AMENDED

Amended By-Laws were approved by the Hays County Historical Commission on December 9, 2004. Since the inception of the Historical Commission and original approval of the by-laws on December 21, 1987 several additions/subtractions have been made. The latest version incorporates the aforementioned changes as well as some recent changes that should make the operation more efficient. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the By-Laws of the Hays County Historical Commission as amended. All voting "Aye".**



22271 APPROVE REAPPOINTMENT OF MICHAEL INMAN AND ROBERT LIBENSKY TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointment of Michael Inman and Robert Libensky to the Northwest Hays County Emergency Services District #5. All voting "Aye".

22272 APPROVE REAPPOINTMENT OF DAVID DRAIN, HARRELL ROBINSON, AND ORA MAE TUCKER TO THE NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointment of David Drain, Harrell Robinson, and Ora Mae Tucker to the North Hays County Emergency Services District #1. All voting "Aye".

22273 APPROVE APPOINTMENT OF ROBERT L. LOVE TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5, REPLACING APPOINTMENT BEING VACATED BY MIKE CHESSMORE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Robert L. Love to the Northwest Hays County Emergency Services District #5, replacing appointment being vacated by Mike Chessmore. All voting "Aye".

22274 APPROVE REAPPOINTMENTS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR TERMS BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2007; FURTHER APPROVE APPOINTMENT OF EX-OFFICIO MEMBERS FOR THE SAME TERM

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointments of Jerry Kolacny, Doris Johnson, Ron Wilson, James Tate, Thomas Charles Watts, Jerry McKee Bullock, Gil Peyton, Katherine Cannon, Elvin Holt, Ann M. Storm, Kate Johnson, Raymond Lankford, Lamarr Petersen, Melissa Falcon, Lila Knight, Pete Anderson, and Richard Gachot to the Hays County Historical Commissioner for terms beginning January 1, 2005 and ending December 31, 2007; and furthermore approve appointment of Ex-Officio members Ofelia Vasquez-Philo, Frances Stovall, and Johnnie Armstead for the same term. All voting "Aye".

22275 APPROVE APPOINTMENT OF NEW MEMBERS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR TERMS BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2007

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of new members Michelle M. Lopez, Lisa Hanks, J. Eric Hudgins, Jody Ginn, Jon Thompson, and Bonnie Eissler to the Hays County Historical Commission for terms beginning January 1, 2005 and ending December 31, 2007. All voting "Aye".

22276 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF KYLE RELATING TO ROAD CONSTRUCTION ON DRY HOLE ROAD AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve interlocal agreement with the City of Kyle relating to road construction on Dry Hole Road and authorize the County Judge to execute same. All voting "Aye".

22277 CALL FOR A PUBLIC HEARING ON JANUARY 18, 2005 TO DISCUSS THE POSSIBLE CREATION OF THE WOODCREEK NORTH ROAD DISTRICT PURSUANT TO CHAPTER 257 OF THE TEXAS TRANSPORTATION CODE [T1-250]

A Loomis-Austin representative appeared before the court and asked that they call for a public hearing to discuss the possible creation of the Woodcreek North Road District. The goal of the road district is to bring roads up to county standards so that they can be taken into the county road maintenance system. He spoke of condition of roads at this time and need for improvements. He explained funding of this project – two meetings have been held and a public hearing is necessary at this time. There are 3600 lots in the development with 600-700 residents and 33 miles of roadway. They hope to have a May bond election in the district. Commissioner Burnett spoke of county involvement in the process. Bond Counsel Dan Wegmiller (First Southwest Co) is working on this project and he explained the bond debt. The estimated project cost is \$5 million and Quicksand Development will put up \$2.5 million interest free to be paid back by future bonds. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on January 18, 2005 to discuss the possible creation of the Woodcreek North Road District pursuant to Chapter 257 of the Texas Transportation Code. All voting "Aye".



PUBLIC COMMENT

[T1-558] Charlie Johnson spoke of comments made by Charles O'Dell regarding members of the court. He spoke of great job being done by Commissioner Burnett, Commissioner Russ Molenaar, Commissioner Debbie Ingalsbe, and Judge Powers.

22278 [PCT. 4 #4-4-022, 50 LOTS] BELTERRA PHASE 2 SECTION 4 * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-613]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety for the construction of road and drainage improvements for "Belterra Phase 2 Section 4". All voting "Aye".

22279 [PCT. 4 #04-4-024, 35 LOTS] BELTERRA PHASE 2 SECTION 5C * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-628]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat and accept fiscal surety for the construction of road and drainage improvements for "Belterra Phase 2 Section 5C". All voting "Aye".

22280 [PCT. 4 #04-4-025, 24 LOTS] BELTERRA PHASE 2 SECTION 5D * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-638]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and accept fiscal surety for the construction of road and drainage improvements for "Belterra Phase 2 Section 5D". All voting "Aye".

22281 APPROVE APPOINTMENT OF HAYS COUNTY JUDGE JIM POWERS TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TO REPLACE COMMISSIONER BILL BURNETT; AND FURTHERMORE APPROVE DESIGNATION OF WILL CONLEY AS A PROXY TO JUDGE POWERS [T1-649]

CAMPO Executive Director Mike Aulick appeared before the Court and advised that Commissioner Burnett has served on the board for five years and Senator Barrientos sent him to thank Commissioner Burnett for his service on that board. Commissioner Burnett has been a vocal advocate for the county residents as well as being an effective supporter of transportation needs in the entire Central Texas Region. The next CAMPO meeting to be on January 24, 2005 and they will be facing a number of important regional transportation decisions and he urged the court to replace Commissioner Burnett as quickly as possible. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Hays County Judge Jim Powers to the Capital Area Metropolitan Planning Organization to replace Commissioner Bill Burnett and to furthermore approve designation of Will Conley as a proxy to Judge Powers. All voting "Aye".

22282 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 20 - HAYS COUNTY/TC&B/PBS&J (FM 110) [T1-721]

The Engineer will provide the following engineering services regarding the FM110 project: Phase III – public meeting, right of entry for the preferred, environmental assessment documentation, public hearing, processing of the environmental assessment through finding of no significant impact. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 20 – Hays County/TC&B/PBS&J (FM110). All voting "Aye".



- 22283 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 6 TO WORK AUTHORIZATION NO. 1 - HAYS COUNTY/TC&B (BOND PROGRAM MANAGEMENT) [T1-921]**

Engineer to provide the following services: Bond Program Coordination, Engineering Judgment & Management; Perform Program Administration & File Management; Prepare Bond Program Monthly Status Report; and State Road Coordination Work. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 6 to Work Authorization No. 1 – Hays County/TC&B (Bond Program Management). All voting “Aye”.

- 22284 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 3 - HAYS COUNTY/TC&B/URS (REDWOOD ROAD) [T1-980]**

Engineering services to be provide on Redwood Road are as follows: Project management coordination, update and create draft utility plan sheets, evaluate draft utility plan, and utility relocation plan. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 3 – Hays County/TC&B/URS (Redwood Road). All voting “Aye”.

- 22285 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A \$200,000 GRANT APPLICATION TO THE U.S. SOCCER ASSOCIATION FOR THE CONSTRUCTION OF SOCCER FIELDS AT 5-MILE DAM PARK [T1-1036]**

Grants Administrator Richard Salmon advised that this is one of several attempts to obtain grants to make improvements to the 5-Mile Dam Complex which consists of the 43 acres purchased with county bond funds and the existing Dudley Johnson and Randall Vetter Parks. There is no match required and if approved by the US Soccer Association, the grant will provide \$100,000 each year for two years for a total of \$200,000. Grant funds will be used to construct soccer fields. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a \$200,000 Grant Application to the U.S. Soccer Association for the construction of Soccer Fields at 5-Mile Dam Park. All voting “Aye”.

- 22286 ACTION REGARDING THE HAYS COUNTY DELEGATION APPEARANCE BEFORE THE TEXAS TRANSPORTATION COMMISSION AND SUBSEQUENT STATE AND COUNTY DISCUSSIONS [T1-1061]**

Commissioner Burnett spoke of delegation from Hays County that appeared before the Texas Transportation Commission last year requesting a partnership and accelerated construction funding for the following Hays County projects: US290, FM1626, FM967, and RR12. After a year of negotiations and discussions with TxDot the county has before it a proposal signed by TxDot Executive Director Mike Behrens. This agreement includes all the requested county projects using a hybrid of funding mechanisms including category 6 funding, county bond funding and pass through financing enabled by HB3588. Bob Sutton (TC&B) advised that TxDot is committed to the US290 project and more work is needed to prepare an acceptable package for the other roadways. Commissioner Molenaar spoke of support by Bob Daigh (TxDot/Austin District Engineer) of the Hays County projects. Dan Wegmiller (First Southwest Company) spoke of financing options (pass through revenue). [T1-1336] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to send a letter to Mike Behrens agreeing to the TxDOT offer in letter dated December 8, 2004. Commissioner Burnett read the letter that will be sent to TxDOT from County Judge Jim Powers. All voting “Aye”.

Court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:20 a.m.

- 22287 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOMES, LTD. V. HAYS COUNTY COMMISSIONERS COURT, CAUSE NO. 04-0325 WITH ACTION IN OPEN COURT**

Special Counsel Jacqueline Cullom Murphy advised that she is qualified to review fee bills that come in and she agreed with recommendation to have Commissioner Ingalsbe as a liaison. [T1-1390] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute outside legal counsel agreement to engage Mike Schaunessy of Schaunessy, Burnett & Greenberg as defense counsel in Papalote Homes versus Hays County Commissioners Court in Cause No. 04-0325 and to furthermore have Commissioner Ingalsbe as the contact liaison. All voting “Aye”.



EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY

Judge Powers advised that no action will be taken on this agenda item.

Clerk's Note: This is the last Commissioners' Court meeting of the year and for Commissioner Pct. 3 Bill Burnett who will be leaving office at the end of 2004. Commissioner Burnett addressed the court as follows: Commissioner Burnett stated that he has truly enjoyed working as County Commissioner with this court and the previous court and he spoke of the importance of this job and need to be fair. He feels like they have accomplished a great deal even in disagreement – that is democracy. He has especially enjoyed working with Debbie Ingalsbe and Russ Molenaar. Commissioner Ingalsbe spoke of coming onto the court at the same time as Bill Burnett and it was special when they took the oath together with their parents [former Commissioner Ralph Gonzales & former County Judge Bud Burnett] present.

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 DECEMBER 21, 2004.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4TH DAY OF JANUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

SWEARING IN OF HAYS COUNTY OFFICIALS

Justice of the Peace Pct. 5 Lamont Ramage swore in the following county officials: District Judge Charles Ramsay, Commissioner Pct. 1 Debbie Gonzales Ingalsbe, Commissioner Pct. 3 Will Conley, Sheriff Don Montague, Tax A/C Luanne Caraway, JP1-1 Joanne Prado, Constable Pct. 1 Lupe Cruz, , Constable Pct. 3 Ron Magill, Constable Pct. 4 Debra Brown, and Constable Pct. 5 Leroy Opiela

PUBLIC COMMENT

Linda Anderson spoke of placement of fences on county road right of way. She is concerned about safety issues regarding placement of high fences close to roadways restricting movement of deer.

22288 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$470,486.08 (12/28/04 disbursements) and \$293,364.23 (1/4/05 disbursements) as presented by the County Auditor. All voting "Aye".

22289 APPROVE BUDGET AMENDMENT # 05-09

Budget amendments are as follows: Family Clinic (612) transfer \$600 into "other expenses" & \$831 into "malpractice insurance" from Personal Health Svcs (412) staff salaries line item – to utilize savings from supervisor's salary to purchase window tinting, ceiling fan, TV and VCR for Family Clinic waiting room and to purchase malpractice insurance for the nurse practitioner. A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Molenaar to approve Budget Amendment No. 05-09 as proposed by the County Auditor. All voting "Aye".

22290 APPROVE SEPTEMBER 2004 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Molenaar to approve September 2004 Treasurer's Report and Investment Report as submitted. All voting "Aye".

22291 APPROVE OFFICIALS BONDS FOR COUNTY & PRECINCT OFFICERS (2005-2008 TERM)

Official Bonds were submitted for Sheriff Don Montague, Commissioner Pct. 1 Debbie Gonzales Ingalsbe, Commissioner Pct. 3 Will Conley, Tax Assessor-Collector Luanne Caraway, Justice of the Peace Pct. 1 Place 1 Joanne Prado, Constable Pct. 1 Lupe Cruz, Constable Pct. 2 James Kohler, Constable Pct. 3 Ron Magill, Constable Pct. 4 Debra Brown, and Constable Pct. 5 Leroy Opiela. A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Molenaar to approve the Official Bonds for County and Precinct Officers whose terms began January 1, 2005 (2005-2008 term of office). All voting "Aye". [Clerk's Note: The bonds are recorded in the Hays County Clerk's Office in the Official Public Records]

22292 APPROVE REQUEST FOR PROPOSAL FOR "INMATE TELEPHONE SERVICES" FOR THE HAYS COUNTY JAIL AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Molenaar to approve request for proposal for "Inmate Telephone Services" for the Hays County Jail and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".



22293 ACCEPT INTERNAL EXAMINATION REPORT FOR THE DISTRICT CLERKS OFFICE

A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Molenaar to accept internal examination report for the District Clerk's Office. All voting "Aye".

22294 APPROVE REQUEST FOR QUALIFICATIONS FOR "PROFESSIONAL CIVIL ENGINEERING SERVICES" ON AN AS-NEEDED BASIS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T1-130]

Commissioner Carter asked about projects that brought this to court. Road Supt/Engineer Jerry Borcharding advised that bridge design has come up and we have a pool of engineers that we pull from, but it is two years old and he would like to reestablish the list and allow other engineers to get on the list. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve request for qualifications for "professional civil engineering services" on an as-needed basis and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".

22295 APPROVE SPECIFICATIONS FOR "CEMETERY MAINTENANCE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE [T1-162]

Commissioner Carter spoke of possibility that our Parks person could perform this service with county road equipment. Commissioner Molenaar spoke in opposition to this suggestion. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve specifications for "cemetery maintenance" and authorize Purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22296 WIMBERLEY VIEW ESTATES [#04-3-072, 4 LOTS] * APPROVE PRELIMINARY PLAN

[T1-205] Property owner McCall Rentals propose to develop an 18 acre tract into 4 lots on Caliche Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Wimberley View Estates". All voting "Aye".

22297 SPRINGLAKE TRACT 51 [#04-4-078, 2 LOTS] * APPROVE FINAL PLAT [T1-215]

Property owner Patrick Reilly is developing 2 lots out of an original 9.77 acre tract (creates Tracts 51-B and 51-C) located on Springlake Drive. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Springlake Tract 51". All voting "Aye".

22298 BELTERRA PHASE 3 SECTIONS 11A & 11B [#04-4-086, 177 LOTS] * APPROVE PRELIMINARY PLAN [T1-229]

Environmental Health Director Allen Walther advised that this is an additional phase of the Belterra development and he gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Beltterra Phase 3 Sections 11A & 11B". All voting "Aye".

22299 HENDERSON SUBDIVISION REPLAT OF LOTS 1 & 2 [#04-4-087, 2 LOTS] * APPROVE FINAL PLAT AND WAIVE PUBLIC HEARING AND PRELIMINARY PLAN REQUIREMENTS [T1-241]

The common lot line between Lots 1 & 2 is being relocated. Environmental Health Director Allen Walther gave staff recommendation for final plat approval and waiver of public hearing and preliminary plan. A motion was made by Commissioner Molenaar, Seconded by Commissioner Ingalsbe to approve final plat of "Henderson Subdivision Replat of Lots 1 & 2" and waive the public hearing and preliminary plan requirements. All voting "Aye".

22300 PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MAYBROOK AND DRYDEN DRIVES (4-WAY STOP)

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that this intersection is in Huntington Estates Subdivision - he gave staff recommendation to establish a 4-way STOP. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations of a 4-Way STOP at the intersection of Maybrook Drive and Dryden Drive in "Huntington Estates" subdivision. All voting "Aye".



PUBLIC HEARING TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS AT THE INTERSECTION OF COTTONWOOD RD. AND OUTLOOK DRIVE (3-WAY STOP)

[T1-272] Judge Powers declared the public hearing open. Linda Anderson advised that residents are opposed to the STOP sign. Public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that he has re-evaluated this intersection and decided to control it with additional signage and striping. No action necessary.

22301 WOODLAND ESTATES, SECTIONS II, PHASE A & B - RELEASE OF MAINTENANCE BOND FOR SECTION II, PHASE B AND ACCEPT FOR COUNTY MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS IN BOTH PHASE A & B OF SECTION II

[T1-332] Road Supt/Engineer Jerry Borcharding advised that roads have been inspected and staff recommends release of maintenance bond in "Woodland Estates Section II Phase B" and acceptance of roads and drainage improvements in "Woodland Estates Section II Phases A & B". A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release maintenance bond in "Woodland Estates Section II Phase B" and accept all road and drainage improvements in "Woodland Estates Section II Phases A & B". All voting "Aye".

22302 CALL FOR A PUBLIC HEARING ON JANUARY 25, 2005 TO CONSIDER PETITION FOR THE CREATION OF THE SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 [T1-352]

Environmental Health Director Allen Walther gave staff recommendation to call for the public hearing. Bill Flickinger (Attorney representing The Meadows At Buda, Ltd.) appeared requesting the court to call for a public hearing to consider petition for creation of the South Buda Water Control and Improvement District No. 1. He advised that State Statute (Chapter 51 Water Code) does not require that the court call for the public hearing – the County Judge is authorized to call for the public hearing. Mr. Flickinger advised that information will be provided to members of the court prior to the public hearing. They hope to complete their project in February 2005 – the deadline is March 2005. A motion was made by Judge Powers, seconded by Commissioner Conley to call for a public hearing on January 25, 2005 to consider petition for the creation of the South Buda Water Control and Improvement District No.1 as authorized by the Terms and Provisions of Article 16 Section 59 Constitution of Texas and Chapter 49 and 51 Title 4 Texas Water Code and Section 51.331 Texas Water Code. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

22303 AUTHORIZE THE COUNTY JUDGE TO SIGN A LETTER AGREEMENT WITH THE CITY OF DRIPPING SPRINGS FOR CONTRIBUTION OF \$2,000.00 FROM THE LCRA SERVICE FEE TO THE WATER QUALITY STANDARDS PLANNING PROJECT FOR THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER AND ITS CONTRIBUTING ZONE [T1-423]

Charles O'Dell spoke of stakeholders meetings. Terry Tull, Executive Director of the Regional Water Quality Planning Project for the Barton Springs Segment of the Edwards Aquifer, gave the court an overview of the project which included Project Objectives, Background, Planning Process, Progress to Date, and Resources. He thanked the court for their support in the past and for some additional support to bring this project to a successful conclusion. Judge Powers gave his appreciation to Terry Tull in bringing everyone together to talk about solutions. Information regarding the water quality protection plan can be obtained at the following website: www.waterqualityplan.org A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to sign a letter agreement with the City of Dripping Springs for contribution of \$7,000.00 from the LCRA Service Fee to the Water Quality Standards Planning Project for the Barton Springs Segment of the Edwards Aquifer and its contributing zone. Special Counsel Jacqueline Cullom Murphy advised that the agenda speaks to contribution of \$2,000 and she suggested that the court stay with that amount. The court may come back at a future meeting to increase that contribution. Motions were withdrawn. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to sign a letter agreement with the City of Dripping Springs for contribution of \$2,000 from the LCRA Service Fee to the Water Quality Standards Planning Project for the Barton Springs Segment of the Edwards Aquifer and its contributing zone. All voting "Aye".

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 JANUARY 4, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF JANUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

HAYS COUNTY EMPLOYEE RECOGNITION

Tax Assessor-Collector Luanne Caraway presented a 20 year service pin to Paulette Wallington (Asst. Tax A/C). County Auditor Bill Herzog presented a Certified Professional Buyer Certification to Cindy Maiorka.

22304 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$232,694.20 as presented by the County Auditor. All voting "Aye".

22305 APPROVE BUDGET AMENDMENT # 05-10

Budgets being amended: Information Technology (456): transfer \$8,300 from software line item into data proc. Eqpt. Transfer \$500 from Personal Health Svcs (412) staff salaries line item into Family Clinic (612) other line item to pay for additional window tint. Tobacco Settlement Proceeds (607): Transfer \$50,000 from office eqpt/furniture line item into Misc. Capital Improvements for parking lot improvements at the civic center. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment No. 05-10 as proposed by the County Auditor. All voting "Aye".

22306 APPROVE UTILITY PERMITS #01766 & 01767

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permits #01766 on CR140/Post Road issued to Baker-Aicklen & Assoc/Carma Texas Inc. and #01767 on CR164/Sawyer Ranch Rd issued to Joe Bland Construction as submitted by the Hays County Road Department. All voting "Aye".

22307 APPROVE BID SPECIFICATIONS FOR "HAULING SERVICES" FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve bid specifications for "hauling services" for Hays County Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22308 APPROVE REAPPOINTMENT OF SHARON O'BRIEN, DOYLE KRUMREY, AND BUDDY MARTIN TO THE SOUTH HAYS COUNTY EMERGENCY SERVICES DISTRICT # 3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve reappointment of Sharon O'Brien, Doyle Krumrey, and Buddy Martin to the South Hays County Emergency Services District #3. All voting "Aye".

22309 APPROVE REAPPOINTMENT OF MATT GILLIAM AND SUSAN MECKEL TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to reappoint Matt Gilliam and Susan Meckel to the Hays County Emergency Services District #5. All voting "Aye".



22310 APPROVE REAPPOINTMENT OF PAUL KASKIE, SCOTT STEVENS, AND JIM WEATHERFORD TO THE NORTHEAST HAYS COUNTY EMERGENCY SERVICES DISTRICT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve reappointment of Paul Kaskie, Scott Stevens, and Jim Weatherford to the Northeast Hays County Emergency Services District #2. All voting "Aye". [Clerk's Note: This should have been appointments to the NORTHEAST HAYS COUNTY RURAL FIRE PREVENTION DISTRICT]

22311 APPROVE REAPPOINTMENT OF JANA ASHFORD, JIM HOLLIS, AND MARK IBERG TO THE NORTHEAST HAYS COUNTY EMERGENCY SERVICE DISTRICT #2

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve reappointment of Jana Ashford, Jim Hollis and Mark Iberg to the Northeast Hays County Emergency Services District #2. All voting "Aye".

22312 APPROVE RENEWAL CONTRACT WITH ELLY DEL PRADO DIETZ, NOW OF DUVALL AND GRUNING, P.L.L.C. TO CONTINUE SERVING AS THE COUNTY'S CONDEMNATION ATTORNEY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve renewal contract with Elly Del Prado Dietz, now of Duvall and Gruning, PLLC, to continue serving as the County's condemnation attorney. All voting "Aye".

22313 WIMBERLEY VIEW ESTATES [04-3-072, 4 LOTS] * APPROVE FINAL PLAT [T1-63]

This is a 4 lot subdivision located on Caliche Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Wimberley View Estates". All voting "Aye".

22314 HOKE HOMESTEAD [4-4-077, 4 LOTS] * APPROVE PRELIMINARY PLAN [T1-76]

Environmental Health Director Allen Walther advised that these lots are already developed and he is not recommending that they be required to go back and change their wastewater systems – he gave staff recommendation for approval of preliminary plan. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Hoke Homestead" subdivision. All voting "Aye".

22315 DOS LAGOS [04-4-054, 38 LOTS] * APPROVE VARIANCE TO ROAD STANDARDS PERTAINING TO SIZING OF DRAINAGE FACILITIES [T1-90]

Environmental Health Director Allen Walther spoke of this subdivision being divided north and south by a drainage easement. Dos Lagos Drive (a local street) is designed with a sag curve crossing the creek (drainage easement). This subdivision will be a gated community with private streets. Lots on west side of the easement will have public access on US290 and the lots on the east side have access on Holder Lane. Allen Walther gave staff recommendation for granting a variance from Section 10 of the Hays County Subdivision & Development Regulations pertaining to the sizing of drainage facilities on a local street. A motion was made by Judge Powers, seconded by Commissioner Conley to approve/grant a variance to road standards pertaining to sizing of drainage facilities in the "Dos Lagos" subdivision. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley and Judge Powers voting "Aye". Commissioner Molenaar abstained. Commissioner Molenaar advised that the property owner/developer of this subdivision is a close friend of his, therefore he abstained from vote.

22316 GLENN KOTHMANN PROPERTIES SUBDIVISION RESUBDIVISION OF LOTS 51A & 51B [04-4-080, 4 LOTS] * PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat of "Glenn Kothmann Properties Subdivision Resubdivision of Lots 51A & 51B". All voting "Aye".

22317 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON SOUTH TURNERSVILLE RD/CR 212 [T1-138]

Road Supt/Engineer Jerry Borcharding advised that the Road Dept. is recommending a 30 MPH speed limit. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on January 25, 2005 to establish traffic regulations (speed limit) on South Turnersville Road/CR212. All voting "Aye".



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22318 AUTHORIZE IMPROVEMENTS AT THE HAYS COUNTY CIVIC CENTER TO INCLUDE THE PAVING OF THE PARKING LOT AND AMEND THE BUDGET ACCORDINGLY [T1-154]

Commissioner Molenaar spoke of poor condition of the parking lot at the civic center causing loss of booking the facility. Charles Nagel, Civic Center Manager, spoke of water collecting in the parking lot when it rains and creating a dangerous situation with electrical hookups. The Cutting Horse Association wrote a letter indicating their needs. Mr. Nagel provided a written report – he feels like we can attract larger shows if the parking lot is paved. Commissioner Molenaar spoke of additional electrical hookups and drainage issues. Road Supt/Engineer Jerry Borchering advised that his dept. can begin the work around the first of February. Commissioner Molenaar spoke of surplus money in the tobacco settlement fund. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize improvements at the Hays County Civic Center to include the paving of the parking lot and amend the budget accordingly by budgeting \$50,000 in the misc. capital improvement line item of the Tobacco Settlement Fund. All voting "Aye".** [See Budget Amendment No. 05-10]

22319 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS CONCERNING USAGE AND MAINTENANCE OF THE HAYS COUNTY EMERGENCY RESPONSE VEHICLE [T1-523]

Fire Marshal Mark Chambers spoke of HAZMAT/Fire response vehicle (obtained from homeland security funds) that will be housed at the San Marcos Fire Dept. on Hunter Road – the County retains title to the vehicle and the City of San Marcos will maintain and operate it. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute an interlocal agreement with the City of San Marcos concerning usage and maintenance of the Hays County Emergency Response Vehicle. All voting "Aye".**

22320 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SPECIAL WARRANTY DEEDS TO CONVEY RIGHT-OF-WAY INTERESTS TO THE TEXAS DEPARTMENT OF TRANSPORTATION IN PARCELS 1 (LINDSTROM) AND 6 (WILLIE) RELATING TO THE HIGHWAY 45 PROJECT [T1-580]

Attorney Elly Del Prado Dietz spoke of request by the State for the county to convey its interest in Parcels 1 & 6 to the State for the Highway 45 project. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize the County Judge to execute special warranty deeds to convey right-of-way interests to the Texas Dept. of Transportation in Parcels 1 (Lindstrom) and 6 (Willie) relating to the Highway 45 Project. All voting "Aye".**

The court convened into closed executive session at 9:45 a.m. for the following items:

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE FOLLOWING, INCLUDING, BUT NOT LIMITED TO, THE APPOINTMENT, EMPLOYMENT, DUTIES OF THE HAYS COUNTY ACTING DIRECTOR OF PERSONAL HEALTH

Upon completion of the closed session, the court reconvened into open meeting at 10:55 a.m. Judge Powers advised that no action will be taken.

Court was adjourned.

I, LEE CARLISLE, 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 JANUARY 11, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF JANUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

22321 ADOPT A PROCLAMATION DECLARING MARCH 5, 2005 AS HAYS COUNTY HEART WALK DAY [T1-20]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Proclamation declaring March 5, 2005 as Hays County Heart Walk Day. All voting "Aye".

PRESENTATION BY RAMON CHAPA FROM CONGRESSMAN HENRY CUELLAR'S OFFICE IN REFERENCE TO FEDERAL FUNDING OPPORTUNITIES FOR HAYS COUNTY

Ramon Chapa, representative from Congressman Henry Cuellar's office, spoke in reference to federal funding opportunities for Hays County and he thanked the court for the office space being made available at the courthouse. He provided members of the court and staff with "A Guide to Federal Domestic Assistance" booklet and a list of the 28th Congressional District Offices and contact information.

22322 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 1,012,281.18 as presented by the County Auditor. All voting "Aye".

22323 APPROVE BUDGET AMENDMENT # 05-11

Line items being amended: General Fund - \$3,055 from various departments longevity line items. Health Services Grants - \$250 transferred from TDH/TB Grant into TDH/Immunization. Road Bond '04 Construction - \$14,998,247 of bond proceeds & revenue received transferred to expenses (\$350,115 bond insurance, \$115,000 cost of issue, \$14,533,132 road construction). Hays County I & S - \$50,750 transfer from interest into Principal (\$50,000) and fees (\$750). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #05-11 as proposed by the County Auditor. All voting "Aye".

22324 APPROVE AWARD OF BID #2005-B3 FOR OLD STAGECOACH ROAD BRIDGE WIDENING TO CAPITAL EXCAVATION IN THE AMOUNT OF \$213,171.66

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve award of Bid #2005-B3 for Old Stagecoach Road Bridge widening to Capital Excavation in the amount of \$213,171.66. All voting "Aye".

22325 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR UP TO \$6,500

Grant and matching funds will be used to purchase custom bulletproof vests for county deputies, constables and other law enforcement officers. Total grant request is for \$6,500 and Hays County will have to provide matching funds of \$6,500. Bulletproof vests have to be replaced after 5 years and each is custom fitted to the person. The law enforcement agencies that need bulletproof vests have matching funds in their budgets. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for up to \$6,500. All voting "Aye".



22326 APPROVE A RESOLUTION AND AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR THE HAYS COUNTY VICTIMS ASSISTANCE PROGRAM FOR \$149,546

Federal law mandates the Victims Assistance Program and Hays County has received grant funds to operate our program for the past 10 years. The number of felony jury trials has tripled in the last two years and consequently, the caseload of the county's victims assistance program has tripled too. The county grew by an estimated 8,000 new residents last year. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a resolution and authorize the County Judge to submit a grant application to the Office of the Governor – Criminal Justice Division for the Hays County Victims Assistance Program for \$149,546. All voting “Aye”.**

22327 [#04-4-077, 4 LOTS] HOKE HOMESTEAD * APPROVE FINAL PLAT

[T1-154] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of “Hoke Homestead”. All voting “Aye”.**

22328 PUBLIC HEARING REGARDING THE CREATION OF THE WOODCREEK NORTH ROAD DISTRICT AND APPROVE A RESOLUTION PROVIDING FOR ITS CREATION. FURTHER DISCUSSION AND ACTION TO CALL ACCEPT A PETITION PURSUANT TO SECTION 1471.016, TEXAS GOVERNMENT CODE, CALLING FOR A PUBLIC HEARING ON FEBRUARY 15, 2005 TO CONSIDER THE ORDERING OF A BOND ELECTION FOR THE WOODCREEK NORTH ROAD DISTRICT [T1-164]

Judge Powers declared the public hearing open. Attorney Steve Brown spoke of people available today to answer any questions – he advised that Elections Administrator Joyce Cowan is not here but has verified the petition. Tracy Bratton (Quicksand Wimberley Partners) spoke of preliminary engineering report that has been prepared – a road district is needed for safety reasons. The goal of the district is to bring the roads up to county standards so that the county can accept them into the county road maintenance system. They are requesting that the road district be created so that a bond election can be held in February. Judy Seaberry spoke of problems with the road and need for improvements. Marilyn Trent voiced her concerns about public safety. Barbara Hopson spoke in favor of creating the road district. Jim Stoltz spoke in favor of creating the road district. Terry Lester spoke in favor of the road district. Hugh Matthews (Attorney for Ad Hoc Committee of Registered Voters in Favor of the Creation of Woodcreek North Road District) spoke in support of creating the road district. Craig Calley spoke of Quicksand's involvement in the road district and he asked that the court create this road district and give the residents a chance to vote on the bond. Ken Strange spoke in favor of the road district. Philip Stribling spoke in favor of giving the residents a chance to vote on the bonds. Linda Kay Rogers (representing Woodcreek Estates POA) presented a petition to be withdrawn from the road district – they feel like they were not properly notified of the creation of the road district and they have their own POA separate from Woodcreek North. Thomas Davis spoke of numerous automobile repairs he has had to make – he supports creation of this road district. Craig Payne (former county commissioner & property owner in the proposed road district) advised that he is not opposed to the district – he spoke of residents of Woodcreek Estates not being told about their inclusion in this district and about the 25 acre tracts (Klement) that was not included in the district. Mr. Payne feels like the Quicksand loan (\$2.5 million) should be a gift. Steve Brown advised that legal notices were given to all residents – they cannot exclude that subdivision (Woodcreek Estates) today and stay on track, however, that could be a consideration at the next public hearing. Mr. Brown explained that the 25 acre tract that was excluded is ag exempt property. Linda Kay Rogers spoke of lack of public notice. Tracy Bratton spoke of public notice that was given – they (Woodcreek Estates) want out of the district, however, they will be using the district roads and not paying for those improvements. He spoke of road conditions in Woodcreek Estates. Steve Brown advised and read from the Transportation Code § 257 the process for excluding property from the road district. Discussion was had regarding statute addressing excluding property from the district as well as annexing property. Judge Powers closed the public hearing. Environmental Health Director Allen Walther advised that there is a safety issue and staff recommends creation of the district.

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to adopt an Order by the Commissioners Court of Hays County, Texas creating and establishing the Woodcreek North Road District; resolving other matters incident and related to the creation and establishment of such road district; and providing an effective date . All voting “Aye”.

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to adopt an Order by the Commissioners Court of Hays County, Texas establishing a public hearing on a petition requesting a bond election for the Woodcreek North Road District; and other matters in connection therewith. All voting “Aye”.



22329 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SHAUNESSY, BURNETT & GREENBERG TO PROVIDE LEGAL REPRESENTATION FOR THE COUNTY TREASURER AND BAIL BOND BOARD

[T1-990] Special Counsel Jacqueline Cullom Murphy spoke of suit filed by a local bonding company – a request is being made to the court to allow Attorney Mike Shaunessy to represent the Bail Bond Board along with the Sheriff. County Treasurer Michele Tuttle was served with a Writ of Garnishment and she also needs to be represented. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute an outside legal counsel agreement with Shaunessy, Burnett & Greenberg to provide legal representation for the County Treasurer and Bail Bond Board. All voting "Aye".**

22330 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RELEASE OF CLAIMS TO THE NORTH HAYS COUNTY EMERGENCY SERVICES SYSTEM INC. AND ACCEPT A SPECIAL WARRANTY DEED FROM NORTH HAYS COUNTY EMERGENCY MEDICAL SERVICES INC. [T1-1039]

Commissioner Molenaar spoke of this being in regards to a lawsuit. Attorney Greg Hudson (representing the North Hays County ESD#1) spoke of settlement agreement involving the facility in Dripping Springs – he urged the county to accept title to the property and reconvey the title to the ESD. Attorney Ken Davidson asked the county to release any claims the county may have to the property and the title will be conveyed to the county. Greg Hudson asked that the county convey the property to the ESD as quickly as possible. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a release of claims to the North Hays County Emergency Services System Inc. and accept a special warranty deed from North Hays County Emergency Medical Services Inc. All voting "Aye".**

[T1-1140] Court (Craig C.) Johnson spoke of Wimberley By-Pass project. He feels like the appraisal of his property is incorrect. He spoke of value of properties in his neighborhood.

[T1-1217] Charles O'Dell, Director of Hays CAN, spoke of Gov Code Sec. 551.071 & 551.072 not allowing deliberation.

Court convened into closed executive session at 10:30 a.m. regarding the following agenda items. The court reconvened into open meeting at 11:30 a.m.

22331 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE THE ACQUISITION OF REAL PROPERTY TO BE USED FOR PUBLIC ROADWAY PURPOSES AS AUTHORIZED BY THE HAYS COUNTY ROAD BOND PROGRAM: PARCEL 5 (SARAH J. JOHNSON), PARCEL 6 (CRAIG C. JOHNSON) AND PARCEL 7 (MAVIS ERVINE WOOLSEY) ALL RELATING TO THE WIMBERLEY BYPASS PROJECT WITH ACTION TO ADOPT RESOLUTIONS AUTHORIZING THE CONDEMNATION OF THESE PROPERTIES [T1-1242]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute resolutions authorizing condemnation of Parcels 5, 6, & 7 relating to the Wimberley By-Pass Project. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter was not present for vote.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOMES, LTD. V. HAYS COUNTY COMMISSIONERS COURT, CAUSE NO. 04-0325

Judge Powers advised that no action will be taken on this item.

Court was adjourned.

I, LEE CARLISLE, 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 JANUARY 18, 2005.



Lee Carlisle
**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF JANUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

22332 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$423,741.58 as presented by the County Auditor. All voting "Aye".

22333 APPROVE BUDGET AMENDMENT # 05-12

The budget amendment was as follows: Juvenile Probation (405) – transfer \$1,234 from other line item into office equipment line item for replacement printer. CAPCO/Recycle Shed (725) - budget new grant award for recycle shed to house equipment in the amount of \$38,300 (misc. capital improvement). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-12 as proposed by the County Auditor. All voting "Aye".

22334 APPROVE AN INCREASE OF \$21,825 IN CONTRACT WITH LANDATA, INC. FOR BACK SCANNING AND INDEXING OF RECORDS AT THE HAYS COUNTY DISTRICT CLERK'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

Summary: On Nov. 16, 2004 the Commissioners' Court approved an expenditure of \$53,175 for back scanning and indexing of records for the District Clerk and allocated \$17,500 to the Tax Assessor-Collector for similar activities. The Tax A/C has indicated that she will not require the \$17,500 this fiscal year. The District Clerk is requesting that the original requested amount of \$75,000 be approved (\$53,175 already approved, \$17,500 previously budgeted for the Tax A/C, plus the remaining \$4,325.00 in the Records Preservation Fund). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve an increase of \$21,825 in contract with Landata inc. for back scanning and indexing of records at the Hays County District Clerk's office and amend the budget accordingly. All voting "Aye".

22335 APPROVE BLOCKING OF TWO DRIVEWAYS ON LBJ DRIVE AT THE HAYS COUNTY JUSTICE CENTER

A letter was submitted from District Judge Charles Ramsay requesting that the LBJ Drive side of the Justice Center parking lot be closed off so that vehicles cannot "cut through" the side openings. Closing this side off will prevent any accidents from happening and would provide additional parking spaces. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve blocking of two driveways on LBJ Drive at the Hays County Justice Center. All voting "Aye".

22336 APPROVE SPECIFICATIONS FOR RFQ #2005-P4, PROFESSIONAL SERVICES/PROJECT MANAGEMENT FOR 5 MILE DAM PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for RFQ #2005-P4, Professional Services/Project Management for 5 Mile Dam Project and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".

22337 APPROVE SPECIFICATIONS FOR RFQ #2005-P3 PROFESSIONAL SERVICES/LANDSCAPE FOR 5 MILE DAM PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Specifications for RFQ #2005-P3 Professional Services/Landscape for 5 Mile Dam Project and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".



22338 REAPPOINTMENT OF JAMES HOLT, JR. TO THE PLUM CREEK CONSERVATION DISTRICT BOARD OF DIRECTORS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to reappoint James Holt, Jr. to the Plum Creek Conservation District Board of Directors. All voting "Aye".

Clerk's Note: Agenda Item #8 RE: [PCT. 3 #04-3-076, 12 LOTS] CIELO RANCH - APPROVE PRELIMINARY PLAN was PULLED - no discussion and no action taken.

22339 [PCT. 3 #04-3-012, 2 LOTS] PENNINGTON ACRES - APPROVE PRELIMINARY PLAN [T1- 37]

Frank & Fiona Pennington propose to divide a 5.46 acre tract into 2 lots on CR003/Oakwood Loop and Ranch Road 12. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Pennington Acres". All voting "Aye".

22340 [PCT. 4 #04-4-083, 2 LOTS] TEICHELMANN'S SUBDIVISION REPLAT OF LOT 1 - APPROVE PRELIMINARY PLAN [T1- 48]

R. W. & Jan Teichelmann propose to divide a 4.9422 ac tract into 2 lots located on CR191. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Teichelmann's Subdivision Replat of Lot 1". All voting "Aye".

22341 [PCT. 4 #05-4-001, 3 LOTS] THE PROPERTY - APPROVE PRELIMINARY PLAN AND GRANT VARIANCE REQUEST [T1- 58]

Environmental Health Director Allen Walther advised that this subdivision is being served in part by a SAD – the lots are large – staff recommends approval of variance to length of SAD and approval of preliminary plan. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "The Property" and grant a variance to length of the "Shared Access Driveway". All voting "Aye".

22342 APPROVE A RESOLUTION CALLING ON THE TEXAS LEGISLATURE TO APPROVE A NEW DISTRICT COURT FOR HAYS COUNTY [T1- 78]

Judge Powers spoke of support of this resolution. District Clerk Cecelia Adair spoke in support of creating a new District Court for Hays County. A motion was made by Judge Powers, seconded by Commissioner Conley to approve a resolution calling on the Texas Legislature to approve a new District Court for Hays County. All voting "Aye".

22343 AUTHORIZE THE ROAD DEPARTMENT SUPERINTENDENT (JERRY BORCHERDING, P.E.) TO EXECUTE CHANGE ORDERS RELATING TO THE HAYS COUNTY BOND ROAD PROGRAM PURSUANT TO SECTION 262.031, TEXAS LOCAL GOVERNMENT CODE [T1- 140]

This action will help projects continue to move forward in the event we are faced with minor change orders. The dollar amount will be limited to a cap of \$50,000 as per Section 262.031 Texas Local Government Code and the County Road Supt. will inform and discuss the change orders with the appropriate Commissioner before agreeing to or accepting a change. Bob Austin (TC&B) spoke of need for change orders and he supports this action. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the Road Department Superintendent (Jerry Borcharding, P.E.) to execute change orders relating to the Hays County Bond Road Program pursuant to Section 262.031 Texas Local Government Code. All voting "Aye".

22344 APPOINT MARK JONES TO THE PLUM CREEK CONSERVATION DISTRICT BOARD OF DIRECTORS [T1- 186]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to appoint Mark Jones to the Plum Creek Conservation District Board of Directors. All voting "Aye".



22345 PUBLIC HEARING AND APPROVE AN ORDER CREATING THE SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND APPROVE ORDER APPOINTING TEMPORARY DIRECTORS [T1-200]

Judge Powers declared the public hearing open. Bob Mathis (Buda City Manager) spoke of action taken by City Council of Buda in 2004 – he spoke of agreement between the WCID and the City. Mr. Mathias provided a map of the City of Buda Transportation Plan and he spoke of agreement with the developer to assist in these improvements. [T1-410] Richard Schneider (Buda Area Chamber of Commerce President) urged the court to create this district. Buda Mayor John Trube spoke in support of creating this district and getting trucks out of downtown Buda being a primary issue. Mike Willatt (representing the landowners creating the district) spoke of petition that was filed and other documentation (submitted to the County Clerk). The public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval of creating the WCID. A motion was made by Judge Powers, seconded by Commissioner Carter to approve an Order Creating the South Buda Water Control and Improvement District No. 1. All voting "Aye". A motion was made by Judge Powers, seconded by Commissioner Carter to approve an Order Appointing Temporary Directors. All voting "Aye".

PRESENTATION BY BURKE SUNDAY OF SUNDAY AND ASSOCIATES, INC., TO DISCUSS END OF THE PLAN YEAR HEALTH BENEFITS [T1-772]

Burke Sunday spoke of plan year ending on Sept 30, 2004. He advised that Cigna is now a web based resource providing employees with internet access to their claims, etc. Number of employees covered will drop because Adult Probation will go to a State plan. There has been a growth in employees and claims. He spoke of ongoing discussion with Cigna regarding contracting with new providers and continuing with existing providers. Commissioner Molenaar gave his appreciation for effort put out by Burke Sunday to make this a workable system.

Court was adjourned.

I, LEE CARLISLE, 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 JANUARY 25, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF FEBRUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

Clerk's Note: Agenda Item #1 RE: PRESENTATION OF HAYS COUNTY SERVICE AWARDS was PULLED.

PRESENTATION OF \$250,000 CHECK TO BUDA FOR THE SPORTSPLEX PARK PROJECT

Grants Administrator Richard Salmon spoke of letter of commitment from the county to provide the City of Buda with \$250,000 for the city's Sportsplex Park. The City of Buda must provide matching funds within a 12-month period ending July 27, 2005. Verification has been received that the Texas Parks & Wildlife Dept. will award the City of Buda a \$500,000 grant. Commissioner Carter presented a \$250,000 check to Buda for the Sportsplex Park Project.

22346 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 1,044,194.33 as presented by the County Auditor. All voting "Aye".

22347 APPROVE UTILITY PERMITS #01768-01770

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Permit #01768 on McCarty Lane issued to San Marcos Electric Utility, #01769 on Monte Pointe Drive issued to Goforth Water Supply, and #01770 on CR133/Hillside Terrace issued to Centerpoint Energy. All voting "Aye".

22348 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$19,500 GRANT FROM CAPCOG FOR THE HAYS COUNTY CITIZENS COLLECTION STATION AND EXECUTE A CONTRACT

Hays County was awarded a \$19,500 grant from CAPCOG to purchase one forklift for the county's recycling operations. Due to the low bids we have received so far, the county will probably be able to purchase 2 forklifts, 1 for Wimberley and 1 for Dripping Springs. This grant combined with the previous grant for \$38,300 will change the way the county operates our recycling program. We will now be able to construct covered sheds, install vertical balers and purchase a forklift for each recycling location. The county will be able to store and sell baled products such as cardboard, aluminum and plastics. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to accept a \$19,500 grant from CAPCOG for the Hays County Citizens Collection Station and to execute a contract. All voting "Aye".

22349 APPROVE RENEWAL CONTRACT FOR ANIMAL CONTROL SERVICES WITH PUBLIC FOR ANIMAL WELFARE, INC. (PAWS) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve renewal contract for Animal Control Services with Public For Animal Welfare Inc. (PAWS) and authorize the County Judge to execute same. All voting "Aye".

22350 APPROVE RENEWAL OF CONTRACT FOR HAULING OF SOLID WASTE WITH BFI FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve renewal of contract for hauling of solid waste with BFI for one additional year as provided in the original contract. All voting "Aye".



22351 APPROVE SPECIFICATIONS FOR RFP #2005-P5, SCANNING AND INDEXING FOR THE HAYS COUNTY CLERKS OFFICE AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve specifications for RFP#2005-P5 Scanning and Indexing for the Hays County Clerk's Office and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".

22352 APPROVE AWARD OF BID #2005-B4 FOR CEMETERY MAINTENANCE TO MAINTENANCE MANAGEMENT

Purchasing sent out five bid packets and Mr. Bagwell of Maintenance Management is the only vendor that responded. He has all the required insurance and has provided excellent service in the past to the county. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award bid #2005-B4 for Cemetery Maintenance to Maintenance Management. All voting "Aye".

22353 AWARD PROPOSAL FOR INMATE TELEPHONE SYSTEM TO SECURUS/EVERCOM

Purchasing received 4 responses to the Inmate Telephone System proposal. After review of each and reference check, the committee formed by the Sheriff's Department has determined that Securus/Evercom has the most competitive proposal and will provide the best service for them, therefore, it is the recommendation of Purchasing and the Sheriff's Dept. to award the contract to Securus/Evercom. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award proposal/contract for inmate telephone system to Securus/Evercom. All voting "Aye".

22354 APPROVE RENEWAL OF CONTRACT FOR "ANNUAL STRIPING SERVICES" FOR THE HAYS COUNTY ROAD DEPARTMENT FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL CONTRACT TO UNITED RENTALS HIGHWAY TECHNOLOGIES

All terms and conditions of contract remain unchanged and in full force and effect. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve renewal of contract for "Annual Striping Services" for the Hays County Road Department for one (1) additional year as provided in the original contract to United Rentals Highway Technologies. All voting "Aye".

22355 APPROVE AWARD OF RFP FOR PROFESSIONAL CIVIL ENGINEERING SERVICES

Purchasing received 27 responses for the RFP for Professional Civil Engineering Services. County Road Supt. Jerry Borcharding would like to pre-qualify all respondents to develop a pool of civil engineering firms from which to choose to provide services on an as-needed basis. As projects are developed by the Road Dept., the Co Rd. Supt. would select a firm from the pre-qualified list to performed the required duties. Negotiated contracts will be approved by the Commissioners' Court and signed by the County Judge. The Civil Engineer Firms are as follows: (1) Loomis Austin, (2) Freese-Nichols, (3) S D Kallerman, (4) Pro-Tech, (5) CMA Engineering, (6) Earth Tech, (7) Halff Associates, (8) Claunch & Miller, (9) Lopez Garcia Group, (10) C Faulkner Engineering, (11) Malone/Wheeler, (12) Baker-Aicklen, (13) Huit-Zollars, (14) Dannenbaum, (15) Cunnginham-Allen, (16) Bridgefarmer & Assoc., (17) KBR, (18) Carter Burgess, (19) Cobb Fendley & Assoc, (20) Urban Design Group, (21) K C Engineering, (22) Reynolds Smith and Hills, (23) Binkley & Barfield, (24) Landmark Consulting, (25) LAN/Lockwood, Andrews & Newman, (26) Steger & Bizzell Engineering, and (27) Doucet & Associates. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award RFP for Professional Civil Engineering Services to the 27 firms responding. All voting "Aye".

22356 [PCT. 3 #04-3-076, 15 LOTS] CIELO RANCH - APPROVE PRELIMINARY PLAN [T1-62]

Environmental Health Director Allen Walther spoke of this being a large acreage lot subdivision and he spoke of aquifer access (no connectivity of the wells). Staff is requesting a plat note regarding water availability. Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan of "Cielo Ranch". All voting "Aye".

22357 [PCT. 3 #04-3-081] SAN MARCOS RANCH SECTION 2 - CALL FOR A PUBLIC HEARING TO CONSIDER THE ABANDONMENT OF ROW EASEMENT [T1-90]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing to consider the abandonment of right-of-way easement in "San Marcos Ranch Section 2". All voting "Aye".



22358 HIGH RIDGE RANCH – RELEASE CONSTRUCTION FISCAL SURETY AND ACCEPT COMPLETION OF ROAD AND DRAINAGE CONSTRUCTION [T1-105]

Linda Anderson spoke of road going over a subdivision lot – the subdivision process has not been completed and she is opposed to the court taking action on this item. Environmental Health Director Allen Walther gave an update regarding High Ridge Ranch (a legally platted subdivision) - the road department has inspected the roads and are ready to release the fiscal security. Road Supt/Engineer Jerry Borcherding spoke of striping of roadways. The roads in High Ridge Ranch are to be privately maintained – construction is complete and comply with county standards. Subdivision Coordinator Jon Thompson advised that there is no other access to the High Ridge Ranch subdivision other than Cottonwood Road in Burnett Ranch Section 5. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to release construction fiscal surety and accept completion of road and drainage construction for “High Ridge Ranch”. Commissioner Conley, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Ingalsbe and Commissioner Carter voting “No”. MOTION PASSED.**

22359 APPROVE FUNDING OF \$200,000, FROM COUNTY PARK BOND FUNDS TO PURCHASE 50-ACRE TRACT FOR THE CITY OF KYLE AND TO HOLD IT IN THE COUNTY’S PARKS FOUNDATION [T1-401]

Grants Administrator Richard Salmon gave a power point presentation regarding “Park Project # 7 – Purchase of 50 acres to develop East Side Park – Hays County Parks & Open Space Project”. The project is a 50 acre tract on FM150, east of I-35 and adjacent to the Tobias Elementary School and Brookside Subdivision. The proposed project will preserve and develop a 50 acre tract with a lake for use as a public City park offering recreational and education opportunities. The site abuts Plum Creek hiking trail and the proposed features include nature areas, hike & bike trail, shade ports, playgrounds, restrooms, and parking area. Partners in this project will be Hays County/Parks Foundation, City of Kyle, Hays CISD Education Foundation, Plum Creek Conservation District, Texas Parks & Wildlife Dept., and LCRA Partnership in Parks Program. The sale price of the site is \$200,000 and the appraised value is \$476,000. The terms of the sale are that Dale Linebarger will donate the property to the Hays CISD Foundation, the Foundation will sell the property to Hays County for \$200,000, Hays County will partner with the City of Kyle and Hays CISD Education Foundation and hold the land in trust in the new Hays County Parks Foundation. The City of Kyle will use the equity of the land to leverage matching grants to develop the park and will own and maintain the park. A Resolution of the City of Kyle supporting and committing to this project was submitted along with a letter from Hays CISD Education Foundation acknowledging their willingness to sell the land to Hays County for \$200,000. Dale Linebarger spoke of being a member of the Hays CISD Education Foundation and about his donation of this land – he feels like a park for everyone would be the best use of the land. Lee Raines (Hays CISD Education Foundation) spoke of proceeds of the sale to be used to further their mission and continue current programs. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve funding of \$200,000 from County Park Bond Funds to purchase a 50 acre tract for the City of Kyle and to hold it in the County’s Parks Foundation. All voting “Aye”.**

22360 [PCT. 3 #04-3-012, 2 LOTS] PENNINGTON ACRES – APPROVE FINAL PLAT [T1-614]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of “Pennington Acres”. All voting “Aye”.**

22361 [PCT. 4 #05-4-005, 2 LOTS] RIVER MOUNTAIN RANCH SECTION 3 REPLAT OF LOTS 328, 329, AND 330 - APPROVE FINAL PLAT; WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-624]

Environmental Health Director Allen Walther advised that the owner of the lots are combining the 3 lots and creating 2 lots – he gave staff recommendation to approve final plat. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of “River Mountain Ranch Section 3 Replat of Lots 328, 329, & 330”, waive preliminary plan and public notification requirements. All voting “Aye”.**

22362 [PCT. 4 #05-4-007, 2 LOTS] SPRINGLAKE LOT 48 – APPROVE PRELIMINARY PLAN

[T1-641] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for “Springlake Lot 48”. All voting “Aye”.**

22363 [PCT. 4 #05-4-001, 3 LOTS] THE PROPERTY - APPROVE FINAL PLAT [T1-652]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of “The Property”. All voting “Aye”.**



CLERK'S NOTE: AGENDA ITEM #20 RE: [PCT. 4 #05-4-010, 38 LOTS] BELTERRA PHASE 2 SECTION 5B - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY was PULLED.

22364 WOODLAND ESTATES SECTION 2 PHASES A & B - CALL FOR PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS [T1-672]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing to be held on February 15, 2005 to establish traffic regulations on "Woodland Estates Section 2 Phases A & B". All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 1, 2005.



Lee Carlisle
LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8th DAY OF FEBRUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Chief Juvenile Probation Officer Ed Cooper presented a 20 year service pin to Lisa Day and a 5 year service pin each to Alice Brady Hellen and Jackie Jones. Environmental Health Director Allen Walther presented a 5 year service pin to Jon Thompson (Subd Coord). Road Supt/Engineer Jerry Borcharding presented a Certificate of Appreciation to Jose Cabrera and Alejandro Caldera for their heroic water rescue during the torrential rainfall in October 2004.

22365 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$245,616.07 as presented by the County Auditor. All voting "Aye".

22366 APPROVE BUDGET AMENDMENT 05-13

Budgets being amendment: District Clerk (416): Transfer \$120 from printing into office equipment for time stamps repair. CAPCO/Forklift (Recycle) Grant (724): Budget grant award of \$19,500 into misc. equipment. Family Clinic (612): Increase office supplies (\$300), contract services (\$1,000), and computer equipment (\$1,376) Personal Health (412): Increase employment ads (\$1,000) and decrease staff (\$3,676). A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve Budget Amendment No. 05-13 as proposed by the County Auditor. All voting "Aye".

22367 APPROVE AWARD OF BID FOR HAULING SERVICES FOR THE ROAD DEPARTMENT TO EARTH TRANSPORT

Bids were received from Earth Transport Company and Pneu-Rock Transportation Inc. After review of the bids, Earth Transport provided the lowest and best bid for hauling services. A motion was made by Commissioner Carter, seconded by Commissioner Conley to award bid for hauling services for the Road Dept. to Earth Transport Company. All voting "Aye".

22368 APPROVE CHANGE IN JOB DESCRIPTION TITLE OF THE RN-EPIDEMIOLOGIC TO PUBLIC HEALTH PREPAREDNESS COORDINATOR

The RN-Epidemiologic is the job description title of the Bio Terrorism Coordinator. Public Health Preparedness Coordinator better represents the duties and responsibilities of this position. This is only a job title change, there is no salary increase associated with this agenda item. A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve change in job description title of the RN-Epidemiologic to Public Health Preparedness Coordinator. All voting "Aye".

22369 APPROVE REAPPOINTMENT OF RON SPANGENBERG AND DAVE SLIDER TO WIMBERLEY RURAL FIRE PREVENTION DISTRICT

A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve reappointment of Ron Spangenberg and Dave Slider to the Wimberley Rural Fire Prevention District. All voting "Aye".

22370 APPROVE THE CORRECTION AND REAPPOINTMENT OF BRUCE HART TO THE SOUTH HAYS COUNTY ESD #3

The minutes of April 27, 2004 reappointing "Bruce Harper" was in error – it should have been the reappointment of Bruce Hart. A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve the correction and reappointment of Bruce Hart to the South Hays County ESD#3. All voting "Aye".



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22371 [PCT. 4 #05-4-003, 2 LOTS] **DRIFTWOOD BAPTIST CHURCH SUBDIVISION * APPROVE PRELIMINARY PLAN** [T1-174]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan for "Driftwood Baptist Church Subdivision". All voting "Aye".

CLERK'S NOTE: Agenda Item #9 RE: [PCT. 4 #05-4-010. 38 LOTS] BELTERRA PHASE 2 SECTION 5B * APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY was **PULLED**.

22372 **CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING ZONES) ON HILLIARD ROAD/CR 222** [T1-189]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on February 22, 2005 to establish traffic regulations (No Parking Zones) on Hilliard Road/CR222. All voting "Aye".

22373 **APPROVE PURCHASE OF RIGHT-OF-WAY ALONG GLOSSON RANCH ROAD** [T1-200]

Commissioner Molenaar spoke of donation by Clint Rutherford of ROW along Glosson Ranch Road several years ago and proposal to consider purchasing an additional 460'X15' wide ROW strip connecting with the previously donated ROW. This property is valued at \$1,932 plus a cost of \$3375.00 for replacement fencing. Total cost = \$5,269.50. The Road Dept. is recommending purchase. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to purchase right-of-way along Glosson Ranch Road in the amount of \$5,269.50 out of Right-of-Way funds. All voting "Aye".

22374 **APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 14 - HAYS COUNTY/TC&B/PATE ENGINEERS (POSEY RD - FROM IH35 TO OLD BASTROP HWY)** [T1-234]

Bob Austin (TC&B) explained the work authorization. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for Engineering Services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 14 - Hays County/TC&B/Pate Engineers [Posey Road - from IH35 to Old Bastrop Hwy]. All voting "Aye".

22375 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RESOLUTION AND A DEED CONVEYING REAL PROPERTY TO THE NORTH HAYS COUNTY EMERGENCY SERVICE DISTRICT** [T1-257]

A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute a Resolution and a Deed conveying real property to the North Hays County Emergency Service District. All voting "Aye".

22376 **WAIVE CAPITAL IMPROVEMENT FEES FOR CAMP BEN MCCULLOCH, INC.** [T1-308]

Environmental Health Director Allen Walther spoke of grant received for improvements - they are asking for waivers of Environmental Health Dept. fees - he gave staff recommendation for waiver of fees. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to waive Capital Improvement Fees for Camp Ben McCulloch Inc. All voting "Aye".

22377 **APPROVE APPOINTMENT OF KEN DOWNING TO THE WIMBERLEY RURAL FIRE PREVENTION DISTRICT TO REPLACE EDDIE GUMBERT** [T1-335]

Commissioner Molenaar spoke of request for representation from Pct. 4 on the RFPD board. Commissioner Conley thanked Eddie Gumbert for his service on the board. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve appointment of Ken Downing to the Wimberley Rural Fire Prevention District to replace Eddie Gumbert. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 8, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15th DAY OF FEBRUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell (Hays CAN) spoke of Papalote Homes Executive Session – feels like they need to drop the lawsuit or go to court and he spoke of previous lawsuit against the county regarding open meetings violation. Commissioner Molenaar responded to comments made by Mr. O'Dell regarding previous lawsuit. Susan Cook spoke of CAMPO meeting she attended. She spoke of public opposition regarding proposed toll roads and the vote of Judge Powers at that meeting.

22378 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 1,027,202.51 as presented by the County Auditor. All voting "Aye".

22379 APPROVE BUDGET AMENDMENT NO. 05-14

Budgets being amended: Justice of the Peace 3 (427): Increase Staff \$2,927, FICA/Retirement \$482, and Insurance \$463 Commissioner 3 (441): Decrease Staff \$17, FICA/Retirement \$3, and Insurance \$462 Countywide Operations (414): Decrease JP Warrant Fee \$3,390 *Transfer between JP3 and Commissioner 3 allows for training new employee (Commissioner 3) from savings 4/1-9/30 and budget JP3 for employee transfer 4/1-3/30*. Historical Commission (490): Increase Dues & Bonds \$50 and Continuing Education (\$300) and Decrease Contract Services \$350 *Transfer for conference fees from services *. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-14 as proposed by the County Auditor. All voting "Aye".

22380 APPROVE UTILITY PERMITS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01771 on CR272/Quail Run issued to Kotin Ranch, #01774 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority, and #01776 on CR272/Quail Run issued to City of San Marcos. All voting "Aye".

22381 APPROVE THE REAPPOINTMENT OF CHRIS DIBRELL TO THE WIMBERLEY /HAYS COUNTY ESD #4

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the reappointment of Chris Dibrell to the Wimberley/Hays County ESD #4. All voting "Aye".

22382 APPROVE LATERAL FILE PURCHASE FOR INDIGENT CARE (01-408) FROM ALREADY BUDGETED FUNDS IN COUNTY-WIDE (01-414) OFFICE EQUIPMENT

At budget adoption, \$5,000 was included in unspecified office equipment line item #01-414-5711 as a contingency for items not specifically budgeted/replacement items. None of those funds have been allocated. Indigent Care has an immediate need for a lateral file cabinet – cost not to exceed \$307. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of a lateral file for Indigent Care (01-408) from already budgeted funds in County-Wide (01-414) Office Equipment not to exceed \$307. All voting "Aye".



22383 APPROVE SPECIFICATIONS FOR RFP #2005-P6 FOR PROFESSIONAL ASSISTANCE TO EXPLORE OPPORTUNITIES WHICH PROVIDE FEDERAL FINANCIAL PARTICIPATION FUNDS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Grants Administrator Richard Salmon spoke of need to see if there are other companies available to provide this service with a lower percentage on the management fee. A motion was made by Judge Powers, seconded by Commissioner Conley to approve specifications for RFP #2005-P6 for Professional Assistance to explore opportunities which provide Federal Financial Participation Funds and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".

22384 ACCEPT CERTIFICATION OF ISSUANCE OF PERMANENT PEACE OFFICER LICENSE FROM PRECINCT 3 CONSTABLE RON MAGILL AS STIPULATED IN TEXAS LOCAL GOVERNMENT CODE, SECTION 86.0021

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept Certification of Issuance of Permanent Peace Officer License from Precinct 3 Constable Ron Magill as stipulated in Texas Local Government Code Section 86.0021. All voting "Aye".

REALLOCATION OF COMMUNITY AND SOCIAL SERVICE FUNDING FOR THE HAYS COUNTY CRISIS AND INFORMATION HOTLINE FROM THE HAYS/CALDWELL COUNCIL ON ALCOHOL AND DRUG ABUSE TO THE SOUTHSIDE COMMUNITY CENTER WHO HAS TAKEN OVER ADMINISTRATION OF THE PROGRAM

A letter was received from Ruben Garza, Southside Community Center, advising that SCC has been awarded the contract for the Hay County Crisis Hotline and has subsequently assumed executive and administrative responsibilities over the program. SCC is requesting release and reallocation of any Hays County funds designated to the program. Commissioner Carter advised that Sue Cohen is not in agreement with this reallocation – there is a new federal or state hotline [211] which is more comprehensive. She suggested postponing action for one more week. Commissioner Ingalsbe spoke of conversation she had with the Mayor of San Marcos – they felt like this service needs to be continued because the 211 service could not provide appropriate suicide assistance. NO ACTION TAKEN AT THIS TIME.

22385 PUBLIC HEARING AND ACTION DENYING REQUEST FOR EXCLUSION OF PROPERTY FROM THE WOODCREEK NORTH ROAD DISTRICT PURSUANT TO SECTION 257.024 OF THE TEXAS TRANSPORTATION CODE [T1-299]

Judge Powers declared the public hearing open. Linda Kay Rogers spoke of Woodcreek Estates inclusion in the proposed Woodcreek North Road District. They do not feel like they should be included in the proposed road district and it would impair the value of their property. The road tax would be a burden on the property owners – many are elderly and on fixed incomes. Susan Russell (Woodcreek North) spoke of having recently moved into the subdivision. She spoke of Woodcreek Estates residents driving through Woodcreek North to get to their homes and she feels like they should be included in the proposed road district. She spoke in favor of improvements. [T1-550] Jim Stoltz spoke of meeting that was held – some residents are opposed to more residents/traffic. He applauded the court for taking on the Wimberley By-Pass project for safety reasons and quality of life and he feels like this road district needs to happen for the benefit of all. Robert Pollard (Woodcreek Estates resident) requested exclusion from the road district – he feels like they have been able to manage their roads and do not want to be burdened with additional taxes. Judge Powers closed the public hearing. Commissioner Conley spoke of differences in opinion. He spoke of plan that has been proposed to improve the infrastructure – the voting residents will decide if the plan proceeds. He feels like it would be unfair to exclude the residents of Woodcreek Estates because they would clearly benefit from the improvements. Commissioner Carter spoke of people wanting their roads to remain private, however, there is no other exit to Woodcreek Estates except through Woodcreek North. [T1-635] A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to deny request of residents in the area known as "Woodcreek Estates" seeking exclusion from the "Woodcreek North Road District" based on lack of evidence as required by Sec. 257.024 of the Transportation Code. All voting "Aye".

22386 PUBLIC HEARING CONCERNING A PETITION REQUESTING A BOND ELECTION FOR THE WOODCREEK NORTH ROAD DISTRICT AND APPROVE AN ORDER CALLING FOR A BOND ELECTION TO BE HELD IN THE WOODCREEK NORTH ROAD DISTRICT; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE [T1-683]

Judge Powers declared the public hearing open. David Baker (Exec. Director of the Wimberley Valley Watershed Association) spoke of concerns with potential environmental and legal impact – they feel like a portion of the bond money should be allocated to address their concerns. He spoke of water availability and environmental concerns for future development. Commissioner Molenaar spoke of giving the residents a right to vote on the issue. Commissioner Conley spoke of dealing with an old problem that needs improvement.



[T1-838] Anita Fournier spoke of tax burden on her property – she is opposed to the bond. Mark Messenger spoke in favor of road improvements – he would like black top and curbing on all the main feeder roads. He voiced his concerns about increased property taxes. Maria Elena Luna spoke of her concern regarding taxes and water availability. She is opposed to the road district and feels like the developer should make the road improvements. Linda Kay Rogers spoke of the three phases for the road improvements over a 12 year period. Steve Brown (Attorney for Quicksand Group) spoke of residents in favor of creating the district. He spoke of procedure that has been followed to get to this point and affidavits that have been filed in the Hays County Official Public Records by Charles D. Ray (Wimberley Quicksand Partners Ltd), Garry R. Kimball (an Investment Banker/Sr. V.P. with First Southwest Company), and Tracy Bratton (Engineer with Loomis Austin, Inc.). [T1-1118] Tracy Bratton spoke of cost estimates - they are proposing hot mix and curbing for all roads. The cost for the election will be paid by the county at a cost of \$1500-2500 (to be held with the Woodcreek City election). Steve Brown advised that Wimberley Quicksand Partners will reimburse the cost of the election if necessary. [T1-1239] Ken Strange feels like if we continue as we are now, without a plan, the quality of the area will go down. He supports the road district. Judge Powers closed the public hearing. [T1-1243] **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to enact an Order Calling for an Election on May 7, 2005 to consider the issuance of bonds to benefit Woodcreek North Road District based on finding that the proposed improvements, if approved by a 2/3 vote, would benefit all taxable property in the district. All voting "Aye".**

22387 APPROVE DEVELOPMENT AGREEMENT BETWEEN AND AMONG WIMBERLEY QUICKSAND PARTNERS LTD, WOODCREEK NORTH ROAD DISTRICT, AND HAYS COUNTY

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Development Agreement between and among Wimberley Quicksand Partners Ltd., Woodcreek North Road District, and Hays County. All voting "Aye".

22388 [PCT. 4 #05-4-010, 38 LOTS] BELTERRA PHASE 2 SECTION 5B – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY [T1-1368]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Belterra Phase 2 Section 5B" and accept construction fiscal security. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Conley was not present for vote.

22389 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN WOODLAND ESTATES SECTION 2 PHASE A & B NEAR THE COMMUNITY OF DRIFTWOOD [T1-1393]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding spoke of establishing a STOP sign only on Post Oak Lane (the other two STOP signs on Woodland Drive @ FM1826 have already been established by the State) and establish a speed limit of 25MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner to establish traffic regulations in Woodcreek Estates Section 2 Phases A & B of 25 MPH speed limit on Woodland Drive and Post Oak Lane and a STOP sign on Post Oak Lane at Woodland Drive. All voting "Aye".

22390 APPOINT MIKE D. COX TO REPLACE LEAH ARNETT ON THE WIMBERLEY/HAYS COUNTY ESD #4 [T1-1433]

Commissioner Molenaar spoke of need for representation from Pct. 4 on the board. Commissioner Conley spoke in support of need for representation from Pct. 4. He advised that Leah Arnett has been an asset to the board. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to appoint Mike D. Cox to replace Leah Arnett on the Wimberley/Hays County ESD #4. All voting "Aye".

Clerk's Note: Agenda Item #15 RE: CALL FOR A SPECIAL ELECTION TO BE HELD ON MAY 7, 2005, TO ANNEX SAN MARCOS CONSOLIDATED SCHOOL DISTRICT INTO AUSTIN COMMUNITY COLLEGE DISTRICT was PULLED. A memo was received from Myra McDaniel (Bickerstaff, Heath & Smiley) - boundary issue with Guadalupe County (Alamo Community College) needs to be resolved first - election will not be able to proceed at this time.

22391 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH GRANDE COMMUNICATIONS, INC. ON MCCARTY LANE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SAME - HAYS COUNTY/TC&B/GRANDE COMMUNICATIONS, INC. [T1-1550]

Road Supt/Engineer Jerry Borcharding spoke of need for relocation of utility. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Adjustment Agreement with Grande Communications Inc. on McCarty Lane and authorize the County Judge to execute same (Hays County/TC&B/Grande Communications Inc.). All voting "Aye".



22392 APPROVE A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION FOR \$140,784 [T1-1566]

Summary: Federal law mandates the Violence Against Women Act Program (VAWA). Grant funds are provided through CAPCOG by way of the Office of the Governor-Criminal Justice Division. Hays County has received grant funds to operate our program for the past 8 years. This grant application covers the period of 7/1/05 to 6/30/06 – the cash match will be \$152,814. The grant will be used to pay the salary and benefits of two attorneys and the county match will be used for salary and benefits for one additional investigator and one receptionist. The county's VAWA program will increase from 2 staff members to 5 staff members. The increase in staff is needed because of the increase in caseload. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a resolution authorizing the County Judge to submit a grant application to the Office of the Governor – Criminal Justice Division for \$140,784. All voting "Aye".**

22393 ENACT AN ORDER RELATING TO THE SOUTHWEST WATER COMPANY PROJECT CALLING FOR A PUBLIC HEARING PURSUANT TO SECTION 147 (F) OF THE INTERNAL REVENUE CODE OF 1986 [T1-1654]

Southwest Water Company is seeking tax-exempt bond financing for certain infrastructure and capital improvements related to the provision of water and wastewater utility services throughout Texas counties, including Hays County. Bonds will be used to finance various facilities located throughout Texas and it is necessary to obtain consent from each county where each of the facilities to be financed will be located. A public hearing notice will be published in each jurisdiction and held to satisfy federal tax law requirements. John Stoker (Community Development Associates) spoke of need for capital improvements – Hays County assumes no financial or any other obligation in connection with the financing. A date has not yet been set for the public hearing. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to enact an Order relating to the Southwest Water Company Project calling for a public hearing pursuant to Section 147 (f) of the Internal Revenue Code of 1986. All voting "Aye".**

PUBLIC COMMENT RE: EXECUTIVE SESSION

[T1-1745] Charlie Johnson felt like the court should hold off on action until final ongoing investigation (leaking information from executive session) is complete. [T1-1783] Jim Green spoke of events leading up to this lawsuit – he doesn't feel like the county will be reimbursed for legal fees and there is nothing to be gained to proceed with the lawsuit and he recommended settling this case now.

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:45 a.m.

22394 EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY (CAUSE NO. 04-0325) AND ACTION REGARDING SETTLEMENT [T1-1882]

Commissioner Carter spoke of not everyone being given the opportunity to see the depositions and review the materials – she would like to show it to the attorney she is working with. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to settle the lawsuit for the sum of \$10,000 to Papalote Homes and allow attorneys to work out the details of the settlement with prejudice. Judge Powers, Commissioner Molenaar, and Commissioner Conley voting "Aye". Commissioner Carter and Commissioner Ingalsbe voting "No". MOTION PASSED.**

Court was adjourned.

I, LEE CARLISLE, 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 15, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF FEBRUARY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

District Judge Charles Ramsay presented a 25 year service pin to District Court Reporter Gene Lee.

22395 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 343,734.74 as presented by the County Auditor. All voting "Aye".

22396 APPROVE BUDGET AMENDMENT 05-15

Budgets being amended: Building Maintenance (410): Increase Staff (\$1,748), FICA/Ret (\$287), & Insurance (\$2,777) and decrease Contract Janitorial (\$1,500) & Contract Bldg. Mtc. (\$3,312). Jail Operations (419): Increase Misc. Equipment \$25,000 and decrease Law Enforcement Donations \$25,000 to budget and accept Evercom donation for video equipment for jail. Commissioner 3 (441): Increase office supplies (\$400) & Postage (\$100) and decrease Special Projects (\$500). AG Office/Texas VINE Grant (713): Increase computer equipment \$75,920 and decrease AG Office/TX FINE Grant Revenue \$75,920 to budget new grant for notification computer equipment @ Sheriff's Office. Road & Bridge Operations (438): Increase Misc/General Supplies \$5,000 and decrease Contract Road \$5,000 for consumable supplies. Family Health (612): Increase contract services \$2,000 and decrease Personal Health (412): contract services \$2,000 for Doctor review of nurse practitioner. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-15 as proposed by the County Auditor. All voting "Aye".

22397 APPROVE UTILITY PERMITS #01777 & #01778

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01777 on CR233/McCarty Lane issued to Crystal Clear Water Supply and #01778 on CR151/Bunton Lane issued to Time Warner Cable as submitted by the County Road Department. All voting "Aye".

22398 AUTHORIZE PURCHASE OF EKG MACHINE FOR JAIL OPERATIONS AT HIGHER COST THAN BUDGETED

At budget adoption, \$1,800 was included in miscellaneous equipment line for an EKG machine, among other various items. The balance available in that line will allow purchase of the machine at the higher cost of \$3,240. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize purchase of EKG Machine for Jail Operations at higher cost than budgeted. All voting "Aye".

22399 ACCEPT INTERNAL EXAMINATION REPORT FOR THE JUSTICE OF THE PEACE, PCT. 1, PLACE 1 OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept internal examination report for the Justice of the Peace Pct. 1 Place 1 office. All voting "Aye".

22400 APPROVE OCTOBER 2004 TREASURER'S REPORT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve October 2004 Treasurer's Report as presented. All voting "Aye".



22401 APPROVE INVESTMENT COMMITTEE RECOMMENDATIONS

The Hays County Investment Committee Recommendations are as follows: (1) Change the title "Deputy County Treasurer" to "County Treasurer's Assistant" in Section I. The Accountant in the Treasurer's Office is not deputized. (2) Remove the term "intermediate" in Section IV. This term was inadvertently used to describe the length of time a security could be held when investing debt service funds. In the investment world this term generally implies longer investment periods than the county is legally allowed to hold. (3) Change the official meetings from semiannually to annually. We have not had the need to meet semiannually. Annual meetings seem sufficient to make policy changes. The recommended authorized investments for 2005: Investment Pools: TEXPOOL, LOGIC & CLASS Money Market Funds: ICT FUNDS MANAGEMENT & FROST AIM Treasury Bills: TREASURY DIRECT, WELLS FARGO BANK, FROST AIM, & SOLOMAN SMITH BARNEY Agency Discount Notes: WELLS FARGO BANK, FROST AIM, & SOLOMAN SMITH BARNEY. The Investment Committee would like to replace previous County Commissioner Precinct #3 Bill Burnett with current County Commissioner Precinct #3 Will Conley. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Investment Committee recommendations. All voting "Aye".**

22402 APPROVE REVISED XEROX LEASE PLAN AND EQUIPMENT UPGRADE FOR COUNTY CLERK'S DIGITAL PLAT SYSTEM (SCAN/PRINT)

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Revised Xerox Lease Plan and Equipment Upgrade for County Clerk's Digital Plat System (Scan/Print). All voting "Aye".

22403 [PCT. 3 #05-3-020, 2 LOTS] SADDLERIDGE SECTION 2 REPLAT OF LOTS 123, 124, & 125 -APPROVE FINAL PLAT, WAIVE PUBLIC NOTIFICATION AND PRELIMINARY PLAN REQUIREMENTS [T1-49]

Environmental Health Director Allen Walther advised that property owner has consolidated 3 lots into 2. He gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat, waive public notification and preliminary plan requirements for "Saddleridge Section 2 Replat of Lots 123, 124 & 125". All voting "Aye".**

22404 [PCT. 3 #05-3-019, 2 LOTS] SADDLERIDGE SECTION 2 REPLAT OF LOTS 179, 180, & 181 - APPROVE FINAL PLAT, WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-64]

Environmental Health Director Allen Walther advised that property owner is consolidating 3 lots into 2. He gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat, waive preliminary plan and public notification requirements for "Saddleridge Section 2 Replat of Lots 179, 180 & 181". All voting "Aye".**

22405 [PCT. 3 #04-3-081] SAN MARCOS RANCH SECTION TWO - PUBLIC HEARING AND ACTION TO APPROVE ABANDONMENT OF A ROW EASEMENT AND ACCEPT OFFER OF PURCHASE BASED UPON PROPERTY APPRAISAL [T1-76]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that an appraisal was done (\$1500) and there are no objections from other property owners. He gave staff recommendation for approval to abandon r-o-w easement and accept offer from Dr. Greg Moore based upon property appraisal. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve abandonment of a right-of-way easement and accept offer of \$1500 to purchase based upon property appraisal. All voting "Aye".**

22406 [PCT. 4 #05-4-014, 1 LOT] VISTA RANCH - APPROVE PRELIMINARY PLAN [T1-105]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter questioned plat notes regarding setbacks. Subdivision Coordinator Jon Thompson advised that this plan has already been approved by the City of Dripping Springs. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Vista Ranch". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22407 [PCT. 4 #04-4-074, 502 LOTS] REUNION RANCH - APPROVE PRELIMINARY PLAN [T1-181]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter spoke of Legislature's concern regarding M.U.D.s. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Reunion Ranch". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**



22408 [PCT. 4 #05-4-007, 2 LOTS] **SPRINGLAKE LOT 48 -APPROVE FINAL PLAT** [T1-236]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Springlake Lot 48". All voting "Aye".

22409 **PUBLIC HEARING FOR THE ESTABLISHMENT OF TRAFFIC REGULATIONS (NO PARKING ZONES) ON HILLIARD ROAD/CO. RD. 222** [T1-243]

Judge Powers declared the public hearing open. Elliott Knesek spoke of temporary signs that have been knocked down by an individual in the area. Road Supt/Engineer Jerry Borcharding advised that the signs will be placed in the 4700 block of Hilliard Road. Judge Powers closed the public hearing. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish traffic regulations of "No Parking" zones on Hilliard Road/County Road 222. All voting "Aye".

22410 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DOCUMENT TITLED "APPROVAL OF CHIEF ELECTED EXECUTIVE OFFICER" DEMONSTRATING COMPLIANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 IN THE ISSUANCE OF TAX EXEMPT BONDS TO FINANCE A VARIETY OF CULTURAL, COMMUNITY AND EDUCATIONAL FACILITIES FOR THE ROMAN CATHOLIC DIOCESE OF AUSTIN** [T1-303]

Jerry Kyle appeared before the court requesting approval by the court. He stated that there is no obligation of any kind to the county. Mr. Kyle advised that the Diocese covers 25 counties in Central Texas and the proposed financing involves 52 projects in 11 counties – there will be 3 projects in Hays County (Dripping Springs, Buda, & San Marcos). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute a document titled "Approval of Chief Elected Executive Officer" demonstrating compliance with Section 147(F) of the Internal Revenue Code of 1986 in the issuance of Tax Exempt Bonds to finance a variety of Cultural Community and Education Facilities for the Roman Catholic Diocese of Austin. All voting "Aye".

22411 **ADOPT A RESOLUTION TO JOIN THE CITY OF SAN MARCOS FOR THE HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT ON APRIL 30, 2005**

[T1-339] \$6,000 is budgeted for this event. The event will be held in the north parking lot of the San Marcos City Hall (630 East Hopkins). Commissioner Molenaar spoke of need to advertise in all areas of Hays County for this event. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Resolution to Join the City of San Marcos for the Household Hazardous Waste Collection Event on April 30, 2005. All voting "Aye".

22412 **APPROVE APPOINTMENT OF DANNY LOMBARDO TO THE CHILD PROTECTIVE SERVICES BOARD TO FILL VACANCY** [T1-376]

Special Counsel Jacqueline Cullom Murphy spoke of service provided by this board. They approve funds spent for clothing and school supplies for children in foster homes. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve appointment of Danny Lombardo to the Child Protective Services Board to fill vacancy. All voting "Aye".

22413 **INCREASE A CUSTODIAN POSITION IN BUILDING MAINTENANCE FROM ½ TIME TO ¾ TIME AND AMEND THE BUDGET ACCORDINGLY** [T1-423]

Commissioner Molenaar spoke of trying to do away with contract cleaning at the substations – money is in the budget to fund this increase for the remainder of this fiscal year (\$4,812). A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to increase a custodian position in Building Maintenance from ½ time to ¾ time and amend the budget accordingly. All voting "Aye".

Court convened into closed executive session at 9:40 a.m. and reconvened into open meeting at 9:50 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING: A) PARCELS 3 AND 4, WIMBERLEY BYPASS, EUGENE ERVINE WOOLSEY, FEE OWNER. ACTION MAY FOLLOW IN OPEN COURT INCLUDING THE SETTLEMENT OF THOSE PARCELS

Upon completion of closed executive session, the court reconvened into open meeting. Judge Powers advised that NO action will be taken.



Clerk's Note: Agenda Item #22 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW CANDIDATES FOR THE POSITION OF PERSONAL HEALTH DIRECTOR was PULLED.

Court was adjourned.

I, LEE CARLISLE, 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 22, 2005.



A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF MARCH A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY 211, CONNECTING PEOPLE AND SERVICES

Robert Eastum appeared regarding the 211 Texas Telephone System. There are 25 call stations in the Austin area. He explained the services provided (a free anonymous information and referral line answered by nationally certified specialists 24 hours a day, seven days a week). Marco Galvan spoke of not being designated as a crisis hotline – they can assess risk and make referrals.

22414 ADOPT A PROCLAMATION RECOGNIZING MARCH, 2005 AS TEXAS INDEPENDENCE MONTH

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing March 2005 as Texas Independence Month. All voting "Aye".

22415 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$652,330.47 as presented by the County Auditor. All voting "Aye".

22416 APPROVE UTILITY PERMITS #01779-01781

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permits #01779 on Mountain High Drive issued to the City of San Marcos, # 01780 on CR210/Dry Hole Road issued to Pedernales Electric, and #01781 on Lander Ln. issued to Time Warner Cable as submitted by the County Road Department. All voting "Aye".

22417 APPROVE CONTRACT RENEWAL BETWEEN THE HAYS COUNTY SHERIFF'S OFFICE AND POLICEREPORTS.US, LLC TO PROVIDE ON-LINE POLICE (TRAFFIC) REPORTS TO REQUESTERS FOR A FEE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract renewal between the Hays County Sheriff's Office and PoliceReports.US, LLC to provide on-line Police (Traffic) Reports to requesters for a fee. All voting "Aye".

22418 APPROVE PERSONNEL ACTION RELATING TO THE TRANSFER OF SERGEANT BETTY OLDHAM AS REQUESTED BY THE HAYS COUNTY SHERIFF'S OFFICE

[T1-194] The Sheriff's Office is requesting that Sgt. Oldham be transferred from Grade 323 (Law Enforcement) to a Grade 917 (Payroll Manager for the Sheriff's Office). Commissioner Ingalsbe asked that Human Resources Director Luiz Gonzales and County Auditor Bill Herzog look at our policy and make necessary revisions for future court consideration. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to allow Sgt. Betty Oldham to be transferred from Grade 323 (Law Enforcement) to a Grade 917 (Payroll Manager) for the Sheriff's Office. All voting "Aye".

22419 APPROVE SPECIFICATIONS FOR "CONSTRUCTIONS OF TWO (2) PRE-ENGINEER STEEL BUILDINGS FOR DRIPPINGS SPRINGS AND WIMBERLEY WASTE RECYCLING SITES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

This will be funded through CAPCOG/Recycle Sheds Grant (01-725-5741). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Construction of Two (2) Pre-Engineered Steel Building for Dripping Springs and Wimberley Waste Recycling Sites" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



MARCH 1, 2005

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22420 [PCT. 3 #04-3-060, 12 LOTS] KELLY'S COUNTRY - APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-231]

Environmental Health Director Allen Walther spoke of water availability report and proposed use of shared wells. Mr. Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve final plat of "Kelly's Country" and accept fiscal surety for construction of road and drainage improvements. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22421 [PCT. 4 #05-4-015, 4 LOTS] THE PRESERVE PHASE 2 LOTS 7B & 8B - APPROVE PRELIMINARY PLAN [T1-418]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "The Preserve Phase 2 Lots 7B & 8B". voting "Aye". Judge Powers abstained

22422 [PCT. 4#05-4-003, 2 LOTS] DRIFTWOOD BAPTIST CHURCH SUBDIVISION - APPROVE FINAL PLAT [T1-429]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Driftwood Baptist Church Subdivision". All voting "Aye".

DISCUSSION REGARDING MUNICIPAL UTILITY DISTRICTS [T1-440]

Commissioner Carter spoke of discussion last week regarding MUD's and she spoke of legislation and Chapter 54 of the Texas Water Code. She spoke of MUD's being able to condemn property inside and outside their district and she read from several newspaper articles regarding this matter. Commissioner Molenaar spoke of new legislation [HB1208] and he spoke in support of MUD's. Commissioner Conley spoke of this being an issue of growth and no growth - MUD's give the ability to offer affordable housing. Environmental Health Director Allen Walther spoke in support of the new Buda MUD that was created to allow extension of Buda infrastructure.

22423 ACCEPT ANNUAL REPORT FROM THE SOUTH HAYS EMERGENCY SERVICES DISTRICT #3 [T1-928]

Buddy Martin (SHCESD#3 President) provided a written report for the South Hays County Emergency Service District #3. Commissioner Molenaar commended Buddy Martin for the work he has done for this district. Commissioner Conley wanted to also thank the 55 volunteers in this district. Buddy Martin thanked the court for their support and he provided members of the court with a patch as a token of their appreciation. Mr. Martin spoke of plans for their property on San Antonio Street to become their central station. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept the Annual Report from the South Hays Emergency Services District #3. All voting "Aye".

22424 ACCEPT THE INDEPENDENT FINANCIAL AUDIT OF THE COUNTY AS PERFORMED BY THE CERTIFIED PUBLIC ACCOUNTING FIRM OF HOLTMAN, WAGNER & CO., LLP [T1-1178]

Pat Wagner (Holtman, Wagner & Company, LLP) spoke of new GASB 34 requirements and went through pages 15, 18, 45 & 46. She then went through the Management Letter recommendations and responses regarding Bank Accounts, Credit Card Payments, Fixed Assets Reconciliation, Fund Balances, Reconciliation of Payroll Deductions to the Health Plan, Health Insurance for Retirees, Anti-Fraud Policy, Expenditures Exceeding Budget, Fund Balance Deficits, Status of Prior Year Findings, Future Considerations, and Other Disclosures. She thanked the Auditors office and Treasurers office for their cooperation and communication. Mrs. Wagner spoke of health insurance for retirees - new standard requires an actuarial study to recognize cost offered to county retirees (cost vs. expenses). Commissioner Ingalsbe advised that the Insurance Committee is looking into this already. A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the Independent Financial Audit of the County as performed by the Certified Public Accounting Firm of Holtman, Wagner & Co., LLP. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 1, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8th DAY OF MARCH A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Powers presented a five year service pin to Road Supt/Engineer Jerry Borcharding. Environmental Health Director Allen Walther presented a 10 year service pin to Julie Jaimes. Commissioner Molenaar presented a 5 year service pin to Tammy Moore.

22425 AUTHORIZE THE COUNTY JUDGE TO ADOPT A PROCLAMATION DECLARING MARCH AS FAIR HOUSING MONTH, AS REQUIRED BY THE TEXAS OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA)

This is required for all community development and economic development projects funded by the State of Texas. The Hays County Grants Office will have one pending grant application for \$250,000 for Cedar Oaks Mesa and one open project – the Blanco River Cleanup Project. Hays County has received over \$5,000,000 from the ORCA programs in the past 12 years. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to adopt a Proclamation declaring March as "Fair Housing Month" as required by the Texas Office of Rural Community Affairs (ORCA). All voting "Aye".**

22426 APPROVE BUDGET AMENDMENT NO. 05-16

Budgets amended: Constable 1 (431): increase postage \$404, increase vehicle maintenance \$850, & decrease vehicle (\$1,254). Sheriff (418): increase vehicles \$29,000 from law enforcement donations (*donation of 3 vans from Galveston Co. Task Force*). Information Technology (456): Increase Data Processing Equipment \$12,000 (*for computers/software equipment for positions beginning April 1st in District Clerks, Human Resources, District Attorney, Constable 5, and Fire Marshal*), decrease Vehicles/Sheriff \$7,630, decrease vehicles/D.A. \$770, and decrease vehicles/Constable 4 \$3,600. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-16 as proposed by the County Auditor. All voting "Aye".**

22427 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$918,131.65 as presented by the County Auditor. All voting "Aye".

22428 ACCEPT CERTIFICATION OF ISSUANCE OF PERMANENT PEACE OFFICER LICENSE FROM PRECINCT 5 CONSTABLE LEROY J. OPIELA AS STIPULATED IN TEXAS LOCAL GOVERNMENT CODE SECTION 86.0021

Newly Elected Constable Pct. 5 Leroy J. Opiela submitted a copy of his High School Diploma and his TCLEOSE Master Peace Officer Commission. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept Certification of Issuance of Permanent Peace Officer License from Precinct 5 Constable Leroy J. Opiela as stipulated in Texas Local Government Code Section 86.0021. All voting "Aye".**

22429 APPROVE SCANNING AND INDEXING SERVICES CONTRACT WITH LANDATA TECHNOLOGIES, INC. FOR THE HAYS COUNTY CLERKS OFFICE

The Purchasing Office received 7 proposals. After review and evaluation of all criteria asked to be provided by the vendors, Landata provided the highest rated evaluation. Landata had the lowest pricing and are very knowledgeable of the work that needs to be done. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Scanning and Indexing Services Contract with Landata Technologies Inc. for the Hays County Clerk's Office. All voting "Aye".**



22430 APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE HAYS COUNTY HEALTH DEPARTMENT AND CENTRAL TEXAS MEDICAL CENTER DESIGNATING A DELIVERY SITE OF MEDICAL MATERIAL FROM THE STRATEGIC NATIONAL STOCKPILE (SNS)

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Memorandum of Understanding between the Hays County Health Department and Central Texas Medical Center Designating a Delivery Site of Medical Material from the Strategic National Stockpile (SNS). All voting "Aye".

22431 APPROVE RENEWAL MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE HAYS-CALDWELL COUNCIL ON ALCOHOL AND DRUG ABUSE FOR REFERRAL SERVICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Renewal Memorandum of Understanding between Hays County and the Hays-Caldwell Council on Alcohol and Drug Abuse for referral services. All voting "Aye".

22432 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE AMERICAN RED CROSS FOR THE DEVELOPMENT AND MANAGEMENT OF A VOLUNTEER PROGRAM AT THE HAYS COUNTY HEALTH DEPARTMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a contract with the American Red Cross for the Development and Management of a Volunteer Program at the Hays County Health Department. All voting "Aye".

22433 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCOG TO EXPAND THE EXISTING COUNTYWIDE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) FOR UP TO \$24,700

The objectives of a CERT is to organize and provide trained volunteers to assist First Responders. The first and second grants established the group and this grant would be used to expand the organization, purchase additional gear and training equipment. The Hays County CERT is providing the local match. Commissioner Carter asked about travel and training. Grants Auditor Lamarr Peterson spoke of training being provided by the fire department (in Wimberley). County Fire Marshal Mark Chambers spoke of trying to expand the program throughout the county. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to submit a Grant Application to CAPCOG to expand the existing countywide Community Emergency Response Team (CERT) for up to \$24,700. All voting "Aye".

22434 [PCT. 4 #05-4-021, 1 LOT] SAWYER SPRINGS - APPROVE PRELIMINARY PLAN [T1-140]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter asked about commercial status of this subdivision - concerned about this becoming a condominium. Allen Walther advised that we have no knowledge at this time of how the property will be used. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Sawyer Springs". All voting "Aye".

22435 [PCT. 4 #05-4-014, 1 LOT] VISTA RANCH - APPROVE FINAL PLAT [T1-217]

Environmental Health Director Allen Walther advised that this is a voluntary one lot subdivision and he gave staff recommendation for final plat approval. Subdivision Coordinator Jon Thompson spoke of City of Dripping Springs requiring the previous plat notes and he spoke with city staff and the notes related to residential development were removed. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plan for "Vista Ranch". All voting "Aye".

22436 [PCT. 4 #05-4-009, 1 LOT] SL-967 - APPROVE PRELIMINARY PLAN [T1-251]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "SL-967" subdivision. All voting "Aye".

22437 [PCT. 4 #05-4-008, 3 LOTS] HUMMINGBIRD ACRES - APPROVE PRELIMINARY PLAN

[T1-261 Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Hummingbird Acres". All voting "Aye".



22438 APPROVE REALLOCATION OF COMMUNITY AND SOCIAL SERVICE FUNDING FOR THE HAYS COUNTY CRISIS AND INFORMATION HOTLINE FROM THE HAYS/CALDWELL COUNCIL ON ALCOHOL AND DRUG ABUSE TO THE SOUTHSIDE COMMUNITY CENTER WHO HAS TAKEN OVER ADMINISTRATION OF THE PROGRAM [T1-285]

Commissioner Ingalsbe spoke of presentation last week by 211 Texas – Southside Community Center is currently providing the crisis hotline services and she recommended allocating the remaining budget for the Hotline to Southside Community Center for continuation through FY2005-2006. This program will be monitored to assure that funding is warranted and quarterly reports will be provided to Hays County, as all other social services agencies are required. Commissioner Carter spoke of her conversation with 211 service (a referral service). Ruben Garza, Executive Director of Southside Community Center, spoke of having been requested by the City of San Marcos to provide this service – Scheib Opportunity Center refers people to Southside Community Center Crisis Hotline and they refer people to a local Psychiatrist or assist them in a crisis other than suicide. He spoke of their experience in providing social services locally. Judge Powers spoke in support of providing funds to Southside Community Center for this service. Commissioner Conley spoke in support of this program locally. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve reallocation of Community and Social Service Funding for the Hays County Crisis and Information Hotline from the Hays/Caldwell Council on Alcohol and Drug Abuse to the Southside Community Center who has taken over administration of the program. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter abstained.**

22439 CALL FOR A PUBLIC HEARING TO CONSIDER CHANGES TO THE HAYS COUNTY INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED HOME RENTAL COMMUNITIES [T1-630]

Commissioner Molenaar spoke of not having specific rules for manufactured home rental communities and need for a public hearing. Environmental Health Director Allen Walther spoke of statute referred to in our subdivision rules – there is no clear standard. He spoke of question coming up regarding small developments. Diane Townsend (Fischer Store Road, Wimberley) spoke of having a 48 acre tract that they would like to put 2 or 3 mobile homes on to provide needed income. Commissioner Conley spoke of people needing supplemental income and not being able financially to do this under the current subdivision rules. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing to be held on March 22, 2005 to consider changes to the Hays County Infrastructure requirements for Manufactured Home Rental Communities. All voting “Aye”.**

22440 ADOPT A RESOLUTION REGARDING STATE ASSISTANCE IN DESIGNING AND REBUILDING OF THE BLANCO RIVER BRIDGE ON OLD MARTINDALE ROAD AND AUTHORIZE THE COUNTY JUDGE TO REQUEST A WAIVER OF LOCAL MATCH FUND PARTICIPATION REQUIREMENTS [T1-798]

Commissioner Ingalsbe spoke in support of this resolution. Road Supt/Engineer Jerry Borcharding advised that the State has provided the resolutions – it will allow us to get the bridges built on CR295 @ Blanco River and CR266 @ San Marcos River at no cost to Hays County. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Resolution regarding State Assistance in Designing and Rebuilding of the Blanco River Bridge on Old Martindale Road and authorize the County Judge to request a waiver of local match fund participation requirements. All voting “Aye”.**

22441 ADOPT A RESOLUTION REGARDING STATE ASSISTANCE IN DESIGNING AND REBUILDING OF THE SAN MARCOS RIVER BRIDGE ON CR 266 AND AUTHORIZE THE COUNTY JUDGE TO REQUEST A WAIVER OF LOCAL MATCH FUND PARTICIPATION REQUIREMENTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Resolution regarding State Assistance in Designing and Rebuilding of the San Marcos River Bridge on CR266 and authorize the County Judge to request a waiver of local match fund participation requirements. All voting “Aye”.



MARCH 8, 2005

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PRESENTATION OF DRAFT CAMPO 2030 TRANSPORTATION PLAN BY MICHAEL AULICK, CAMPO EXECUTIVE DIRECTOR

Michael Aulick provided a powerpoint presentation. He went over the project history and tentative plan timelines – Federal deadline is June 12, 2005. Mr. Aulick gave population growth figures and estimates and he spoke of new freeways: Phase 1 toll projects are SH130, SH45 N/Loop 1N, SH45 S, and 183A; Phase 2 toll projects are SH45S, Y at Oak Hill, US183S, US290E, SH71E, and Loop 360; Managed Lanes are IH35, Loop 1, and US183; Potential Future Freeways/Corridor Studies on SH71W, US290W, SH71E, US290E, RM620, Loop 1, and US183; and 3,900 added lane miles of major arterials. He spoke of Local Transit (Capital Metro Service area & CARTS Service area), Intermodal Stations (Capital Metro Service Area, Carts Service area, & Intermodal Stations/Park & Rides), Regional Transit (Austin-San Antonio Commuter Rail, Leander-Downtown Commuter Rail, Rapid Bus Lines, Express Bus Lines, & CARTS Regional Service Lines), and Bicycles/Pedestrians. Project changes (2030 vs. 2025): managed lanes replace HOV, extend IH35 manager lanes, corridor studies replace road projects, projects in all 3 counties, and all systems Go. New Activities and Programs (2030 vs. 2025): Land use initiative, pedestrian districts, regional arterials study, and corridor studies. Other changes (2030 vs. 2025): Strengthen bike/pedestrian policies, new funding sources, and streamline policies. A comparison was made of congestion today, congestion in 2030 if no improvements are made, and congestion in 2030 if Draft 2030 Plan is implemented. \$6 billion more is needed to keep congestion at the current level – funding for the 2030 plan is \$13 billion for projects and \$9 billion for O&M (operating & maintenance).

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 8, 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15th DAY OF MARCH A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Hays County service awards were presented as follows: Michele Tuttle presented a 15 year service pin to Britney Richey.

PUBLIC COMMENT

Al Broun, Board President of Hays Trinity Groundwater District, spoke of groundwater awareness week being this week. He spoke of services provided by the District and the number of wells permitted and monitored. The District's revised rules and a draft of the management plan are available on their website www.haysgroundwater.com

22442 APPROVE BUDGET AMENDMENT NO. 05-17

Budgets being amended are as follows: TDH/Bureau of Child Welfare (469): \$1,000 being transferred from contract services into misc. supplies for needed medical supplies from services. TDH/Bio-Terrorism Grant (737): \$34,762 is being transferred from Staff (\$21,507), FICA/Retirement (\$3,532), Insurance (\$4,723), & contract services (\$3,000) and Interfund Transfer of \$2,000 into supplies (\$2,197), travel (\$1,319), equipment (\$6,683) & other (\$24,563) line items to adjust budget to actual per agency for qualifying expenses and adjust county match. Countywide (414): \$2,000 transfer from land purchase line item into "Transfer to Fund 10" for savings on I-35 property to county match for Fund 10. Building Maintenance (410): transfer of \$250 from building maintenance supplies into misc. equipment for balance of replacement refrigerator for Pct. 3 office. Commissioner Carter questioned line item #10-737-5391 "other" in the amount of \$24,563 for the TDH/Bio-Terrorism Grant. County Auditor Bill Herzog advised that the Grant defines what "other" items are in the budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No. 05-17 as proposed by the County Auditor. All voting "Aye".**

22443 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$928,643.78 as presented by the County Auditor. All voting "Aye".

22444 APPROVE UTILITY PERMITS #1735, 1782, 1783, & 1784

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #1735 on Montz Point issued to Goforth Water Supply, #1782 on CR205/Dacy Lane issued to Pedernales Electric Coop., #1783 on CR131/Windy Hill Rd. issued to Pedernales Electric Coop., and #1784 on CR355/Kit Carson issued to Pedernales Electric Coop. All voting "Aye".

22445 APPROVE FLOOD STUDY FUNDS FROM COUNTY-WIDE CONSULTING LINE

Funds are needed for review of a flood study submitted in support of a floodplain development project. Funds (\$700) are available in the Countywide Consulting Line Item #01-414-5443. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve flood study funds from Countywide Consulting Line Item #01-414-5443. All voting "Aye".**



22446 APPROVE TRANSFER OF TWO VEHICLES FROM ENVIRONMENTAL HEALTH DEPARTMENT TO THE MAINTENANCE DEPARTMENT

Building Maintenance Supervisor Ron Knott requested that a 1998 GMC Pickup and 1999 F150 Ford Truck be transferred from Environmental Health Dept. to Building Maintenance Dept. to replace a 1993 Jeep and a 1998 GMC truck. The high mileage vehicles from Bldg. Mtc. Will be sent to auction. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve transfer of two vehicles from Environmental Health Department to the Building Maintenance Department. All voting "Aye".

22447 APPROVE RENEWAL CONTRACT FOR FUELMAN FLEET CARDS/FUEL MANAGEMENT FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

Fuelman and Triple S Petroleum have provided excellent service, therefore, it is the recommendation of Purchasing to renew their contract for one additional year. All terms and conditions remain unchanged and in full force and effect. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve renewal contract for Fuelman Fleet Cards/Fuel Management for one (1) additional year as provided in the original contract. All voting "Aye".

22448 APPROVE RENEWAL CONTRACT WITH BRITE RITE FOR ANNUAL CONTRACT FOR CARPET & FLOOR CARE FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

Building Maintenance Director Ron Knott is satisfied with the performance of Brite Rite and would like to recommend renewal of their contract for one (1) additional year. All terms and conditions remain unchanged and in full force and effect. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve renewal contract with Brite Rite for annual contract for Carpet & Floor Care for one (1) additional year as provided in the original contract. All voting "Aye".

22449 [PCT. 4 #05-4-021, 1 LOT] SAWYER SPRINGS * APPROVE FINAL PLAT [T1-186]

This is a 10 acre commercial lot located on U.S. Hwy 290 and Sawyer Ranch Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Sawyer Springs" subdivision. All voting "Aye".

22450 [PCT. 4 #05-4-008, 3 LOTS] HUMMINGBIRD ACRES * APPROVE FINAL PLAT [T1-198]

This is a 3 lot subdivision with access onto FM150. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Hummingbird Acres". All voting "Aye".

22451 [PCT. 4 #05-4-024, 1 LOT] LA VENTANA PHASE 1 REPLAT OF LOTS 28 & 29 * WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS AND APPROVE FINAL PLAT [T1-211]

Environmental Health Director Allen Walther advised that two lots are being combined into one and he gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive preliminary plan and public notification requirements and approve final plat of "La Ventana Phase 1 Replat of Lots 28 & 29". All voting "Aye".

CLERK'S NOTE: AGENDA ITEM #12 RE: [PCT. 4 #05-4-022, 1 LOT] BURNETT RANCH SECTION 3 REPLAT OF LOTS 19, 43, & 44 * WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS AND APPROVE FINAL PLAT was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

22452 AWARD PROJECT MANAGEMENT ON THE 5-MILE DAM PROJECT TO LANGFORD & ASSOCIATES AND AUTHORIZE COUNTY PURCHASING DEPARTMENT TO NEGOTIATE CONTRACT [T1-230]

Grants Administrator Richard Salmon advised that numerous responses to the Request for Qualification for project management services for the development of the county's 5-Mile Dam Park Complex on the Blanco River were received. The park consists of 88.759 acres, comprised of 15.56 acres in Dudley Johnson Park, 17.859 acres in Randall Vetter Park, and 55.34 acres in an adjacent property purchased by the county. The review committee recommends Langford & Associates Inc.. The award is subject to funding and receipt and approval of all pertinent contracts. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award Project Management of the 5-Mile Dam Project to Langford & Associates and authorize County Purchasing Department to negotiate contract. All voting "Aye".



22453 AWARD LANDSCAPE ARCHITECT CONTRACT ON THE 5-MILE DAM PROJECT TO HALFF & ASSOCIATES AND AUTHORIZE COUNTY PURCHASING DEPARTMENT TO NEGOTIATE CONTRACT [T1-246]

Grants Administrator Richard Salmon advised that numerous responses to the Request for Qualification for landscape architect services to prepare all preliminary and final design plans and specifications for the development of the county's 5-Mile Dam Park Complex on the Blanco River were received. The park consists of 88.759 acres, comprised of 15.56 acres in Dudley Johnson Park, 17.859 acres in Randall Vetter Park, and 55.34 acres in an adjacent property purchased by the county. The review committee recommends Halff Associates Inc. The award is subject to funding and receipt and approval of all pertinent contracts. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award Landscape Architect Contract on the 5-Mile Dam Project to Halff & Associates and authorize County Purchasing Department to negotiate contract. All voting "Aye".**

22454 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR UP TO \$50,695 FOR ONE SCHOOL RESOURCE OFFICER AND TO EXECUTE CONTRACT [T1-257]

Grants Administrator Richard Salmon explained request from Wimberley ISD to secure one School Resource Officer. The grant request will be for up to \$50,695 for a 4 year period. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit a Grant Application to the Governor's Office Criminal Justice Division for up to \$50,695 for one School Resource Officer and to execute contract. All voting "Aye".**

22455 APPROVE RESOLUTION SUPPORTING THE CITY OF SAN MARCOS' APPLICATION TO THE TEXAS TRANSPORTATION COMMISSION FOR A PASS THROUGH FINANCING AGREEMENT [T1-285]

Laurie Anderson, Director of Engineering for City of San Marcos, spoke of pass-through financing agreement (Wonderworld Drive Extension) – she spoke of importance of this project. Commissioner Conley spoke of importance of this project. Commissioner Molenaar advised that this will be a free road – no toll will be collected from users. Laurie Anderson advised that the City has funding available for purchase of right-of-way. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Resolution supporting the City of San Marcos application to the Texas Transportation Commission for a Pass Through Financing Agreement. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 15, 2005.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF MARCH A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

[T1- 20] Charles O'Dell (Director of Hays CAN) spoke of Water Quality Planning Project. He spoke of consensus on vote regarding the draft plan and he spoke of makeup of the group. Mr. O'Dell advised that information can be obtained at www.waterqualityplan.org

22456 APPROVE BUDGET AMENDMENT NO. 05-18

Budgets being amended were: Human Resources (421) – transfer \$250 from training into office equipment for purchase of 2 file cabinets for new position. Constable 4 (434) – transfer \$80 from vehicle maintenance into law enforcement equipment maintenance for balance of radar repair. Fire Marshal (472) - transfer \$760 from revenue into LEOSE Education to budget funds received. Road & Bridge Operations (438) – transfer \$17,590 between various line items to pay for needed expenses. Family Clinic (612) & Personal Health (412) – transfer \$1,000 for Personal Health Insurance line item into Family Clinic Other line item for ADA compliance (ramps & restroom modifications @ Kyle. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve Budget Amendment No. 05-18 as proposed by the County Auditor. All voting "Aye".

22457 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve payment of county invoices in the amount of \$541,656.52 as presented by the County Auditor. All voting "Aye".

22458 APPROVE NOVEMBER 2004 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve the November 2004 Treasurer's Report as submitted. All voting "Aye".

22459 ACCEPT DONATION FROM THE HAYS COUNTY BAR ASSOCIATION TO HIRE A PROFESSIONAL LANDSCAPER TO INSTALL AND MAINTAIN TWO NEW FLOWERBEDS LOCATED IN FRONT OF THE HAYS COUNTY JUSTICE CENTER

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to accept donation from the Hays County Bar Association to hire a Professional Landscaper to install and maintain two new flowerbeds located in front of the Hays County Justice Center. All voting "Aye".

22460 ACCEPT INTERNAL EXAMINATION REPORT FOR THE PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to accept Internal Examination Report for the Personal Health Department. All voting "Aye".

22461 APPROVE PAYMENT OF INVOICE FROM KIMMONS SECURITY SERVICES, INC. OF HOUSTON, TEXAS

District Attorney Mike Wenk has received the final report from Kimmons Security (special investigator as requested by Commissioners' Court) and requests that the Court authorize payment of this final bill. He will be in communication with the Court in the next few weeks with the results of the report. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve payment of invoice from Kimmons Security Services inc. of Houston, Texas to be paid out of contingencies. All voting "Aye".



Clerk's Note: Agenda Item #4 RE: AUTHORIZE COUNTY JUDGE TO ACCEPT \$500,000 GRANT FROM TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE 5-MILE DAM PARK PROJECT AND EXECUTE CONTRACT was PULLED. Legal review needed prior to approval.

22462 [PCT. 2#05-2-012, 1 LOT] SHADOW CREEK PHASE 1 SECTION 5 * APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY, AND ACCEPT CONSTRUCTION AGREEMENT FOR TURN-LANE CONSTRUCTION WITHIN THE R-O-W [T1-121]

Environmental Health Director Allen Walther advised that they have had a complete submittal form since Dec. 2004 – he advised that this subdivision was approved by the City of Kyle (Nov. 16, 2004 on a 5-2 vote) and developer has agreed to fund a turn lane on Windy Hills Drive. He gave staff recommendation for final plat approval. Road Supt/Engineer Jerry Borcharding advised that there is adequate right of way for the turn lane and Allen Walther advised that this is a road that is already being county maintained. Discussion was had regarding Subsection E substitute security and Subsection F 3 (page 3) incomplete sentence: add "is" after proceeds. [T1-315] Commissioner Carter advised that the City of Kyle had problems with this subdivision – they felt that it is not the kind of development they want for this area - the tax rate will be higher than what the citizens of Kyle pay – the developer needs to help more with transportation – they are concerned that the developer will not build the sewage treatment plant immediately. A Subdivision Representative advised that they will be doing drip irrigation and they have a TCEQ permit – construction will be complete before the first homeowner moves in. Discussion was had regarding treatment of sewage. **A motion was made by Judge Powers, seconded by Commissioner Conley to approve final plat, accept construction fiscal surety, and accept turn lane construction agreement within the right-of-way in "Shadow Creek Phase 1 Section 5" with correction on Section F 3 (page 3) – add word "is" after proceeds.** All voting "Aye". [T1-402 Commissioner Carter advised later in the meeting that she intended to vote "No" on this item]

22463 [PCT. 2 #05-2-006, 3 LOTS] AGUIRRE PARTNERSHIP SUBDIVISION * APPROVE PRELIMINARY PLAN [T1-380]

Environmental Health Director Allen Walther advised that this is a commercial subdivision and he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve preliminary plan for "Aguirre Partnership Subdivision".** All voting "Aye".

22464 [PCT. 3 #05-3-022, 3 LOTS] BURNETT RANCH SECTION 3 REPLAT OF LOTS 19, 43, & 44 * APPROVE FINAL PLAT AND WAIVE THE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-391]

Environmental Health Director Allen Walther advised that 3 lots will be combined into 2 lots and he gave staff recommendation for final plat approval and waive the preliminary plan and public notification requirements. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and waive the preliminary plan and public notification requirements for "Burnett Ranch Section 3 Replat of Lots 19, 43 & 44".** All voting "Aye".

22465 [PCT. 4 #05-4-025, 218 LOTS] HIGHPOINTE PHASE 1 SECTION 1 * APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY [T1-412]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and acceptance of construction fiscal security. Felix Manka (CMA Engineering) advised that the MUD was created over 2 years ago. The roads are to be privately maintained by the homeowners association. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept construction fiscal security for "Highpointe Phase 1 Section 1".** Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Burnett voting "Aye". Commissioner Carter voting "No".

22466 CALL FOR A PUBLIC HEARING ON APRIL 5, 2005 TO ESTABLISH TRAFFIC REGULATIONS IN CORONADO HILLS SUBDIVISION [T1-462]

Road Supt/Engineer Jerry Borcharding advised that traffic regulations are needed in the Coronado Hills Subdivision. The Road Dept. is recommending a 25MPH speed limit and placement of a STOP sign on Coronado at Mathias Lane. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on April 5, 2005 to establish traffic regulations in "Coronado Hills Subdivision".** All voting "Aye".

22467 CALL FOR A PUBLIC HEARING ON APRIL 5, 2005 TO ESTABLISH TRAFFIC REGULATIONS SADDLE RIDGE SUBDIVISION SECTION 2 [T1-471]

The Road Dept. is recommending a speed limit of 30MPH and placement of STOP signs. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on April 5, 2005 to establish traffic regulations in "Saddle Ridge Subdivision Section 2".** All voting "Aye".



22468 CALL FOR A PUBLIC HEARING ON APRIL 5, 2005 TO ESTABLISH TRAFFIC REGULATIONS IN WEST CAVE ESTATES AT THE SUBDIVISION ENTRANCE [T1-478]

The Road Dept. will be recommending establishing a "Do Not enter" sign @ RR12 on the out-bound lane at the subdivision exit and 2 "Yield" signs at the Y intersection on the in-bound lanes. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on April 5, 2005 to establish traffic regulations in "West Cave Estates" at the subdivision entrance. All voting "Aye".

22469 PUBLIC HEARING AND ACTION TO ACCEPT RECOMMENDED CHANGES TO THE HAYS COUNTY INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED HOME RENTAL COMMUNITIES AND INSTRUCT STAFF TO ADVERTISE PROPOSED CHANGES [T1-488]

Judge Powers declared the public hearing open. Environmental Health Director Allen Walther provided recommended changes in Section C: *C1(a) Four Homes or More C1(b)(new) Three Homes or Fewer: ♦ Improved driveways must be at least twelve feet wide and contain a minimum of six inches of compacted base ♦ Road alignment and turning radii must provide uninterrupted ingress and egress for fire and emergency vehicles as certified by a registered professional engineer.* He spoke of checking with other counties regarding their rules. Commissioner Carter felt like Kerr County rules are more specific than ours. Allen Walther spoke of incorporating all of Chapter 285 into our rules. Professional Engineer Kevin Kadlecek stated that he feels like there are 2 main issues: (1) applicability [no clear definition as to when the rules should apply and under what circumstances] – he feels like the rules should only apply to "trailer parks"; and (2) no clear minimum standard for roadways. He does not feel like the subdivision rules regarding roadways should apply to all rental property. He feels like it is unreasonable to have a property owner build a road that meets subdivision rules to a mobile home rental on their property. Charles O'Dell (Hays CAN) spoke of need to consider health and safety issues - he is opposed to amending rules to fit a particular circumstance. Judge Powers closed the public hearing. Commissioner Carter spoke of disposition of old mobile homes. Allen Walther spoke of original development of our rules – he feels like we should offer several standards for roads. County Subdivision Coordinator Jon Thompson recommended publishing the proposed changes before adoption. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to accept recommendation from staff regarding Section C 1 and advertise the recommendation in the newspaper. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers All voting "Aye". Commissioner Carter voting "No".

22470 ADOPT A RESOLUTION IN SUPPORT OF HOUSE BILL 2251, AMENDING SECTION 623.092 OF THE TRANSPORTATION CODE [T1-1010]

Commissioner Molenaar spoke of need to be able to regulate overweight vehicles that travel on county roads. He spoke of damage that is done on county roads and need for permitting process through the Road Dept. that would help identify those vehicles. Would require that they have a State Permit before they can get a County Permit. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Resolution in Support of House Bill 2251 amending Section 623.092 of the Transportation Code. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Conley voting "No".

22471 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 13 - HAYS COUNTY/TC&B/CMA (SAWYER RANCH ROAD) [T1-1152]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Agreement for Engineering Services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 13 – Hays County/TC&B/CMA (Sawyer Ranch Road). All voting "Aye". Commissioner Carter voting "No".

22472 AMEND THE OUTSIDE LEGAL COUNSEL AGREEMENT WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, LLP, TO INCLUDE GRANT PREPARATION WHICH WOULD ENABLE THE COUNTY TO DEVELOP A HABITAT CONSERVATION PLAN [T1-1299]

Commissioner Conley spoke of promoting economic development and conserving what is important. Allen Glenn (Smith, Robertson, Elliott, Glen, Klein & Bell) spoke of opportunity to seek a grant from TP&W for development of a plan regarding regional species. Commissioner Conley spoke in support of this amendment. Environmental Health Director Allen Walther advised that a plan is needed in order to apply for future grants. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to amend the Outside Legal Counsel Agreement with Smith, Robertson, Elliott, Glen, Klein & Bell, LLP to include Grant preparation which would enable the County to develop a Habitat Conservation Plan. Voting "Aye". Commissioner Carter voting "No".



22473 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT ONE TO THE LEASE BETWEEN HAYS COUNTY AND THE STATE OF TEXAS RELATING TO REGISTRATION AND TITLE SYSTEM INFORMATION RESOURCES AND SUPPORT

[T1-1496] Tax A/C Luanne Caraway spoke of being a pilot county in 1994 with the registration and titling system and now the system will print the sticker rather than us having to supply a sticker book and the vehicle number will be printed on the sticker. The County will lease 7 additional systems from the State and they will then be leased to Car Dealerships. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to execute Amendment One to the Lease between Hays County and the State of Texas relating to Registration and Title System Information Resources and Support. All voting "Aye".**

22474 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT BETWEEN HAYS COUNTY AND MOTOR VEHICLE DEALERS WHO WISH TO UTILIZE THE STATE OF TEXAS AUTOMATION EQUIPMENT FOR TEXAS REGISTRATION AND TITLE STICKERS

This would allow seven dealers to lease equipment from the county at \$600 per system. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to execute Agreement between Hays County and Motor Vehicle Dealers who wish to utilize the State of Texas Automation Equipment for Texas Registration and Title Stickers. All voting "Aye".**

PRESENTATION BY BURKE SUNDAY OF SUNDAY AND ASSOCIATES, INC. REGARDING GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) RULE 43 AND 45 (OTHER POST EMPLOYMENT BENEFITS) AND MEDICARE

[T1-1564] Burke Sunday advised that in FY2008 you must be in compliance with GASB Rule 45 – you must first account for retiree liability (past, current & future) and you must pre-fund that liability – this will affect your bond rating. An actuarial review/study is needed of all county employees (current and retired) to identify their unfunded liability for previously earned benefits, current, and future benefits. Alternatives will be provided once figures are determined. Estimated fee for the actuarial review/study is \$20,000. City-County Benefits Services is a recommended service provider. Burke Sunday advised that effective January 1, 2006 Medicare Part D (pharmacy plan) comes on stream – it is an optional plan that will cost \$37 per month. He spoke of Part B (physician piece) which people can take when they retire. He spoke of coverage regarding Part D and various options available to plan sponsors. He advised that a wraparound option would be too complicated and he suggested keeping the current benefit and request a 28% federal subsidy (Option 1).

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 MARCH 22, 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF MARCH A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22475 ADOPT A PROCLAMATION DECLARING APRIL 4 - 10, 2005 AS HAYS COUNTY PUBLIC HEALTH WEEK

Human Resources Director Luis Gonzales introduced Health Dept. Clinic Manager Priscilla Hargraves and new Public Health Educator Patrick Bloomingdale. Patrick Bloomingdale spoke of free health assessments for adults 65 yrs. and older [Mon-Fri from 10am - 2pm] and an online health assessment. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Proclamation declaring April 4-10, 2005 as Hays County Public Health Week. All voting "Aye".

PUBLIC COMMENT

[T1-72] Richard Schneider spoke of rock crusher being installed west of Ruby Ranch - he would like for the county to do an inspection of the quarry site to make sure it is operating according to the permit by rule.

22476 APPROVE BUDGET AMENDMENT NO. 05-19

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment NO. 05-19 as proposed by the County Auditor. All voting "Aye".

22477 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 411,795.71 as presented by the County Auditor. All voting "Aye".

22478 APPROVE UTILITY PERMITS #01786-01789

The following Utility Permits were submitted for approval: #01786 on CR125/Fosters Place issued to Verizon, #01787 on Huber Lane issued to Verizon, #01788 on CR157/Goforth Rd issued to Verizon, #01789 on CR157/Goforth Rd issued to Verizon. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Utility Permits #01786-01789 as submitted by the Road Department. All voting "Aye".

22479 APPROVE RENEWAL OF CONTRACT FOR COUNTY-WIDE DUMPSTERS FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

Purchasing recommends renewal of BFI & IESI contract for one additional year. All terms and conditions remain unchanged and in full force and effect. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve renewal of contract for county-wide dumpsters for one (1) additional year as provided in the original contract. All voting "Aye".

22480 APPROVE RESOLUTION FOR PREVIOUSLY SUBMITTED GRANT APPLICATION TO THE SAFE & DRUG FREE GRANT PROGRAM OF THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION

This resolution is required for a grant application that was approved by the Court on March 15th and submitted to the Office of the Governor to secure a School Resource Officer for the Wimberley ISD. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve resolution for previously submitted grant application to the Safe & Drug Free Grant Program of the Office of the Governor - Criminal Justice Division. All voting "Aye".

22481 AUTHORIZE COUNTY JUDGE TO ACCEPT \$500,000 GRANT FROM TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE 5-MILE DAM PARK PROJECT AND EXECUTE CONTRACT

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$500,000 Grant from Texas Parks and Wildlife Department for the 5-Mile Dam Park Project and execute contract. All voting "Aye".

**22482 APPROVE WAIVER OF PERSONNEL POLICY MANUAL, PARAGRAPH 2.16**

Personnel Policy Paragraph 2.16 states: *It is necessary from time to time to have two employees in one position in order to train a new employee. In such cases, there must be funds available in the department's budget to do so. Under no circumstance should the position be shared for more than two weeks.* Human Resources Director Luis Gonzales spoke of the current Administrative Coordinator (Position Code 0730) at the Health Dept. being ill and unable to work fulltime and not yet able to retire – funds are available to pay for an additional person. Commissioner Carter spoke in support of the current employees and she would prefer that we not put someone in her place, but train someone who already works for this department. Luis Gonzales advised that every step has been taken to accommodate this employee and it is time to put in a replacement. The current employee is eligible for retirement in May and is still entitled to 12 weeks of family leave. Clinic Manager Priscilla Hargraves advised that they are 4 people down at this time and this position is critical to the health department (audits, grants, etc.) and the time being spent on the job is not sufficient. It was stated that the current employee will be able to come back to work fulltime at some capacity in the department – she will not be terminated. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve waiver of Personnel Policy Manual Paragraph 2.16. All voting "Aye".**

22483 AUTHORIZE PURCHASE OF TRUCK BED STORAGE CONTAINER AND DIVIDER KIT FOR CONSTABLE PCT. 2 VEHICLE FROM AVAILABLE FUNDS

Constable Pct. 2 James Kohler spoke of storage container that he purchased for his current county vehicle (truck) that holds what he normally carried in the trunk of his car. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize purchase of full pull 2X4 Truck Bed Storage Container and Divider Kit for Constable Pct. 2 vehicle from funds available in his Law Enforcement Equipment Line Item. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley and Judge Powers voting "Aye". Commissioner Molenaar voting "No".**

22484 [PCT. 2 #05-2-006, 3 LOTS] AGUIRRE PARTNERSHIP SUBDIVISION - APPROVE FINAL PLAT [T1-418]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Aguirre Partnership Subdivision". All voting "Aye".**

22485 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, JAG GRANT PROGRAM FOR UP TO \$14,322 AND TO EXECUTE A CONTRACT [T1-430]

Grants Administrator Richard Salmon advised that the purpose of this grant will be to purchase tasers. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant Application to the U.S. Department of Justice, Bureau of Justice Assistance, JAG Grant Program for up to \$14,322 and to execute a contract. All voting "Aye".**

22486 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS CAUSE NO. 6944-C, HAYS COUNTY V. JOSEPH ALEXANDER, ET AL WITH ACTION [T1-460]

Court convened into closed executive session at 9:30 a.m. and reconvened into open meeting at 9:50 a.m. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize condemnation counsel to finalize settlement agreement in Cause No. 6944-C styled Hays County versus Joseph Alexander, et al to include acceptance of donated Swanger property. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 29, 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**



APRIL 5, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 5TH DAY OF APRIL A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

22487 ADOPT PROCLAMATION DECLARING APRIL 2005 AS "CHILD ABUSE PREVENTION AND AWARENESS MONTH" IN HAYS COUNTY

Melissa Rodriguez (Roxanne's House) thanked the court for their support. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt Proclamation declaring April 2005 as "Child Abuse Prevention and Awareness Month" in Hays County. All voting "Aye".

22488 APPROVE BUDGET AMENDMENT NO. 05-20

Budgets being amended are: CAPCOG/RECYCLE SHED GRANT & TRANSFER STATION - \$4,000 transfer for increased cost of building from county funds to grant. COUNTY-WIDE OPERATIONS - \$2,446 transfer land savings for document shredding contract and other fees. TP&W/5 MILE DAM PARK PROJECT - \$650,000 to budget new Tx Parks & Wildlife grant for Five Mile Dam Park improvements. A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve Budget Amendment NO. 05-20 as proposed by the County Auditor. All voting "Aye".

22489 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$365,499.38 as presented by the County Auditor. All voting "Aye".

22490 APPROVE UTILITY PERMITS #01790-01792

A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve Utility Permit #01790 on CR131/Windy Hill Road issued to Verizon, #01791 on Park South Drive issued to Verizon, and #01792 on Branch View Drive issued to Verizon as submitted by the County Road Department. All voting "Aye".

22491 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$33,130 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM

This grant and matching funds will be used by the Hays County Juvenile Probation to continue to pay the salary and benefits of the 2nd Drill Instructor for the "Day Boot Camp" at Hays CISD. The county no longer receives an allocation and will attempt to get this grant from the JABG Discretionary Grant Program. The grant will provide 90% or \$33,130 of the total cost and the county will provide 10% or \$3,682. A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve resolution authorizing the County Judge to submit a grant application for up to \$33,130 to the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program. All voting "Aye".

22492 APPROVE BID AWARD OF PRE-ENGINEERED STEEL BUILDINGS FOR WIMBERLEY AND DRIPPING SPRINGS RECYCLING SITES TO HOPSON BUILDERS IN THE AMOUNT OF \$41,530

The buildings will be purchased with funds furnished through the CAPCOG/Recycle Shed Grant. The grant was in the amount of \$38,300 and the remaining \$3,230 will be paid for from the recycling expense (01-409-5303) of the transfer station. Hopson Builders was the only bidder for this project - others could not provide the workers compensation insurance. A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve bid award of pre-engineered steel buildings for Wimberley and Dripping Springs Recycling sites to Hopson Builders in the amount of \$41,530. All voting "Aye".



- 22493 APPROVE BID AWARD OF HAULING SERVICES FOR PORTION OF BID THAT IS PRICED FOR MILEAGE PER LOADED MILE, BASED ON 25 TON AVERAGE LOAD, NO SCALE WEIGHT REQUIRED (BID SHEET #4) TO PNEU ROCK TRANSPORTATION DUE TO THE FACT THAT EARTH TRANSPORT WILL NOT BE ABLE TO HONOR THE PRICING THAT WAS ORIGINALLY STATED ON BID SHEET #4**

Earth Transport realized they had bid wrong pricing for bid sheet #4 on the original bid, therefore, they are not able to honor that pricing. It is Purchasing's recommendation to award to the next lowest bidder, Pneu Rock Transportation. Earth Transport will remain the vendor awarded for the items bid on bid sheets #1, #2, & #3. A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve bid award of hauling services for portion of bid that is priced for mileage per loaded mile, based on 25 ton average load, no scale weight required (Bid Sheet #4) to Pneu Rock Transportation due to the fact that Earth Transport will not be able to honor the pricing that was originally stated on Bid Sheet #4. All voting "Aye".

- [PCT. 2 #05-2-028, 88 LOTS] **SHADOW CREEK PHASE 1 SECTION 1 - CONSIDER FINAL PLAT APPROVAL AND ACCEPT CONSTRUCTION FISCAL SECURITY** [T1-103]

Environmental Health Director Allen Walther advised that this is a phased development - he gave staff recommendation for final plat approval. Commissioner Carter advised that she does not support this development because of the MUD. No action was taken.

- [PCT. 2 #05-2-029, 41 LOTS] **SHADOW CREEK PHASE 1 SECTION 2 - CONSIDER FINAL PLAT APPROVAL AND ACCEPT CONSTRUCTION FISCAL SECURITY** [T1-131]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter advised that she does not support this development because of the MUD. No action was taken.

- 22494 [PCT. 4 #05-4-036, 2 LOTS] THE SPRINGS RESUBDIVISION OF LOT 1B - APPROVE PRELIMINARY PLAN** [T1-142]

Property owner Estado Housing Development LLC, proposes to resubdivide one lot into 3. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "The Springs Resubdivision of Lot 1B". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

- 22495 [PCT. 4 #03-4-065, 130 LOTS] HOWARD RANCH - APPROVE EXTENSION OF PRELIMINARY PLAN APPROVAL** [T1-154]

Environmental Health Director Allen Walther spoke in support of extending the preliminary plan approval for 60 days. Eric Howard advised that they have received their final inspection from PEC and the road is about one week off from completion. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve extension of preliminary plan approval for "Howard Ranch" for an additional 60 days. All voting "Aye".

- 22496 [PCT. 4 #05-4-035, 4 LOTS] OAK TREE ESTATES - APPROVE PRELIMINARY PLAN** [T1-234]

Property owner Linda McCulloch proposes to divide a 19.83 acre tract of land on CR197/Henly Loop into 4 tracts. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan of "Oak Tree Estates". All voting "Aye".

- 22497 [PCT. 4 #04-4-083, 2 LOTS] TEICHELHANN'S SUBDIVISION REPLAT OF LOT 1 - APPROVE FINAL PLAT** [T1-241]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Teichelmann's Subdivision Replat of Lot 1". All voting "Aye".

- 22498 PUBLIC HEARING AND ACTON TO ESTABLISH TRAFFIC REGULATIONS IN "SADDLE RIDGE SECTION 2"** [T1-249]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave recommendation as follows: STOP sign on Canyon Gap Drive at intersection of Saddleridge Drive, STOP sign on Mission Trail at intersection of Canyon Gap Drive, STOP sign on Arrowhead Pass at intersection of Mission Trail, STOP sign on Arrowhead Pass at intersection of Canyon Gap Drive, STOP sign on Saddleridge Drive at intersection of Mission Trail, and establish a speed limit of 30 MPH for all road in "Saddle Ridge Section 2". A motion was made by Commissioner Conley, seconded by Commissioner Carter to establish traffic regulations as recommended by the Hays County Road Department for "Saddle Ridge Section 2". All voting "Aye".



22499 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN "WESTCAVE ESTATES" [T1-274]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended that a YIELD sign be established at the "Y" intersection of in-bound lanes and establish a "Do Not Enter" sign @ RR12 on out-bound lanes of the "Westcave Estates" subdivision. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations as recommended by the Hays County Road Department in "Westcave Estates". All voting "Aye".**

22500 CALL FOR A PUBLIC HEARING ON APRIL 19, 2005 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON VALLEY RIDGE RD IN LEDGEROCK SUBDIVISION

[T1-290] The Road Department will be recommending a 30 MPH speed limit on Valley Ridge Road in the Ledgerock Subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on April 19, 2005 to establish traffic regulations (Speed Limit) on Valley Ridge Road in Ledgerock Subdivision. All voting "Aye".**

22501 CALL FOR A PUBLIC HEARING ON APRIL 19, 2005 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) IN SUMMER MOUNTAIN RANCH SUBDIVISION

[T1-298] The Road Department will be recommending a 30 MPH speed limit in the Summer Mountain Ranch subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on April 19, 2005 to establish traffic regulations (Speed Limit) in Summer Mountain Ranch Subdivision. All voting "Aye".**

22502 CORONADO HILLS SUBDIVISION - RELEASE OF MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW, AND HOLD A PUBLIC HEARING AND TAKE ACTION TO ESTABLISH TRAFFIC REGULATIONS [T1-305]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance bond and accept maintenance of all road and drainage improvements within county r-o-w in the Coronado Hills Subdivision. The Road Dept. is also recommending that traffic regulations be established as follows: STOP sign on Coronado Lane at intersection of Mathias Lane and set speed limit of 25 MPH in the subdivision. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance bond, accept for county maintenance all road and drainage improvements within county right-of-way, and establish traffic regulations as recommended by the Hays County Road Department for "Coronado Hills Subdivision". All voting "Aye".**

22503 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH LEONARD, FROST, LEVIN, VAN COURT & MARSH TO SERVE AS ECONOMIC DEVELOPMENT COUNSEL FOR THE HAYS COUNTY COMMISSIONERS' COURT AND APPOINT COMMISSIONER CONLEY AS LIAISON

[T1-331] Commissioner Conley spoke of the county being approached more and more often to participate in economic development initiatives. Because this area of the law is changing rapidly and any decision by the Court will affect the County in the long run it has been suggested that the County retain experts in this field to advise the County. There is a need for the citizens to be represented in economic development projects. Mr. Leonard has been instrumental in drafting economic development legislation and his firm specializes in community development as it pertains to economic development. Tom Leonard, CEO of the Leonard Law Firm, spoke of services provided by his firm. He spoke briefly about road districts and 501c3 for school financing - he will provide choices that will benefit taxpayers. Commissioner Conley spoke in support of this agreement. He will involve the other Commissioners in projects in their respective precinct. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an outside legal counsel agreement with Leonard, Frost, Levin, Van Court & Marsha to serve as Economic Development Counsel for the Hays County Commissioners' Court and appoint Commissioner Conley as liaison. All voting "Aye".**

22504 ACCEPT DONATIONS FOR THE HAYS COUNTY CIVIC CENTER FROM CHARLES NAGEL [T1-769]

Commissioner Molenaar spoke of donation from Charles Nagel of a Sound System (\$1,250), Refrigerator (\$200), and a set of Quicklinks to put on a tractor to facilitate very fast changes of tractor implements (\$249). **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept donations for the Hays County Civic Center from Charles Nagel. All voting "Aye".**



Clerk's Note: Agenda Item #21 Re: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE WITH THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT OUTLINING COMMUNICATION AND COORDINATION EFFORTS BETWEEN THE TWO LAW ENFORCEMENT ENTITIES was PULLED. No discussion and no action taken.

22505 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH TIME WARNER CABLE FOR KOHLERS CROSSING - HAYS COUNTY, TC&B, TIME WARNER CABLE (HC-BOND-07)

[T1-803] A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve utility adjustment agreement with Time Warner Cable for Kohlers Crossing - Hays County, TC&B, Time Warner Cable (HC-Bond-07). All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW CANDIDATES FOR THE POSITION OF PERSONAL HEALTH DIRECTOR. ACTION TO APPOINT A CANDIDATE MAY FOLLOW IN OPEN COURT
[T1-828]

Court convened into closed executive session at 10:00 a.m. and reconvened into open meeting at 10:45 a.m. Commissioner Molenaar, Presiding Officer at this time, announced that no action would be taken on this item at this time.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 5, 2005.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF APRIL A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COUNTY JUDGE JAMES L. POWERS, WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Molenaar was presiding officer due to the absence of Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

Commissioner Carter introduced her new Office Administrator Colleen Burkhart. District Attorney Office Manager Carolyn Brown introduced Heather Youree (Assistant District Attorney). Constable Pct. 5 Leroy Opiela introduced new Office Administrator Brandy Underwood. Priscilla Hargraves (Health Dept) introduced Patrick Bloomingdale (Health Educator), Aurora Gotthardt (LVN/family clinic), and Conception Cantu (Social Worker/Case Management).

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

District Attorney Office Manager Carolyn Brown presented a 15 year service pin to Sarah Garcia (Misd. Division). County Clerk Lee Carlisle presented a 10 year service pin to DeeDee Rodgers (Criminal Court Division). Justice of the Peace Pct. 2 Beth Smith presented a 5 year service pin to Annie Castelleja (Court Clerk).

PRESENTATION BY THE HAYS COUNTY CHILD PROTECTIVE SERVICE BOARD CONCERNING THE MISSION AND ACTIVITIES OF THE BOARD

Julia Ramsay New, a member of the Child Protective Service Board, spoke of legislation in 1932 allowing for creation of child welfare boards (there are over 200 in the State of Texas). The Hays County Child Welfare Board was created in 1978 and the name was changed to Child Protective Service Board. The mission of the board (appointed by the Commissioners Court) is to promote a safe environment for all children. They strive to inform the general public about the rights and needs of children who are abused and neglected, to recruit and support foster and adoptive families, to provide funds to assist in investigations performed by Child Protective Services (CPS) and to help meet the special needs of Hays County children in conservatorship. The Board receives approximately ¼ of the funding it requires from Hays County and the other ¾ comes from fund raising activities and the generosity of concerned citizens. The majority of requests are for clothes and shoes. She spoke of other things that are provided to the children (ie tuition/fees, examinations, family counseling, gifts, etc.). She thanked the court for their support. Commissioner Conley thanked the board for what they do for the children of Hays County.

22506 APPROVE BUDGET AMENDMENT 05-21

Budgets being amended: DISTRICT CLERK & INFORMATION TECHNOLOGY = \$ 1,705 for replacement monitors and one additional monitor for new authorized position for District Clerk's office. COMMISSIONER PCT. 2 = \$400 line item transfers for envelopes & business cards/printing ROAD & BRIDGE OPERATIONS = \$5,000 line item transfers for needed expense. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment No. 05-21 as proposed by the County Auditor. All voting "Aye".

22507 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$ 753,878.38 as presented by the County Auditor. All voting "Aye".

22508 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permit #01799 on CR272/Quail Run issued to Newby-Blackwell Inc., #01793 on Kelly Smith Ln. issued to Grande Communications, #01795 on CR131/Windy Hill Rd. issued to Grande Communications, and #01798 on CR157/Goforth Road issued to Goforth Water Supply. All voting "Aye".



22509 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION FOR A \$21,024 GRANT FROM THE OFFICE OF GOVERNOR/CRIMINAL JUSTICE DIVISION/JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

The Hays County Juvenile Center is a 114 bed pre-adjudication and post-adjudication facility located near San Marcos. Services provided include: detention, boot camp, substance abuse treatment and a sex offender therapy program. The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. No matching funds are required. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit an application for a \$21,024 Grant from the Office of Governor/Criminal Justice Division/Juvenile Justice and Delinquency Prevention Program. All voting "Aye".**

22510 ACCEPT INTERNAL EXAMINATION REPORT FOR THE SHERIFF'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the internal examination report for the Sheriff's Office. All voting "Aye".

22511 [PCT. 2 #05-2-028, 88 LOTS] SHADOW CREEK PHASE 1 SECTION 1 - APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY (AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 232.0025) [T1-249]

Environmental Health Director Allen Walther advised that review has been completed and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal surety for "Shadow Creek Phase 1 Section 1". Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**

22512 [PCT. 2 #05-2-029, 41 LOTS] SHADOW CREEK PHASE 1 SECTION 2 - APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY (AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 232.0025)

Environmental Health Director Allen Walther advised that review has been completed and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal surety for "Shadow Creek Phase 1 Section 2". Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**

22513 [PCT. 2 #05-2-030, 60 LOTS] SHADOW CREEK PHASE 1 SECTION 3 - APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY (AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 232.0025)

Environmental Health Director Allen Walther advised that review has been completed and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal surety for "Shadow Creek Phase 1 Section 3". Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**

22514 [PCT. 2 #05-2-031, 47 LOTS] SHADOW CREEK PHASE 1 SECTION 4 - APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY (AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 232.0025)

Environmental Health Director Allen Walther advised that review has been completed and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal surety for "Shadow Creek Phase 1 Section 4". Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**

22515 [PCT. 2 #05-2-032, 74 LOTS] SHADOW CREEK PHASE 1 SECTION 6 - APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY (AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 232.0025)

Environmental Health Director Allen Walther advised that review has been completed and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal surety for "Shadow Creek Phase 1 Section 6". Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".**



22516 [PCT. 2 #05-2-033, 56 LOTS] **SHADOW CREEK PHASE 1 SECTION 7 - APPROVE FINAL PLAT, ACCEPT CONSTRUCTION FISCAL SURETY** (AS REQUIRED BY LOCAL GOVERNMENT CODE CHAPTER 232.0025)

Environmental Health Director Allen Walther advised that review has been completed and he gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal surety for "Shadow Creek Phase 1 Section 7". Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".

22517 [PCT. 4 #05-4-015, 4 LOTS] **THE PRESERVE PHASE 2 RESUBDIVISION OF LOTS 7B & 8B - PUBLIC HEARING AND APPROVAL OF FINAL PLAT** [T1-310]

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "The Preserve Phase 2 Resubdivision of Lots 7B & 8B". All voting "Aye".

22518 [PCT. 4 #05-4-036, 2 LOTS] **THE SPRINGS LOT 1B RESUBDIVISION - APPROVE FINAL PLAT** [T1-329]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. This is a commercial subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "The Springs Lot 1B Resubdivision". All voting "Aye".

22519 [PCT. 4 #05-4-035, 4 LOTS] **OAK TREE ESTATES - APPROVE FINAL PLAT** [T1-352]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Oak Tree Estates". All voting "Aye".

22520 **PUBLIC HEARING AND ACTION ADOPTING CHANGES TO THE HAYS COUNTY SUBDIVISION & DEVELOPMENT REGULATIONS, APPENDIX V, "MANUFACTURED HOUSING & RENTAL COMMUNITY" RULES** [T1-360]

Commissioner Molenaar declared the public hearing open. Charles O'Dell (Hays CAN) spoke of his concerns that the wording is ambiguous - there is no mention of road maintenance - he spoke of minimum road standards. Environmental Health Director Allen Walther spoke of limit authority of counties - he believes these are reasonable standards and he gave staff recommendation for adoption of the changes. Commissioner Carter spoke in opposition. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to adopt changes to the Hays County Subdivision and Development Regulations Appendix V "Manufactured Housing and Rental Community" Rules. Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".

C. Minimum Standards and submission requirements:

1.

(a) **Four Homes or More:**

All internal roads and associated drainage facilities shall be designed and constructed to minimum standards that are reasonably necessary to permit ingress and egress access by fire and emergency vehicles as designed by a registered professional engineer. The drainage facilities shall not be required to exceed the standards and specifications as adopted within the County's Subdivision Regulations.

(b) (new) **Three Homes or Fewer:**

- ◆ **Improved driveways must be at least twelve feet wide and contain a minimum of six inches of compacted base.**
- ◆ **Road alignment and turning radii must provide uninterrupted ingress and egress for fire and Emergency vehicles as certified by a registered professional engineer.**

22521 **ADOPT A RESOLUTION CONCERNING SENATE BILL'S 1838 AND 142** [T1-486]

Environmental Health Director Allen Walther spoke of SB1838 which would provide for creation of a district governed by a board of 5 directors (appointed by Hays, Blanco, Burnett & Travis counties) - creates a new level of government with numerous authority - would take development out of the hands of local entities. SB142 (similar to SB873) provides county government with more authority over development (by referendum). He read a proposed resolution that supports SB 142 and opposes SB 1838. Commissioner Carter spoke of cities managing dense growth - she feels like county government is intended to manage rural growth. She voiced her concerns about water quality in the rural areas. Commissioner Ingalsbe spoke of citizens involvement in county government. Commissioner Molenaar spoke in support of SB142. Allen Walther spoke of high density development occurring in the rural areas of the county and at this time they must only meet TCEQ requirements. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to adopt a resolution concerning Senate Bill's 1838 and 142. Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".



Clerk's Note: Agenda Item #20 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE WITH THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT OUTLINING COMMUNICATION AND COORDINATION EFFORTS BETWEEN THE TWO LAW ENFORCEMENT ENTITIES was PULLED. No discussion and no action taken.

22522 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 19 - HAYS COUNTY/TC&B/LAI (WIMBERLEY BY-PASS) [T1-833]

Services to be provided by the Engineer: Addition of driveways, reconfigure culverts and add culverts for environmental streams, and remove water quality ponds. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Agreement for Engineering Services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 19 - Hays County/TC&B/LAI (Wimberley By-Pass). Commissioner Ingalsbe, Commissioner Conley, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".

22523 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 9 - HAYS COUNTY/TC&B/HNTB(NUTTY BROWN ROAD) [T1-870]

The work to be performed under this contract shall consist of providing supplemental engineering and surveying services required for the preparation of a schematic and plans, specifications, and construction estimates for the waterlines relocation associated with the reconstruction of Nutty Brown Road. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 9 - Hays County/TC&B/HNTB (Nutty Brown Road). All voting "Aye".

WORKSHOP WITH TURNER, COLLIE & BRADEN, INC., TO DISCUSS AND UPDATE THE COMMISSIONERS' COURT ON THE HAYS COUNTY ROAD BOND PROGRAM

[T1-915] Bob Sutton (TC&B) provided a Road Bond Program Fact Sheet, Financial Statement, and estimated costs. The County projects should be completed in 2006 - the State projects will take longer. There will be sufficient funds to complete all the planned projects. He spoke of TXDOT projects (\$9.2 million reserved for state projects = 20% match). TXDOT is being much more selective of projects they are taking on and requiring more from local government.

\$17 Mil. Has been contracted to date for county and state roads: \$1.2 mil. - Bond Program Management, \$8.5 mil. - Administration/Engineering/Survey, \$4.3 Mil. - Construction, \$0.85 Mil. - Right of Way, \$2.1 mil. - Utilities

\$9.5 Mil. Has been billed as of March 7, 2005

3 projects projected to let this summer (Jun - Aug): Wimberley By-Pass, Hillside Terrace, & Kohlers Crossing

5 projects forecasted to let this fall (Sept - Nov): Sawyer Ranch Road, Posey Road, Nutty Brown Road, Redwood Road, & Dry Hole Road

3 roadways will be completed this summer (Jun - Aug): Heidenreich Lane, Centerpoint Road, & McCarty Lane

\$9.2 Mil. Reserved for TXDOT projects: US290, FM1626, FM967, & RM12

Target completion date of all county road projects is 2006 (one year before 6 year bond program expires)

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 12, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



APRIL 19, 2005

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF APRIL A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY SECRETARY OF STATE ROGER WILLIAMS REGARDING HAVA FUNDING, ASSISTANCE AVAILABLE FROM THE SECRETARY OF STATE'S OFFICE AND THE IMPLEMENTATION OF HAVA

Secretary of State Roger Williams spoke of being on a statewide listing tour to hear concerns regarding HAVA (Help America Vote Act). Major issues are "standards" regarding equipment and "cash flow". Vendors must guarantee that the equipment meets minimum federal standards and the SOS will send what money they can to each county (you do not have to pay the vendor until you receive money from the SOS). He stated that he can provide an extra \$400,000 for Hays County (a total of \$727,824.00 to use for HAVA).

PRESENTATION AND UPDATE BY THE HAYS COUNTY EXTENSION OFFICE

Extension Agent Susan Schramm spoke of current programs through the county extension office. Mrs. Schramm oversees the Family Consumer Science program which provides courses on food protection management to food handlers, a Health Hints newsletter six times a year to county employees, and with the Better Living for Texas (BLT) grant they provide education regarding nutrition, etc. Extension Agent Bryan Davis spoke of volunteer program addressing citizen's needs (Master Gardener & Master Naturalist programs) and he spoke of program regarding Oak Wilt and helping people be better stewards of the land. Extension Agent Richard Parish spoke of the 4H program and teaching kids outside of 4H where food comes from (basic life skills). Through the schools, they are teaching young people "character" and teaching them about water awareness and information to secure jobs. Commissioner Molenaar thanked the Extension Office for the services they provide. Commissioner Ingalsbe gave her appreciation for their updates. Members of the court were presented with tote bags containing various brochures, etc.

22524 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE HAYS COUNTY SHERIFF'S OFFICE WITH THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT OUTLINING COMMUNICATION AND COORDINATION EFFORTS BETWEEN THE TWO LAW ENFORCEMENT ENTITIES [T1-460]

Sheriff Don Montague and TSU Chief Ralph Myers addressed the court regarding this item. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute a Memorandum of Understanding on behalf of the Hays County Sheriff's Office with the Texas State University Police Department outlining communication and coordination efforts between the two Law Enforcement Entities. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Conley not present to vote.

22525 AUTHORIZE A BUILDING ADDITION TO THE HAYS COUNTY ELECTIONS OFFICE

[T1-493] Commissioner Ingalsbe spoke of need for space to store the new election equipment. Options: (1) rent storage units at a cost of \$1000-2000 per month, (2) purchase a modular unit at a cost of \$40,000-85,000 for a used unit or apprx. \$102,000 for a new unit, (3) build onto the existing building at a cost of apprx. \$60,000. She recommended option 3 which would have the equipment properly situated for programming and processing of all elections and would give some relief to the cramped working conditions by allowing for additional office space. Tobacco settlement funds can be used to provide storage (possibly modular units). Elections Administrator Joyce Cowan spoke of being in desperate need for space to house equipment that has already been received. Mtc. Supv. Ron Knott spoke of variance that could be received from the City of San Marcos. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize a building addition to the Hays County Elections office in an amount not to exceed \$62,380 out of Tobacco Settlement funds. All voting "Aye".



22526 PROCLAIM APRIL, 2005 AS CHILD ABUSE AWARENESS MONTH IN HAYS COUNTY

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to Proclaim April 2005 as "Child Abuse Awareness Month" in Hays County. All voting "Aye".

PRESENTATION BY TERRY TULL AND NAISMITH ENGINEERING CONCERNING THE REGIONAL WATER QUALITY PLANNING PROJECT [T1-690]

Terry Tull thanked the court for funding that has been provided. This plan addresses how to allow our communities to grow and build and protect our groundwater and streams. They are seeking comments regarding the final draft plan. Consultant Grant Jackson (Naismith Engineering) provided a handout explaining the project. The initial charges from the Executive and Core Committees was that they wanted this to be a stakeholder driven process, make sure the plan is science-based, and bring back a plan we can implement without having to depend on others. Goals and objectives of the plan are to protect surface water and groundwater and address water quality in all areas of the planning region (not just Edwards or Barton Springs). Implementation for Hays County: there is a total of 145,000 acres (half the planning region is within Hays County) – 73,500 acres are outside of ETJ's. Challenges for Hays County is the regulation of impervious cover, lack of zoning to prohibit land uses, different rules for the planning region vs. rest of the county, and ownership and operation & maintenance of various structures. Solutions to the limitations on regulatory powers would be to create new entities with power to regulate (MUDs, WCIDs, other special districts), work with existing MUDs & WCIDs, and work with other infrastructure (drainage, flood control, parks). Mr. Jackson spoke of Legislative updates: HB477/SB142 relating to the authority of a county to regulate land development after a local option election, HB2833/SB1647 relating to the protection of private real property from regulatory takings, SB1296 relating to the regulatory authority of certain counties in certain unincorporated areas of the counties, SB1362 relating to certain land use restrictions by counties and municipalities, and SB1678 relating to the powers of the LCRA to adopt and implement certain environmental conservation measures. Additional information on the Plan can be obtained at website: www.waterqualityplan.org email: regionalplan@zeecon.com, <http://groups.yahoo.com/group/regionalplan>, and public repository locations at the Dripping Springs City Hall and Naismith Engineering. Judge Powers thanked the presenters for their information. Mary Stone (public comment) spoke in support of the regional water protection plan. She spoke of rock crusher facility in northern Hays County and citizens concerns regarding this operation – they believe it is dangerous to air quality and water quality and there are serious traffic safety concerns. She asked the court to do whatever they can to stop this operation and help financially to provide a turn lane in the vicinity of the school. Charles O'Dell (Director of Hays CAN) thanked Terry Tull and Consultant Grant Jackson for the work they have done.

PUBLIC COMMENT

[T1-1487] Scott Sanders spoke of toll roads negatively impacting our community – the toll roads are not being built in Hays County but they will affect Hays County citizens and he asked for a review committee to be appointed.

22527 APPROVE BUDGET AMENDMENT 05-22

Budgets being amended: Civic Center (413): \$1,699 in donations for arena supplies (\$449) & equipment (\$1,250) Sheriff (418) Jail (419): \$3,500 to transfer copier costs from Jail to Sheriff Animal Control (494) Sheriff (418): \$28,174 transfer from Sheriff to Animal Control for 2 containment cages from savings on vehicles Human Resources (421): \$255 transfer from continuing education into office equipment State Tobacco Compliance (729): \$200 transfer from overtime into other/supplies Courthouse Security/District Court (626): \$3,575 transfer from insurances into building improvements for security doors. Personal Health (412): \$700 transfer from insurances into continuing education for diabetes treatment training. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No. 05-22 as proposed by the County Auditor. All voting "Aye".

22528 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$544,306.11 as presented by the County Auditor. All voting "Aye".

22529 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$102,402 TO THE TEXAS DEPARTMENT OF HEALTH FOR IMMUNIZATION PROGRAM

This is a renewal grant from the Texas Dept. of Health Services and will be used to provide vaccines for children and adults. The program management relates to planning, organizing, budgeting, supervision, directing, and monitoring/evaluating local immunization activities that are intended to improve vaccination coverage. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to submit a grant application for \$102,402 to the Texas Department of Health for Immunization Program and to execute contract. All voting "Aye".



22530 AUTHORIZE APPRAISAL OF HAYS COUNTY OWNED PROPERTIES IN THE SAN MARCOS AREA [T1-1590]

Commissioner Conley spoke of properties to be appraised are the Annex building, Records building, Max C. Smith building, Justice Center, the two Clovis Barker Drive buildings, and the old hospital property. Commissioner Carter felt like we already have a contract with Realtor Joel Barnard. Cindy Miaorka stated that that contract was not renewed and not currently in effect and it dealt only with the old hospital property. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize appraisal of Hays County owned properties in the San Marcos area. All voting "Aye".**

22531 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) IN SUMMER MOUNTAIN RANCH SUBDIVISION [T1-1749]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended establishing a 30MPH speed limit on all roads in Summer Mountain Ranch Subdivision [Cascade Trail, Ozark Drive, Summer Mountain Drive, Alegheny Court, Appalachian Trail, Ozark Drive, Smoky Mountain Drive, Stone Mountain Trail, Purgatory Pass, and Teton Circle]. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations of 30MPH speed limit on all roads in "Summer Mountain Ranch" subdivision. All voting "Aye".**

22532 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON VALLEY RIDGE ROAD IN LEDGEROCK SUBDIVISION [T1-1763]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended establishing a 30MPH speed limit on Valley Ridge Road in Ledgerock Subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulation of 30MPH speed limit on Valley Ridge Road in the Ledgerock Subdivision. All voting "Aye".**

Clerk's Note: Agenda Item #12 RE: AUTHORIZE PURCHASE OF ANIMAL CONTROL EQUIPMENT (TWO 6-COMPARTMENT CHASSIS MOUNT UNITS), AND AMEND THE BUDGET ACCORDINGLY was PULLED. No discussion and No action taken.

22533 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A UTILITY ADJUSTMENT AGREEMENT WITH THE LOWER COLORADO RIVER AUTHORITY FOR THE HAYS COUNTY ROAD BOND PROGRAM - HC-BOND-08 (NUTTY BROWN ROAD) [T1-1791]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to execute a Utility Adjustment Agreement with the Lower Colorado River Authority for the Hays County Road Bond Program - HC-Bond-08 (Nutty Brown Road). All voting "Aye".

WORKSHOP RELATING TO THE PROPOSED HAYS COUNTY OFFICE COMPLEX TO INCLUDE AN UPDATE ON THE ACTIVITIES OF THE FACILITIES COMMITTEE

[T1-1820] A smaller sub-committee of the Facilities Committee has been working on options/considerations to present to the Court. This committee consists of County Auditor Bill Herzog, Purchasing Agent Cindy Maiorka, Special Counsel Jacqueline Collum Murphy, and Commissioner Pct. 1 Debbie Ingalsbe. Since the last presentation in August 2004, an independent architect volunteered his time to sit with all department heads to define space needs by confirming both staffing and office space needs. The findings were consistent to the Needs Assessment that was done in 2002 by Carter/Burgess. Commissioner Ingalsbe went through the "Statement of Need" [lack of adequate office space/storage, serious security issues, lack of adequate parking, possible damage to computer equipment, fire & safety code violations, etc.] and population growth [2004 = 121,739 2010 = 166,905 2015 = 213,718] portion of the power-point presentation. Stephen Coulston, Director of Planning & Development for Broadus & Associates provided a power-point presentation showing statement of need, background, benefits, path forward, projected revenue & savings, and considerations for the Court. Mr. Coulston spoke of 2002 Programming/Planning Study that was conducted by Carter & Burgess which provided 2002 space needs summary and projected space needs summary for 2012. They looked at a 30,000 square foot floor plate (2 buildings) planned for future expansion. Phase 1 implemented buildings #1 & #2 and allowed space for 2 more additional buildings in the future. Cost estimate summary in 2002 = \$27,110,919. Revised Plan includes purchase of Thorpe property, accommodate 10 yr. Growth projection, a single 4-story building of 141,000 sf (vs two 3-story buildings at 180,050 sf), with a revised construction cost of \$23,230,000. Commissioner Ingalsbe spoke of benefits: One-Stop facility for county residents, increased staff efficiency, facility efficiencies, and shared resources. County Auditor Bill Herzog spoke of funding options: Option A (\$27,669,100) in which the county would own the facility and Option B (\$28,500,000) in which the county would lease the facility with option to purchase. He spoke of additional cost associated with lease/purchase. These figures do not include furniture, fixtures, equipment and technology. The projected revenue and savings = \$3.5 million from sale of buildings and \$105,540 per year savings on rental property. Additional savings would be approximately \$15,000 per year for A/C maintenance/repair/upgrades, \$30,000 per year in utilities savings, \$35,000 per year savings in data lines, and \$65,000 in dedicated servers (computer equipment) for buildings. Total projected savings = approximately \$3.8 million the first year. Projected annual savings = \$185,540 per year (rent, data lines, utilities, maintenance, etc.) and \$3.7 million over 20 year period (based on current rates).



[T1-2400] Scott Grayson (GS&C) spoke of 20 acres of land and a building to accommodate the county's need for office space (off Hunter Road across from Foxtail Run). There is an existing industrial building, utilities, etc. already existing at this location which would be utilized. The development will be called "Town Center Government Plaza" and would consist of a county office consolidation and justice center, office buildings, and retail buildings. There is space behind the government building that could be used for a future light rail station depot and space on the backside for future expansion for the county. He spoke of lease/purchase transaction with Weatherford International Corp. [T1-2757] Al Simmons spoke of building conversion (original building built for industrial use) - there is already an existing parking area that would be utilized - provided drawings of their conception of space needs in the building. Scott Grayson advised that they have not yet figured the cost - would need additional information before they are able to provide a comparison cost to previous presentation. Al Simmons advised that they feel like the cost would be \$45-50 per sq. ft. less expensive than the previous presentation. He spoke of cost for parking garages and parking spaces - this site already has 400 car spaces on the ground and an additional 400 spaces would be needed. Al Simmons advised that all the walls and A/C system would be taken out which would eliminate any mold issues and they would survey the remainder of the building to make sure there would be no possibility of mold. Commissioner Ingalsbe spoke of options that need to be considered by the court.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 19, 2005.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





APRIL 26, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF APRIL A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Dottie Barnes spoke of Taxpayers Bill of Rights – she encouraged the court to adopt parts of it that apply at the county level. She spoke of legislature increasing taxes instead of decreasing taxes. She spoke of need to set spending limits.

22534 APPROVE BUDGET AMENDMENT 05-23

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-23 as proposed by the County Auditor. All voting "Aye".

22535 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount \$ 408,355.04 as presented by the County Auditor. All voting "Aye".

22536 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #1800 on Nutty Brown Road issued to Capital Excavation, #1801 on CR129/Cotton Gin Road issued to Capital Excavation, and #1802 on CR157/Goforth Road issued to SBC Communications as submitted by the County Road Department. All voting "Aye".

22537 APPROVE THE PROPOSAL FROM VIVIAN R. ALEXANDER, MAI, SRA, CCIM, TO COMPLETE APPRAISALS OF SEVEN COUNTY OWNED PROPERTIES

Three quotes were obtained for appraisal services for the following seven county properties: Annex Building, Records, Building, Max C. Smith Building, Justice Center, 2 Clovis Barker Road county Buildings, Old Hospital Site, and the LBJ Museum Building. The estimated time to complete these analyses and to deliver a report will be 30 days from the date authorized to proceed with an estimated fee to complete this service of \$6,500. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve the proposal from Vivian R. Alexander, MAI,SRA,CCIM to complete appraisals of seven county owned properties. All voting "Aye".

22538 APPROVE PURCHASE OF SUN PORTS SHADE STRUCTURES FOR PICNIC TABLE SITES AT VETTER PARK IN THE AMOUNT OF \$9,997.80 AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve purchase of Sun Ports shade structures for picnic table sites at Vetter Park in the amount of \$9,997.80 and authorize the County Judge to sign agreement. All voting "Aye".

22539 [PCT. 2 #03-2-051, 1 LOT] HAYS 967 SECTION 1 DUNWOODY LANE * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY [T1-70]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. This provides for the creation of a parcel that will provide access to the subdivision. A motion was made by Commissioner Carter, seconded by Judge Powers to approve final plat and accept fiscal surety for "Hays 967 Section 1 Dunwoody Lane". All voting "Aye".

**22540 [PCT. 3 #05-3-039, 2 LOTS] THE CROSSING LOTS 22A & 23A * APPROVE PRELIMINARY PLAN**

[T1-82] The Crossing subdivision is an unrecorded subdivision – the proposal is to take 2 ½ existing unplatted tracts (Lot 23, 22 and part of Lot 21) of unequal size and plat them into two lots of equal size (Lots 22A & 23A). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for “The Crossing Lots 22A & 23A”. All voting “Aye”.**

22541 [PCT. 4 #05-4-002, 2 LOTS] TRES ARROYOS LOT 2 RESUBDIVISION * APPROVE PRELIMINARY PLAN [T1-120]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for “Tres Arroyos Lot 2 Resubidivision”. All voting “Aye”.**

22542 [PCT. 4 #05-4-040, 1 LOT] DEERFIELD ESTATES SECTION 2 PHASE 2 (LOT 27) * APPROVE FINAL PLAT [T1-132]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of “Deerfield Estates Section 2 Phase 2” [Lot 27]. All voting “Aye”.**

22543 [PCT. 4 #04-4-063, 15 LOTS] THE RANCHES @ HAMILTON POOL PHASE 2 * GRANT A VARIANCE FROM REQUIREMENT FOR WATER AVAILABILITY REPORT [T1-155]

Environmental Health Director Allen Walther advised that the developers have requested a variance of the water availability report requirement. This is a large subdivision with large lots and is jointly in Travis and Hays Counties. A water availability analysis would be of very limited benefit because of the size of the lots. They have drilled a well in the Travis county portion that produces an adequate supply of water. **A motion was made by Commissioner Molenaar, seconded by Commissioner to grant “The Ranches @ Hamilton Pool Phase 2” a variance from requirement for water availability report provided that there be no further resubdivision of lots smaller than 25 acres. All voting “Aye”.**

Clerk's Note: Agenda Item # 11 RE: [PCT. 4 #05-4-023, 46 LOTS] THE PRESERVE @ LA VENTANA PHASE 2 * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY was PULLED.

22544 ACTION TO SUPPORT TEXAS TRUTH IN TAXATION LEGISLATION [T1-200]

Discussion was had regarding House Bill 1006 by Rep. Carl Isett and Rep. Dan Gattis and the Senate version, Senate Bill 18 by Sen. Tommy Williams and Sen. Kyle Janek by resolution. Commissioner Carter proposed a resolution supporting legislation that would provide for reductions in the property tax burden on homeowners caused by rapidly escalating appraisal values. She spoke of the rate of inflation and increasing home values. The Governor has proposed limiting the rate of appraisal value increases on homestead properties from 10% to 3% to reduce the burden placed on homeowners without limiting local ability to raise revenue. Judge Powers spoke of amendments to HB 1006 – revenue comes because of growth and growth requires more services to be provided. New growth and debt will be excluded from this bill. Tax Assessor-Collector Luanne Caraway advised that value is driven on market only. Commissioner Molenaar advised that he can not support SB18 which would require cutting county departments. He spoke of members of the Commissioners Court struggling every year with the county budget and he feels like school funding is the problem. **A motion was made by Commissioner Carter, seconded by Judge Powers to adopt a resolution supporting the Texas Truth in Taxation Legislation, HB1006 by Rep. Carl Isett and Rep. Dan Gattis and the Senate Version, SB18 by Sen. Tommy Williams and Sen. Kyle Janek by Resolution. Commissioner Carter voting “Aye”. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe, and Judge Powers voting “No”. MOTION FAILED. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to adopt Resolution submitted by Judge Powers supporting House Bill 1006. All voting “Aye”.**

**RESOLUTION OF THE HAYS COUNTY COMMISSIONERS'
COURT SUPPORTING HOUSE BILL 1006,
AS AMENDED ON APRIL 21, 2005**

WHEREAS, Chapter 26 of the Property Tax Code requires a taxing unit to comply with truth-in-taxation laws in adopting their tax rates. These laws have two purposes: 1) to make taxpayers aware of tax rate proposals, and 2) to allow taxpayers, in certain cases, to roll back or limit a tax increase; and

WHEREAS, The goal of House Bill 1006 is to further empower and better inform local taxpayers and change the process by which higher appraisals automatically provide new tax revenue to taxing entities; and

WHEREAS, In order to produce a real and lasting property tax cut for the people of Texas, we must not only lower rates, we must provide taxpayer protections that put voters in control; and

WHEREAS, Truth-in-taxation ensures greater accountability to the people; and

WHEREAS, The Amendment offered by State Representative Carter Casteel, and adopted by the House, provides protections against unfounded mandates, that requires a taxing unit to establish, expand, or change an activity in a way that requires and expenditure of revenue that would not have been required in the absence of the statutory provision, rule, or order.

NOW, THEREFORE, BE IT RESOLVED THAT THE HAYS COUNTY COMMISSIONERS' COURT, DOES HEREBY SUPPORT H.B. 1006, AS AMENDED ON APRIL 21, 2005.



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The Court convened into closed executive session at 10:00 a.m. and reconvened into open meeting at 10:15 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW CANDIDATES FOR THE POSITION OF PERSONAL HEALTH DIRECTOR

Judge Powers advised that no action will be taken at this time regarding the position of Personal Health Director.

Commissioner Carter left the meeting at this time.

22545 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM AND ACTION TO INITIATE CONDEMNATION PROCEEDINGS

[T1-769] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to a find public necessity to acquire right-of-way along Nutty Brown Road and authorize the County Judge to execute resolution to initiate condemnation efforts relating to the following property: Parcel 4 John & Judith L. Serur; Parcel 15 Marvin C. Williams and M. Lynn Osler; Parcels 16, 16E, 18, 18E Owen T. Kenney and Daryl Howard; Parcel 21 Owen T. Kinney; Parcel 28 Thomas H. Davis; Parcel 32 Roger A. and Leona M. Johnson; Parcel 33 Juan and Teresa Campos; Parcel 34 Nicholas W. Burkhalter and Karen Ford; Parcel 36 Peter E. and Shirley H. Morris; Parcel 48 Edwin S. Nichols III and Amy Nichols; Parcel 50 James and Kathleen Thomerson. All present voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 26 . 2005.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3rd DAY OF MAY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

22546 APPROVE BUDGET AMENDMENT NO. 05-24

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-24 as proposed by the County Auditor. All voting "Aye".

22547 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of invoices in the amount of \$700,886.30 as presented by the County Auditor. All voting "Aye".

22548 APPROVE UTILITY PERMIT #01803

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01803 on CR119/Old Goforth Road issued to Rodman Construction as submitted by the County Road Department. All voting "Aye".

22549 APPROVE DECEMBER 2004, JANUARY 2005, AND FEBRUARY 2005 TREASURER'S REPORT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve December 2004, January 2005, and February 2005 Treasurer's Reports and Investment Reports as submitted. All voting "Aye".

22550 APPROVE CHANGE TO THE PERSONNEL POLICY MANUAL, PARAGRAPH 6.14

The Family Medical Leave Act of 1993 provides eligible employees with up to 12 workweeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave period. Currently paragraph 6.14 of the County Personnel Policy states "When the employee is on FMLA leave for a period of one month or more, sick and vacation accrual as well as holiday pay will be suspended until the employee returns to work". Recommended change: "When the employee is out of FMLA leave without pay for a period of one month or more, sick and vacation accrual as well as holiday pay will be suspended until the employee returns to work". A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve change to the Personnel Policy Manual Paragraph 6.14 (FMLA Leave) as recommended. All voting "Aye".

22551 APPROVE CONTRACT RENEWAL BETWEEN TRANSCOR AND THE HAYS COUNTY SHERIFF'S DEPT. FOR HOUSING AND TRANSPORTATION OF PRISONERS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract renewal between Transcor and the Hays County Sheriff's Department for housing and transportation of prisoners. All voting "Aye".

22552 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$1,005,000 TO THE U.S. FISH AND WILDLIFE SERVICE ADMINISTERED THROUGH TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE HAYS COUNTY HABITAT CONSERVATION PLAN AND EXECUTE CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a Grant Application for \$1,005,000 to the U.S. Fish and Wildlife Service administered through Texas Parks and Wildlife Department for the Hays County Habitat Conservation Plan and execute contract. All voting "Aye".



22553 [PCT. 3 #05-3-018, 2 LOTS] BURNETT RANCH UNIT 3 LOT 6 – APPROVE PRELIMINARY PLAN [T1-25]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for “Burnett Ranch Unit 3 Lot 6”. All voting “Aye”.

22554 [PCT. 3 #05-3-039, 2 LOTS] THE CROSSING, LOTS 22A & 23A – APPROVE FINAL PLAT

[T1-36] Environmental Health Director Allen Walther advised that The Crossing subdivision is an unrecorded subdivision and the proposal is to take two and one half existing unplatted tracts (part of 21 & all of 22 & 23) of unequal size and plat them into two lots of equal size. He gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of “The Crossing, Lots 22A & 23A”. All voting “Aye”.

22555 [PCT. 4 #05-4-002, 2 LOTS] TRES ARROYOS LOT 2 RESUBDIVISION – APPROVE FINAL PLAT [T1-49]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of “Tres Arroyos Resubdivision of Lot 2”. All voting “Aye”.

22556 [PCT. 4 #05-4-023, 46 LOTS] THE PRESERVE @ LA VENTANA PHASE 2 – APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY [T1-60]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and acceptance of construction security. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of “The Preseve @ La Ventana Phase 2” and accept fiscal surety. All voting “Aye”.

22557 [PCT. 4 #04-4-063, 15 LOTS] THE RANCHES @ HAMILTON POOL PHASE 2 – APPROVE PRELIMINARY PLAN [T1-74]

Environmental Health Director Allen Walther advised that this subdivision is in Travis and Hays County – it has very large lots and there is a plat note that restricts further resubdivision of lots smaller than 25 acres. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for “The Ranches @ Hamilton Pool Phase 2”. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

22558 [PCT. 4 #05-4-041, 3 LOTS] SUNSET CANYON SECTION 1 LOTS 260, 435 & 436 REPLAT – WAIVE PUBLIC NOTIFICATION AND PRELIMINARY PLAN REQUIREMENTS AND APPROVE FINAL PLAT [T1-90]

Environmental Health Director Allen Walther advised that these lots are being replatted to correct encroachments (realignment of lots). He gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive public notification and preliminary plan requirements and approve final plat of “Sunset Canyon Section 1 Replat of Lots 260, 435 & 436”. All voting “Aye”.

22559 [PCT. 4 #05-4-044, 3 LOTS] HUMMINGBIRD ACRES REPLAT OF LOTS 1 & 3 – APPROVE PRELIMINARY PLAN [T1-105]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for “Hummingbird Acres Resubdivision of Lots 1 & 3”. All voting “Aye”.

22560 CALL FOR A PUBLIC HEARING ON MAY 17, 2005 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT & STOP SIGNS) IN WHISPERING OAKS SUBDIVISION [T1-120]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on May 17, 2005 to establish traffic regulations (speed limit and STOP signs) in Whispering Oaks Subdivision. All voting “Aye”.



22561 CALL FOR A PUBLIC HEARING ON MAY 17, 2005 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) IN ROLLING OAKS SUBDIVISION [T1-132]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on May 17, 2005 to establish traffic regulations (STOP signs) in Rolling Oaks Subdivision. All voting "Aye".

22562 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION TO PARTICIPATE IN TXDOT'S SHADOW TOLLING PROGRAM [T1-148]

Bob Austin (Turner, Collie & Braden) spoke of Pass Through Tolling Agreements – Hays County would pay for design, right of way and construction and TXDOT in turn would pay the County back for these costs based on the number of vehicles that utilize the roadways and the term of the agreement. The public would not pay a toll and there would be no toll booths. The projects included in the agreement are: FM1626 from Bliss Spiller Road to FM 967, FM 967 from Onion Creek near Buda to FM 1626, and RM 12 from San Marcos city limits to RM 32. Commissioner Molenaar spoke in support of this program. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to submit an application to participate in TXDOT's Shadow Tolling Program. All voting "Aye".**

Clerk's Note: Agenda item # 18 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A WAIVER OF SERVICES AT THE REQUEST OF THE CITY OF KYLE PERTAINING TO CITY OF KYLE V. JOSE HERNANDEZ, A CONDEMNATION MATTER was PULLED. NO DISCUSSION AND NO ACTION.

22563 APPROVE EXPENDITURE OF \$7000 FROM BOND ROAD FUNDS FOR DESIGN OF PIPELINE MODIFICATIONS ON POSEY ROAD AND REDWOOD ROAD [T1-218]

Bob Austin (Turner, Collie & Braden) spoke of high pressure gas lines (owned by Enterprise Products) located within an easement that needs modifications. Enterprise Products (EPOLP) has received a quote of \$250,000± which TC&B feels is excessive and is recommending the EPOLP be directed to produce bid documents to be advertised to at least 3 contractors in order that the construction can be accomplished at a lower cost. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve expenditure of \$7,000 from Bond Road funds for design of pipeline modifications on Posey Road and Redwood Road. All voting "Aye".**

22564 SET A POLICY FOR NAMING AND SIGNING PRIVATE DRIVEWAYS [T1-280]

Environmental Health Director Allen Walther proposed a policy for naming and signing private driveways as follows: Programs Manager/GIS/911Addressing Steve Floyd spoke of pathway/driveways serving multiple structures that need to be named for public safety purposes – it will be up to property owners to number their homes for identification. If they name the driveway they will have to change their mailing address. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt Policy for Naming and Signing Private Driveways. All voting "Aye".**

SIGNAGE AND NAMING PRIVATE DRIVEWAYS

- ◆ Private shared use driveways are not county permitted roads and are named only to facilitate emergency services.
- ◆ Only driveways serving two or more separate residences will be named.
- ◆ Requests for naming private driveways shall be in writing and at the request of all residents living along the driveway.
- ◆ The cost for signage shall be equal to the actual cost to the County, at this time \$83, and shall be paid by the applicant at the time of the request.
- ◆ Signs shall be blue with white lettering as installed by the Road Department.
- ◆ All driveways, and no other new roads, shall end with the suffix "Path".



22565 AUTHORIZE THE POSTING OF SIGNAGE RELATING TO THE PROHIBITION OF ANIMALS RUNNING AT LARGE AS CONTAINED IN THE COUNTY'S ANIMAL CONTROL ORDINANCE [T1-390]

Animal Control Ordinance No. 20893 prohibits "unrestrained animals" running at large. Commissioner Ingalsbe requested approval of language for a sign and authorize the Road Dept. to install the signs at entrances to subdivisions and selected locations outside subdivisions. The proposed wording is:

**UNRESTRAINED
ANIMALS
PROHIBITED**
CLASS C MISDEMEANOR
CHARGE
FOR VIOLATIONS
HAYS COUNTY ANIMAL
CONTROL ORDINANCE
NO. 20893

The locations outside established subdivisions will be selected by the Road Engineer/Supt. in consultation with the respective Precinct Commissioner. Commissioner Molenaar suggested including an amount of fine for the violation (ie up to \$500) on the sign. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the posting of signage relating to the prohibition of animals running at large as contained in the county's animal control ordinance. All voting "Aye".**

Court convened into closed executive session at 10:00 a.m. and reconvened into open meeting at 10:45 a.m.

22566 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE TO DISCUSS AND DELIBERATE THE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY WITH ACTION FOLLOWING IN OPEN COURT [T1-455]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to accept proposed agreement that Hays County purchase the Juvenile Detention Facility from the Public Facilities Corporation, be involved in the management and control of the facility from an operations standpoint, and instruct Steve Brown, Dan Wegmiller (Bond Counsel) and Jacqueline Cullom Murphy to work out specific issues. It was stated that County Auditor Bill Herzog will continue to be involved as well. Commissioner Ingalsbe and Commissioner Carter thanked Bill Herzog for his hard work in negotiating this matter. County Auditor Bill Herzog advised that the County will buy the facility from the Public Facilities Corp. and will finance the purchase with State Street Global Markets – the County will own, operate and maintain the facility. Chief Juvenile Probation Officer Ed Cooper spoke in support of this action. **All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 3 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF MAY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22567 ADOPT A PROCLAMATION DECLARING MAY 15 - 20, 2005 AS NATIONAL PEACE OFFICER MEMORIAL WEEK

Deputy Sheriff Dennis Gutierrez advised that on May 19th at noon there will be a memorial service on the courthouse lawn and he encouraged everyone to attend. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Proclamation declaring May 15-20, 2005 as "National Peace Officer Memorial Week". All voting "Aye".

22568 APPROVE BUDGET AMENDMENT 05-25

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-25 as proposed by the County Auditor. All voting "Aye".

22569 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$762,177.68 as presented by the County Auditor. All voting "Aye".

22570 APPROVE UTILITY PERMIT #01804

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Utility Permit #01804 on CR129/Cotton Gin Road issued to Goforth Water Supply Corp. All voting "Aye".

22571 ACCEPT THE INTERNAL EXAMINATION REPORTS FOR THE CONSTABLE PRECINCT 1 AND CONSTABLE PRECINCT 3 OFFICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept the Internal Examination Reports for Constable Precinct 1 and Constable Precinct 3 Offices. All voting "Aye".

22572 APPROVE THE PURCHASE OF TWO 6 COMPARTMENT CHASSIS MOUNT ANIMAL CONTROL UNITS FROM DEERSKIN ANIMAL CONTROL

Three bids were received with Deerskin Animal Control having the lowest and best bid. The units will be mounted on the back of current Animal Control trucks, replacing the bed. County Auditor Bill Herzog advised that a budget amendment is not necessary for this item. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the purchase of two 6-compartment chassis mount animal control units from Deerskin Animal Control at a cost of \$11,759.11 per unit. All voting "Aye".

22573 APPROVE PROFESSIONAL SERVICES CONTRACT RENEWAL WITH SUNDAY AND ASSOCIATES, INC. TO CONTINUE SERVING AS THE HAYS COUNTY INSURANCE CONSULTANT

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Professional Services Contract Renewal with Sunday and Associates Inc. to continue serving as the Hays County Insurance Consultant. All voting "Aye".



22574 AUTHORIZE THE COUNTY JUDGE TO SIGN AGREEMENT FOR ARBITRAGE SERVICES WITH ARBITRAGE COMPLIANCE SPECIALISTS

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to sign agreement for Arbitrage Services with Arbitrage Compliance Specialist. All voting "Aye".

22575 [PCT. 3 #04-4-062, 2 LOTS] BURNETT RANCH UNIT 5 LOT 121 RESUBDIVISION AND PARTIAL VACATING OF LOT 121 - APPROVE FINAL PLAT [T1-98]

Linda Anderson spoke of opposition to this subdivision at a previous meeting and she asked the court to deny approval of this subdivision. David Jones feels like it is the property owners right to subdivide their property within the confines of applicable restrictions and laws. He advised that the purported developer does not own the land. Special Counsel Jacqueline Cullom Murphy stated that staff feels like all requirements have been met and approval should be granted. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Burnett Ranch Unit 5 Resubdivision and Partial Vacation of Lot 121. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No:".

22576 [PCT. 4 #05-4-044, 3 LOTS] HUMMINGBIRD ACRES LOTS 1 & 3 RESUBDIVISION - APPROVE FINAL PLAT [T1-300]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Hummingbird Acres Resubdivision of Lots 1 & 3". All voting "Aye".

22577 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A WAIVER OF SERVICES AT THE REQUEST OF THE CITY OF KYLE PERTAINING TO CITY OF KYLE V. JOSE HERNANDEZ, A CONDEMNATION MATTER [T1-311]

Robert Powers (representative of the City of Kyle) spoke of land to be acquired to extend water and wastewater services and future road widening. A motion was made by Judge Powers, seconded by Commissioner Conley to authorize the County Judge to execute a Waiver of Services at the request of the City of Kyle pertaining to *City of Kyle V. Jose Hernandez*, a condemnation matter. All voting "Aye".

22578 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH LANGFORD COMMUNITY MANAGEMENT SERVICES RELATING TO THE ADMINISTRATION OF THE 2005 TEXAS PARKS AND WILDLIFE OUTDOOR PARK GRANT [T1-357]

Grants Administrator Richard Salmon advised that this is for project management of expansion of 5 mile dam park - it is for scheduling, budgeting and reporting multiple grants - the price is low. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute an agreement with Langford Community Management Services relating to the administration of the 2005 Texas Parks and Wildlife Outdoor Park Grant. All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A PERSONAL HEALTH DIRECTOR

Court convened into closed executive session at 9:50 a.m. and reconvened into open meeting at 10:00 a.m. Judge Powers announced that no action will take place on this agenda item at this time.

Court was adjourned.

I, LEE CARLISLE, 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 10 , 2005.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF MAY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22579 APPROVE BUDGET AMENDMENT NO. 05-26

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment No. 05-26 as proposed by the County Auditor. All voting "Aye".

22580 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$643,013.96 as presented by the County Auditor. All voting "Aye".

22581 ACCEPT AMENDMENT #1 FOR HAVA FUNDS AS PRESENTED BY SECRETARY OF STATE ROGER WILLIAMS TO COMMISSIONERS' COURT ON APRIL 19, 2005

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept Amendment #1 for HAVA funds as presented by Secretary of State Roger Williams to Commissioners' court on April 19, 2005. All voting "Aye".

22582 ACCEPT FEMA EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept FEMA Emergency Management Performance Grant from the Office of the Governor, Division of Emergency Management. All voting "Aye".

22583 APPROVE MOBILE PHONE FOR THE HAYS COUNTY FIRE MARSHAL'S OFFICE

Fire Marshal Mark Chambers advised that funds are available for new phone for new employee – he is requesting a Nextel phone instead of Verizon due to lower cost. No budget amendment necessary. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve mobile phone for the Hays County Fire Marshal's Office. All voting "Aye".

22584 AUTHORIZE OUT-OF-STATE TRAVEL FOR JOYCE COWAN, (ELECTIONS ADMIN) AND SUE BASHAM (ASST. EA) TO ATTEND THE ANNUAL IACREOT CONFERENCE & TRADE SHOW IN NEW YORK, NEW YORK (JULY 1-6, 2005) [T1-58]

Commissioner Carter spoke of two conferences that will be held in Austin – she is opposed to out-of-state travel when we have equivalent training in State. Elections Administrator Joyce Cowan advised that she will be attending both conferences in Austin - the one in New York is international and there is a difference in the conferences – more HAVA compliance issues will be covered. Funding is available from the grant for training and education. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize out-of-state travel for Joyce Cowan and Sue Basham to attend the annual IACREOT Conference & Trade Show in New York, New York (July 1-6, 2005). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

22585 [PCT. 2 #05-2-028, 86 LOTS] SHADOW CREEK PHASE 1 SECTION 1 * APPROVE REVISED FINAL PLAT [T1-150]

Environmental Health Director Allen Walther advised that the revised plat reduces the number of lots in the subdivision. A motion was made by Commissioner Carter, Seconded by Commissioner Ingalsbe to approve revised final plat of "Shadow Creek Phase 1 Section 1". All voting "Aye".



22586 [PCT. 4 #05-4-047, 2 LOTS] SPRINGLAKE TRACTS 110 & 135 * APPROVE FINAL PLAT; WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-163]

Environmental Health Director Allen Walther advised that a common lot line is being amended and he recommended final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive preliminary plan and public notification requirements and approve final plat of "Springlake Tracts 110 & 135". All voting "Aye".

22587 [PCT. 4 #03-4-065, 23 LOTS] HOWARD RANCH SECTION 1 * APPROVE FINAL PLAT, ACCEPT CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE R-O-W AND ACCEPT MAINTENANCE FISCAL [T1-176]

Environmental Health Director Allen Walther advised that the roads were constructed prior to final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat, accept construction of road and drainage improvements with the right-of-way and accept maintenance fiscal security. All voting "Aye".

22588 [PCT. 4 #05-4-034, 1 LOT] LAWRENCE SUBDIVISION * APPROVE PRELIMINARY PLAN

[T1-193] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Lawrence Subdivision". All voting "Aye".

22589 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) IN ROLLING OAKS SUBDIVISION [T1-216]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that this action would officially establish traffic regulations already in place. STOP sign on Limestone Trail @ Rolling Oaks Drive, on Billie Brooks Drive @ Rolling Oaks Drive, on Jennifer Lane @ Rolling Oaks Drive, on Lonesome Trail @ Jennifer Lane, on Lonesome Trail @ Rolling Oaks Drive, on Bukskin Pass @ Rolling Oaks Drive, on Misti Lane @ Rolling Oaks Drive, on Rolling Oaks Drive @ York Creek Road, on York Creek Road @ Bee Gee Road, on Trails End @ York Creek Road, and on Todo Lane @ York Creek Road. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations – STOP signs – in Rolling Oaks Subdivision as presented by the Road Department. All voting "Aye".

22590 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS AND 30 MPH SPEED LIMIT) IN WHISPERING OAKS SUBDIVISION [T1-232]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that traffic regulations need to be established. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations in Whispering Oaks Subdivision as follows: Set speed limit at 30MPH, STOP sign on Evergreen Way at Nutty Brown Road, STOP sign on Evergreen Cove at Evergreen Way, and STOP sign on Red Oak Cove at Evergreen Way. All voting "Aye".

22591 CANVASS ELECTION RESULTS FOR JUSTICE OF PEACE PRECINCT 4 LOCAL OPTION ELECTION HELD MAY 7, 2005 [T1-247]

Elections Administrator Joyce Cowan provided tabulation of votes – both propositions passed. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to canvass election results for Justice of Peace Precinct 4 Local Option Election held May 7, 2005. All voting "Aye".

PROPOSITION: "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only"

FOR = 591 votes
 AGAINST = 301 votes

PROPOSITION: "The legal sale of beer and wine"

FOR = 606 votes
 AGAINST = 291 votes

22592 CANVASS ELECTION AND APPROVE A RESOLUTION DECLARING THE RESULTS FOR THE WOODCREEK NORTH ROAD DISTRICT BOND ELECTION HELD MAY 7, 2005 [T1-270]

Election Administrator Joyce Cowan advised that there were 272 votes FOR and 176 votes AGAINST the proposition authorizing the Woodcreek North Road District to issue its bonds in the total sum of \$15,000,000. The proposition FAILED because a 2/3 majority vote was required. Vote was 61% FOR and 39% AGAINST. A motion was made by Commissioner Conley, Seconded by Commissioner Carter to canvass election and approve a resolution declaring the results for the Woodcreek North Road District Bond Election held May 7, 2005. All voting "Aye".



- 22593 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING AMONG HAYS COUNTY, THE CITY OF SAN MARCOS AND TEXAS STATE UNIVERSITY-SAN MARCOS RELATING TO A COLLABORATIVE EFFORT TO SEEK FUNDING FOR THE DEVELOPMENT OF GREENSPACE/PARK LAND ON 251 ACRE TRACT OF LAND ON SPRING LAKE HILLS** [T1-311]

Commissioner Conley spoke in support of the Memorandum of Understanding. This MOU has been developed to promote and facilitate planning for an innovative, collaborative effort to provide an environmentally sensitive contiguous green space and is designed to assure that planning for this effort proceed in a manner that is fully supportive of the missions of all three entities. Any of the three entities may terminate its participation in activities associated with this MOU by notifying the other entities in writing. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Memorandum of Understanding among Hays County, the City of San Marcos, and Texas State University - San Marcos relating to a collaborative effort to seek funding for the development of greenspace/park land on 251 acre tract of land on Spring Lake Hills. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

- 22594 **APPROVE \$325,000, FROM COUNTY PARK BOND FUNDS, FOR THE NORTH HAYS COUNTY OPTIMIST CLUB** [T1-527]

Grants Administrator Richard Salmon spoke of priority being a park east of IH35 and project #8 is now ready - this project is for a 21 acre park on CR157 four miles east of the city of Kyle. A powerpoint presentation was given. Phase 1 of the project would include installing lighting for fields and community areas and hook-up electricity to buildings; fence off football field and pedestrian bridge; install concrete football goal poles, and put gravel on parking lot and walkways. Phase 2 of the project would include installing two baseball fields; repair existing baseball field and bleachers; purchase and install storage buildings and shed; build concession stand, restroom and office space; and landscape entrance and fields. Partners in the project will be Hays County, North Hays County Optimist Club, Texas Parks & Wildlife Dept., LCRA, PEC, Centex Materials, Musco Lighting, Private Foundations, and individual donors. Phase 1 = \$265,000 (Hays County \$200,000 In-Kind match \$65,000) Phase 2 = \$160,000 (Hays County \$125,000 In-Kind Match \$35,000). Volunteers will maintain the facilities. Staff recommends issuance of letter of commitment for \$325,000 to North Hays County Optimist Club (NHCO), limit term of commitment to 2 years, require NHCO to commit to improvements and maintenance of property, require NHCO to work with the Grants Office to locate additional funds, require NHCO to acquire cash or in-kind matching funds, require NHCO to work with the Grants office to verify all match, the Auditor's office will make payments to NHCO through the use of purchase orders, the Auditor's office and/or the grants office will verify any equipment purchased with grant or matching funds. Commissioner Ingalsbe spoke in support of this park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve commitment of \$325,000 from the County Park Bond Funds for the North Hays County Optimist Club. All voting "Aye".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A PERSONAL HEALTH DIRECTOR (TO INCLUDE INTERVIEWS OF CANDIDATES)

Court convened into closed executive session at 10:00 a.m. and reconvened into open meeting. No action taken.

Clerk's Note: **EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING A) PARCEL 49, NUTTY BROWN ROAD, FOREST R. HOLDER AND JANET L. HOLDER, FEE OWNERS; B) PARCEL 51, NUTTY BROWN ROAD, THOMAS MARTINEK AND SHELLY MARTINEK, FEE OWNERS; C) PARCEL 61, NUTTY BROWN ROAD, LARRY ROBERTS AND HELEN ROBERTS, FEE OWNERS; D) PARCELS 3, 64 AND 65, NUTTY BROWN ROAD, DAVID LIBERSAT AND KATHY LIBERSAT, FEE OWNERS; E) PARCEL 69, NUTTY BROWN ROAD, ALAN LAWRENCE GAHAGAN AND LISA MARIE GAHAGAN, FEE OWNERS was PULLED. **NO DISCUSSION AND NO ACTION TAKEN.****

Court was adjourned.

I, LEE CARLISLE, 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, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



MAY 24, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24TH DAY OF MAY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22595 APPROVE BUDGET AMENDMENT 05-27

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment No. 05-27 as proposed by the County Auditor. All voting "Aye".

22596 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$589,980.87 as presented by the County Auditor. All voting "Aye".

22597 APPROVE UTILITY PERMIT #01805

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Permit #01805 on Heidenreich Lane issued to Verizon. All voting "Aye".

22598 APPROVE MARCH 2005 TREASURER'S REPORT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve March 2005 Treasurer's Report and Investment Report as presented. All voting "Aye".

22599 ACCEPT \$5,000.00 GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR PURCHASE OF CASE MANAGEMENT SOFTWARE NECESSARY TO ACHIEVE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REPORTING REQUIREMENTS FOR THE JUSTICE OF THE PEACE PCT. 3 OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept \$5,000.00 Grant from the Texas Department of Public Safety for purchase of Case Management Software necessary to achieve Federal Motor Carrier Safety Administration reporting requirements for the Justice of the Peace Pct. 3 office. All voting "Aye".

22600 ACCEPT INTERNAL EXAMINATION REPORTS FOR THE CONSTABLE PCT. 2 OFFICE AND THE JUSTICE OF THE PEACE PCT. 3 OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept Internal Examination Reports for the Constable Pct. 2 office and the Justice of the Peace Pct. 3 Office. All voting "Aye".

22601 APPROVE PURCHASE OF TWO 5-DRAWER TOP ROLLOUT SHELF FILE CABINETS FOR THE INFORMATION TECHNOLOGY DEPARTMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve purchase of two 5-drawer top rollout shelf file cabinets for the Information Technology Department. All voting "Aye".

22602 AUTHORIZE APPRAISAL OF THE HAYS COUNTY JUVENILE DETENTION CENTER AND AMEND THE CONTRACT WITH VIVIAN ALEXANDER

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize appraisal of the Hays County Juvenile Detention Center and amend the contract with Vivian Alexander. All voting "Aye".



22603 [PCT. 3 #05-3-046, 2 LOTS] **SHADOW VALLEY RESUBDIVISION OF TRACT 49 - APPROVE PRELIMINARY PLAN** [T1-44]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Shadow Valley Resubdivision of Tract 49". All voting "Aye".

22604 [PCT. 4 #05-4-034, 1 LOT] **LAWRENCE SUBDIVISION - APPROVE FINAL PLAT** [T1-52]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Lawrence Subdivision". All voting "Aye".

Clerk's Note: Agenda Item #11 re: PCT. 4 05-4-009 SL-967, 1 LOT - CONSIDER APPROVAL OF FINAL PLAT was PULLED. No discussion and No action taken.

22605 [PCT. 4 #05-4-037, 2 LOTS] **CROSSROAD ESTATES SECTION 2 RESUBDIVISION OF LOT 1 - APPROVE PRELIMINARY PLAN** [T1-62]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Crossroad Estates Section 2 Resubdivision of Lot 1". All voting "Aye".

22606 [PCT. 4 #04-4-053, 3 RENTAL SPACES] **HARMON HILLS TRACT 27 - APPROVE INFRASTRUCTURE PLAN** [T1-73]

Environmental Health Director Allen Walther gave staff recommendation for approval of infrastructure plan for 3 rental spaces. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Infrastructure Plan for "Harmon Hills Tract 27 - 3 rental spaces". All voting "Aye".

22607 **CALL FOR A PUBLIC HEARING ON JUNE 7, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) ON SOUTH TURNERSVILLE RD, CR 212** [T1-100]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on June 7, 2005 to consider establishing traffic regulations (Speed Limit) on South Turnersville Road (CR212). All voting "Aye".

22608 **CALL FOR A PUBLIC HEARING ON JUNE 7, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) ON SOUTH TURNERSVILLE RD, CR 106** [T1-116]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on June 7, 2005 to consider establishing traffic regulations (Speed limit) on South Turnersville Road (CR106). All voting "Aye".

22609 **CALL FOR A PUBLIC HEARING ON JUNE 7, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) IN SADDLETREE SUBDIVISION** [T1-129]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on June 7, 2005 to consider establishing traffic regulations (speed limit) in Saddletree Subdivision". All voting "Aye".

22610 **CALL FOR A PUBLIC HEARING ON JUNE 7, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) IN HURLBUT RANCH EAST SUBDIVISION**

[T1-133] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on June 7, 2005 to consider establishing traffic regulations (speed limit) in Hurlbut Ranch East Subdivision. All voting "Aye".

22611 **CALL FOR A PUBLIC HEARING ON JUNE 7, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) IN HURLBUT RANCH WEST SUBDIVISION**

[T1-141] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on June 7, 2005 to consider establishing traffic regulations (speed limit) in Hurlbut Ranch West Subdivision. All voting "Aye".



- 22612 ACCEPT THE RESIGNATION OF CONSTABLE PRECINCT 3 RON MAGILL AND APPOINT DEPUTY CONSTABLE DARRELL W. AYERS AS CONSTABLE PRECINCT 3, PURSUANT TO SECTION 87.041, TEXAS LOCAL GOVERNMENT CODE, TO BE EFFECTIVE JUNE 1, 2005 [T1-150]**

Constable Pct. 3 Ron Magill submitted a letter of resignation stating that he has accepted employment in the private sector. Judge Powers presented Mr. Ayers with a plaque recognizing Constable Magill's service to Hays County. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept the resignation of Constable Precinct 3 Ron Magill and appoint Deputy Constable Darrell W. Ayers as Constable Precinct 3, pursuant to Section 87.041 Texas Local Government Code, to be effective June 1, 2005. All voting "Aye".

- 22613 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH CENTERPOINT ENERGY RESOURCES CORPORATION FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-13) - HAYS COUNTY / TC&B / CENTERPOINT ENERGY RESOURCES CORPORATION (REDWOOD ROAD)**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Adjustment Agreement with Centerpoint Energy Resources Corporation for the Hays County Road Bond Program (HC-Bond-13)- Hays County/TC&B/Centerpoint Energy Resources Corporation (Redwood Road). All voting "Aye".

- 22614 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH PEDERNALES ELECTRIC COOPERATIVE FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-09) - HAYS COUNTY / TC&B / PEDERNALES ELECTRIC COOPERATIVE (NUTTY BROWN ROAD) [T1-186]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Adjustment Agreement with Pedernales Electric Cooperative for the Hays County Road Bond Program (HC-Bond-09) - Hays County/TC&B/Pedernales Electric Cooperative (Nutty Brown Road). All voting "Aye".

- 22615 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH PEDERNALES ELECTRIC COOPERATIVE FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-17) - HAYS COUNTY / TC&B / PEDERNALES ELECTRIC COOPERATIVE (SAWYER RANCH ROAD) [T1-193]**

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Adjustment Agreement with Pedernales Electric Cooperative for the Hays County Road Program (HC-Bond-17) - Hays County/TC&B/Pedernales Electric Cooperative (Sawyer Ranch Road). All voting "Aye".

- 22616 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT WITH UNION PACIFIC RAILROAD FOR RECONSTRUCTION OF AT-GRADE RAILROAD CROSSING FOR THE HAYS COUNTY ROAD BOND PROGRAM - HAYS COUNTY / TC&B / UNION PACIFIC RAILROAD (KOHLEERS CROSSING) [T1-208]**

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute contract with Union Pacific Railroad for reconstruction of At-Grade Railroad Crossing for the Hays County Road Bond Program - Hays County/TC&B/Union Pacific Railroad (Kohlers Crossing). All voting "Aye".

- 22617 APPROVE A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE ONE OR MORE SERIES OF CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH (RELATES TO FUNDING OF THE HAYS COUNTY JUVENILE DETENTION FACILITY) [T1-220]**

Dan Wegmiller, Bond Counsel, explained Certificates of Obligation. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve a resolution approving and authorizing publication of Notice of Intent to issue one or more series of Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15C2-12; and resolving other matters in connection therewith (relates to funding of the Hays County Juvenile Detention Facility). All voting "Aye".



22618 ORDER A PUBLIC HEARING PURSUANT TO SECTION 257.024, TEXAS TRANSPORTATION CODE, TO BE HELD ON JUNE 14, 2005 TO CONSIDER THE EXCLUSION OF CERTAIN REAL PROPERTY FROM THE BOUNDARIES OF THE WOODCREEK NORTH ROAD DISTRICT [T1-279]

Commissioner Conley spoke of action creating the district in order to improve the infrastructure in the district – an election was held in May and fell short 27 votes in passing. The vote indicated that people on the east side of the district did not support the tax because their roads were in fairly decent shape. They are now proposing to change the district boundaries excluding properties on the eastern section. An election will be held on September 10, 2005 for a \$13 million bond rather than a \$15 million bond and the development agreement will be amended. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to Order a public hearing, pursuant to Section 257.024 of the Texas Transportation Code, to be held on June 14, 2005 to consider the exclusion of certain real property from the boundaries of the Woodcreek North Road District. All voting "Aye".

22619 ORDER A PUBLIC HEARING PURSUANT TO CHAPTER 1471, TEXAS GOVERNMENT CODE, ON JUNE 14, 2005 RELATING TO A BOND ELECTION FOR THE WOODCREEK NORTH ROAD DISTRICT [T1-388]

Phil Stribling advised that he was involved in obtaining signatures on the petitions and he explained the time restraints in completing the petitions. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to order a public hearing pursuant to Chapter 1471, Texas Government Code, to be held on June 14, 2005 relating to a bond election for the Woodcreek North Road District. All voting "Aye".

The court convened into closed executive session at 9:50 and reconvened into open meeting at 10:10 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE THE POTENTIAL ACQUISITION OF REAL PROPERTY IN PRECINCT 4

Judge Powers advised that no action will be taken on this matter.

22620 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM (NUTTY BROWN ROAD) [T1-431]

Note: Parcel 69 (posted on the agenda) has already been settled and will not necessitate condemnation. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to find public necessity to widen Nutty Brown Road and improve drainage and authorize condemnation of the following parcels: (a) Parcel 49 - Forest R. Holder and Janet L. Holder, fee owners; (b) Parcel 51- Thomas Martinek and Shelly Martinek, fee owners; (c) Parcel 61 - Larry Roberts and Helen Roberts, fee owners; and (d) Parcels 63, 64 and 65 - David Libersat and Kathy Libersat, fee owners. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22621 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A PERSONAL HEALTH DIRECTOR (TO INCLUDE INTERVIEWS OF CANDIDATES) AND ACTION TO HIRE [T1-457]

A motion was made by Judge Powers, seconded by Commissioner Carter to hire (appoint) Nick Icosipentarios effective June 1, 2005. He will be working closely with Luiz Gonzales (Human Resources Director) regarding any issues and have a probation period of 180 days. . All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 . 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



MAY 31, 2005

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31st DAY OF MAY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

AND THE FOLLOWING MEMBERS WAS ABSENT: COUNTY JUDGE JAMES L. POWERS; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Molenaar presided over the meeting due to the absence of Judge Powers and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22622 APPROVE PROCLAMATION SUPPORTING THE MONTH OF JUNE 2005 AS HAYS COUNTY HUNGER AWARENESS MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Proclamation supporting the Month of June 2005 as "Hays County Hunger Awareness Month". All present voting "Aye".

22623 APPROVE BUDGET AMENDMENT NO. 05-28

A motion was made by Commissioner Molenaar, Seconded by Commissioner Conley to approve Budget Amendment No. 05-28 as proposed by the County Auditor. All voting "Aye".

22624 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, Seconded by Commissioner Conley to approve payment of county invoices in the amount of \$242,697.12 as presented by the County Auditor. All voting "Aye".

22625 APPROVE UTILITY PERMITS #01806 & 01807

A motion was made by Commissioner Molenaar, Seconded by Commissioner Conley to approve Utility Permit #01806 on CR133/Hillside Terrace issued to Goforth Water Supply Corp. and Utility Permit #01807 on McCarty Lane issued to Grande Communications. All voting "Aye".

22626 APPROVE SPECIFICATIONS FOR RFP/EMPLOYEE GROUP SELF FUNDED HEALTH AND DENTAL PLAN AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve specifications for RFP/Employee Group Self Funded Health and Dental Plan and authorize Purchasing Agent to solicit for proposal and advertise. All voting "Aye".

22627 APPROVE GRADE 919 FOR THE SUBDIVISION COORDINATOR POSITION AND AMEND THE BUDGET ACCORDINGLY

Environmental Health Director Allen Walther advised that Human Resources compared this position to the city's position and they found a very close match wasn't given consideration during the evaluations and they have a recommendation for a grade for this position. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Grade 919 for the Subdivision Coordinator Position and amend the budget accordingly. All voting "Aye".

22628 APPROVE THE PROPOSAL FROM W.F. "DUB" SMITH, MAI, SRA, SRPI, TO COMPLETE APPRAISALS OF TWO PROPERTIES IN THE DRIPPING SPRINGS AREA

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve the proposal from W. F. "Dub" Smith, MAI, SRA, SPRI, to complete appraisals of two properties in the Dripping Springs area. All voting "Aye".



22629 [PCT. 4 #05-4-045, 2 LOTS] FREEDOM ACRES – APPROVE PRELIMINARY PLAN [T1-117]

Property owner Judith R. Lee proposes to divide a 10.983 acre of land into 2 lots with access onto Plum Creek Lane. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Freedom Acres" subdivision. All voting "Aye".

22630 CALL FOR A PUBLIC HEARING ON JUNE 14, 2005 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON TWO SECTIONS OF OLD BASTROP HIGHWAY: (1) BETWEEN HWY 80 AND HWY 21 & (2) BETWEEN HWY 80 AND THE SAN MARCOS RIVER [T1-129]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on June 14, 2005 to establish traffic regulations (speed limit) on two sections of Old Bastrop Highway: (1) between State Hwy. 80 and State Hwy. 21, and (2) between State Hwy 80 and the San Marcos River. All voting "Aye".

Clerk's Note: Agenda Item #11 RE: APPROVE LETTER AGREEMENT WITH THE CITY OF DRIPPING SPRINGS FOR CONTRIBUTION OF \$1,500.00 TO THE REGIONAL WATER QUALITY PLANNING PROJECT FOR COMPLETION OF THE REGIONAL WATER STUDY AND AMEND THE BUDGET ACCORDINGLY was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

22631 DECLARE AN EMERGENCY TO AMEND THE FY05 ROAD & BRIDGE BUDGET FOR INCREASE IN FUEL EXPENSE OF \$59,500.00 FROM RESERVES IN ROAD AND BRIDGE GENERAL FUND [T1-136]

Due to the unforeseen continued high cost of diesel & gasoline, the court needs to declare an emergency to fund \$59,500 out of R&B General fund reserves. The estimated increase needed is \$72,500 of which equipment savings transfers of \$13,000 reduces the required amount to \$59,500. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to declare an emergency to amend the FY05 Road & Bridge budget for increase in fuel expense of \$59,500 form reserves in Road & Bridge General Fund. All voting "Aye".

PRESENTATION OF CERTIFICATES OF APPRECIATION TO PAWS AND GEO GROUP INC. ON THEIR COLLABORATIVE P.E.T.S. IN PRISONS PROGRAM

Patti Rudick, Executive Director of PAWS, spoke of cell dog program being conducted at the Kyle prison facility. 18 inmates (dog handlers) and 9 dogs are in the program – they train and rehabilitate the dogs. She stated that the results have been outstanding. Debra Knoles (GEO representative) appeared with one of the cell dogs (Elvira) and explained the program. Commissioner Carter read a Certificate of Appreciation which she gave to PAWS and Geo Group Inc. on their collaborative P.E.T.S. in Prison Program.

Court was adjourned.

I, LEE CARLISLE, 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 31 , 2005.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





JUNE 7, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 7th DAY OF JUNE A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22632 APPROVE BUDGET AMENDMENT NO. 05-29

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-29 as proposed by the County Auditor. All voting "Aye".

22633 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$250,404.59 as presented by the County Auditor. All voting "Aye".

22634 APPROVE UTILITY PERMIT# 01808

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01808 on El Camino Real issued to Carter and Burgess Inc. as submitted by the Road Department. All voting "Aye".

22635 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCO FOR A SOLID WASTE GRANT PROGRAM FOR \$12,000.00 AND AUTHORIZE ACCEPTANCE

This grant will provide electrical and 3-phase power converters to the Wimberley and Dripping Springs recycling centers. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application to CAPCO for a Solid Waste Grant Program for \$12,000.00 and authorize acceptance. All voting "Aye".

22636 [PCT. 4 #04-4-054, 36 LOTS] DOS LAGOS - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION OF ROADS AND DRAINAGE IMPROVEMENTS [T1-23]

Environmental Health Director Allen Walther gave staff recommendation for final plat approve and acceptance of construction of roads and drainage improvements. A motion was made by Judge Powers, seconded by Commissioner Conley to approve final plat and accept construction for "Dos Lagos". Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar abstained.

22637 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATION (SPEED LIMIT) ON SOUTH TURNERSVILLE RD/CR 212 [T1-40]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 30 MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of 30 MPH speed limit on South Turnersville Road / CR212. All voting "Aye".

22638 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATION (SPEED LIMIT) ON SOUTH TURNERSVILLE RD./CR 106 [T1-54]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 30 MPH. A motion was made by Commissioner Carter, seconded by Commissioner Conley to establish traffic regulation of 30 MPH speed limit on South Turnersville Road / CR106. All voting "Aye".



22639 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATION (SPEED LIMIT) IN SADDLETREE SUBDIVISION [T1-64]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 25 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 25 MPH speed limit in the Saddletree Subdivision. All voting "Aye".

22640 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATION (SPEED LIMIT) IN HURLBUT RANCH EAST SUBDIVISION [T1-75]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 35 MPH speed limit. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 35 MPH speed limit in Hurlbut Ranch East Subdivision. All voting "Aye".

22641 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATION (SPEED LIMIT) IN HURLBUT RANCH WEST SUBDIVISION [T1-91]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 35 MPH speed limit. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 35 MPH in Hurlbut Ranch West Subdivision. All voting "Aye".

22642 APPROVE LETTER AGREEMENT WITH THE CITY OF DRIPPING SPRINGS FOR CONTRIBUTION OF \$1,500.00 TO THE REGIONAL WATER QUALITY PLANNING PROJECT FOR COMPLETION OF THE REGIONAL WATER STUDY AND AMEND THE BUDGET ACCORDINGLY [T1-108]

On January 4, 2005 the Commissioners' Court allocated \$2,000 to the Regional Water Quality Planning Project (RWQPP) and at the time the court offered to contribute an additional amount to complete the study. RWQPP Executive Director Terry Tull advised that the plan is finished and it will be delivered to the Water Board later this month. He advised that \$1500 is needed to cover the costs and he spoke of the importance of this project to protect the aquifer. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve Letter of Agreement with the City of Dripping Springs for contribution of \$1,500.00 to the Regional Water Quality Planning Project for completion of the Regional Water Study from LCRA funds. All voting "Aye".

22643 APPROVE THE TRANSFER OF DPS PHONE SERVICE FROM CINGULAR TO NEXTEL [T1-236]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve the transfer of DPS phone service from Cingular to Nextel. All voting "Aye".

22644 ACTION TO CANCEL COMMISSIONERS' COURT ON JUNE 28 AND JULY 5, 2005

[T1-251] Judge Powers advised that three Commissioners will be out of pocket during this period of time and the court would not have a quorum. A motion was made by Judge Powers, seconded by Commissioner Molenaar to cancel Commissioners' Court on June 28 and July 5, 2005. All voting "Aye".

22645 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH SAN MARCOS MRI, DBA ADVANCED IMAGING SAN MARCOS TO PROVIDE IMAGING SERVICES [T1-267]

Health Department Director Nick Icosipentanhos advised that this is a standard agreement that allows a second provider for imaging services for the Hays County Maternity and Family Planning Clinic. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute an Agreement with San Marcos MRI, dba Advanced Imaging San Marcos, to provide imaging services. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

The Court convened into closed executive session at 9:30 a.m. and reconvened into open meeting at 10:45 a.m.



JUNE 7, 2005

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EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION THREATENED BY THE FAMILY OF LAURIE PINEDA

No discussion and no action taken in open meeting.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL FOR AN UPDATE ON LITIGATION RELATING TO THE HAYS COUNTY BAIL BOND BOARD INCLUDING THE LYNN AUTRY, JOHN MINING AND DAN ROBERTS LITIGATION. ACTION MAY FOLLOW IN OPEN COURT

No discussion and no action taken in open meeting.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT

No discussion and no action taken in open meeting.

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 7, 2005.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th DAY OF JUNE A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell (Hays CAN) spoke of pursuing a new vision in Hays County and he spoke of being involved in the Regional Water Study Plan.

22646 APPROVE BUDGET AMENDMENT # 05-30

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment #05-30 as proposed by the County Auditor. All voting "Aye".

22647 APPROVE PAYMENT OF COUNTY INVOICES

The Invoice from Leonard Frost Levin (\$2,284.76) was pulled. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$1,028,326.02 (less \$2,284.76) as presented by the County Auditor. All voting "Aye".

22648 APPROVE UTILITY PERMITS #01809 - 01814

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Permit #01809 on CR122/Bebee Road issued to Guadalupe-Blanco River Authority (GBRA), #01810 on Sunrise Circle issued to GBRA, #01811 on Sunrise Drive issued to GBRA, #01812 on CR131/Windy Hill Rd. issued to GBRA, #01813 on CR133/Hillside Terrace issued to GBRA, and #01814 on CR119/Old Goforth Road issued to GBRA. All voting "Aye".

22649 ACCEPT \$5,000.00 GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR PURCHASE OF CASE MANAGEMENT SOFTWARE NECESSARY TO ACHIEVE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REPORTING REQUIREMENTS FOR THE JUSTICE OF THE PEACE PRECINCT 3 OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept \$5,000.00 Grant from the Texas Department of Public Safety for purchase of Case Management Software necessary to achieve Federal Motor Carrier Safety Administration Reporting requirements for the Justice of the Peace Precinct 3 office. All voting "Aye".

22650 AUTHORIZE COUNTY JUDGE TO SUBMIT A GRANT UP TO \$33,130 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AND TO EXECUTE CONTRACT

Grant and matching funds will be used by Juvenile Probation to continue to pay the salary and benefits of the two drill instructors for the "Day Boot Camp" at Hays CISD. The County will provide a 10% match. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for up to \$33,130 from the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program and to execute contract. All voting "Aye".

22651 APPROVE AMENDMENT TO THE AGREEMENT BETWEEN HAYS COUNTY AND THE OFFICE OF THE ATTORNEY GENERAL RELATING TO CHILD SUPPORT ORDERS PROCESSED BY THE HAYS COUNTY DISTRICT CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Amendment to the Agreement between Hays County and the Office of the Attorney General relating to Child Support Orders processed by the Hays County District Clerk's Office. All voting "Aye".



22652 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT BETWEEN HAYS COUNTY AND HALFF ASSOCIATES FOR THE LANDSCAPE ARCHITECT FOR THE FIVE MILE DAM COMPLEX PROJECT

Halff Associates was selected by the review committee after evaluation of all RFP's received as the most competent and qualified firm to perform the project and was approved by Commissioners' Court on March 15, 2005. The contract was negotiated by Grants Director Richard Salmon, Purchasing Agent Cindy Maiorka, and Project Manager Judy Langford. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute contract between Hays County and Halff Associates for the landscape architect for the Five Mile Dam Complex Project. All voting "Aye".

22653 APPROVE OFFICIAL BOND FOR CONSTABLE PCT. 3 DARRELL W. AYRES (2005-2008 TERM)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the Official Bond for Constable Precinct 3 Darrell W. Ayres (2005-2008 term). All voting "Aye".

22654 APPROVE ACTIVATION OF EXISTING MAINTENANCE DEPARTMENT NEXTEL RADIO AT THE COST OF \$26.99 A MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve activation of existing Maintenance Department Nextel Radio at the cost of \$26.99 a month. All voting "Aye".

Clerk's Note: Agenda Item #10 RE: [PCT. 3 #05-3-54, 2 LOTS] REPLAT OF TIMMERON SECTION ONE, A PORTION OF RESERVES 1.2 AND 1.3 was PULLED. NO DISCUSSION & NO ACTION TAKEN

22655 [PCT. 3 #05-3-046, 2 LOTS] SHADOW VALLEY TRACT 49 RESUBDIVISION - APPROVE FINAL PLAT

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Shadow Valley Resubdivision of Tract 49". All voting "Aye".

22656 [PCT. 4 #05-4-053, 2 LOTS] HIDDEN CREEK PHASE ONE REPLAT OF LOT 18-A - PRELIMINARY PLAN APPROVAL [T1-88]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Hidden Creek Phase One Replat of Lot 18-A". All voting "Aye".

22657 [PCT. 4 #05-4-052, 2 LOTS] ROLLING OAKS SECTION 2 LOT 4 RESUBDIVISION - APPROVE PRELIMINARY PLAN [T1-97]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. The small lot will be platted for rainwater collection only. Commissioner Carter voiced her concern about the lot restricted to rainwater collection. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Rolling Oaks Section 2 Resubdivision of Lot 4". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

22658 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON TWO SECTIONS OF OLD BASTROP HIGHWAY: 1) BETWEEN HWY 80 AND HWY 21 -- 2) BETWEEN HWY 80 AND THE SAN MARCOS RIVER [T1-158]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that the recommended speed on these two sections of roadway is 30 MPH. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish a speed limit of 30 MPH on the section of Old Bastrop Highway between State Highway 80 and State Highway 21 and between State Highway 80 and the San Marcos River. All voting "Aye".

Clerk's Note: Agenda Item #15 RE: ESTABLISH NO PARKING AREAS ALONG JACOBS WELL ROAD NEAR THE VFW HALL was PULLED. NO DISCUSSION AND NO ACTION TAKEN

22659 CALL FOR A PUBLIC HEARING ON JULY 12, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS IN HUBER ESTATES SUBDIVISION, PHASE 4 [T1-1789]

A motion was made by Commissioner Carter, seconded by Commissioner Conley to call for a public hearing on July 12, 2005 to consider establishing traffic regulations in Huber Estates Phase 4 Subdivision. All voting "Aye".



22660 PUBLIC HEARING AND ACTION TO POSTPONE EXCLUSION OF CERTAIN REAL PROPERTY FROM THE WOODCREEK NORTH ROAD DISTRICT AND REDEFINING THE BOUNDARIES OF SUCH DISTRICT [T1-197]

Judge Powers declared the public hearing open. David Glenn spoke in support of creation of a stakeholder committee to resolve the problems in Woodcreek North – he spoke in opposition to the Woodcreek North Road District. David Baker (Hays-Trinity Groundwater Conservation District) spoke of ground water usage in the county and opposes anything that encourages new development. Jack Hollon (Hays Trinity GCD) spoke of the Hays Trinity Groundwater Conservation District and data that they are compiling. He supports more planning before proceeding with improvements. Andrew Backus (Hays Trinity GCD) spoke of deficit of water in this area – there is insufficient water for the proposed development. Thomas Toporowski submitted a petition in opposition to excluding property from the Woodcreek North Road District. Karen Toporowski spoke in opposition to exclusions from the road district. Pokey Rehmet (Manager of Eagle Rock Ranch) spoke of Eagle Rock Ranch being used to educate people regarding water conservation, etc. He stated that a well thought out master plan is needed. [T1-653] Demetria Wilson (Woodcreek POA) does not favor excluding portions of the subdivision from the district – they are agreeable to excluding Woodcreek Estates Subdivision. [T2-688] Pat Booth spoke of opposition to the way the road district was structured – need to adequately form this district. Glenn Fryer spoke in opposition to dense development in this area – a conservation plan is needed. [T1-802] Louis Willard spoke of need to consider ramifications of this issue – he is concerned about Cypress Creek and the Blanco River. Linda Kaye Rogers spoke of water being a major issue – development needs to be managed – there are other options to approve roads. [T1-890] Tracy Bratton (Quicksand Partners) spoke of this being a solution to transportation issues in the area. Charles Ray spoke of 61% of people in favor of the election and he spoke of people opposed to the road district. He spoke of using gray water for the proposed golf course and he spoke of undeveloped lots in the subdivision. Mr. Ray spoke of increasing lot sizes, thereby reducing the number of lots. [T1-1094] Steve Brown (Attorney for Quicksand) spoke of this public hearing not being about groundwater but being about road improvements. All required notices have been posted. [T1-1251] Thomas Davis spoke of this subdivision being created in 1974 – the roads and water are separate issues – development can still occur even without road improvements. He stated that quality roads are needed and he supports exclusion of the proposed property. Phillip Stribling advised that people will continue to buy and build on the existing lots. Marilyn Trent spoke of need for safer roads. [T1-1435] Barbara Hopson spoke in favor of the road bond election – over 60% voted in favor of the election already held and she supports exclusion of proposed property. The public hearing was closed. Commissioner Conley spoke of being well aware of regional water concerns – this is a platted subdivision with roads that are falling apart - the issue being addressed is exclusion of certain properties and redefining the boundaries of the district. He suggested postponement of vote because of petition presented today and action taken by the Woodcreek North POA. The conditions of the roads are affecting the safety of families and value of the property. [T1-1565] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to postpone action on exclusion of certain real property from the Woodcreek North Road District and redefining the boundaries of such district; and other matters in connection therewith. All voting "Aye".**

22661 PUBLIC HEARING PURSUANT TO CHAPTER 1471, TEXAS GOVERNMENT CODE AND ACTION CALLING FOR A BOND ELECTION FOR THE WOODCREEK NORTH ROAD DISTRICT [T1-1565]

Clerk's Note: See public hearing in previous item (#22660) which covers both Agenda Items #22 & 23. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to postpone action calling for a bond election for the Woodcreek North Road District. All voting "Aye".**

22662 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OPERATION AND MANAGEMENT AGREEMENT BETWEEN THE HAYS COUNTY JUVENILE BOARD AND THE HAYS COUNTY COMMISSIONERS' COURT RELATING TO THE OPERATION AND MANAGEMENT OF THE HAYS COUNTY JUVENILE DETENTION FACILITY [T1-1657]

Special Counsel Jacqueline Cullom Murphy advised that a juvenile board meeting was held on Friday and they approved this agreement. The purpose of this agreement is to memorialize the understanding between the Commissioners' Court and the Juvenile Board regarding the day-to-day operation of the juvenile facility. The Juvenile Board shall cause the facility to be operated in compliance with applicable laws, codes, standards and regulations; monitor the operations of the facility; establish appropriate programs for treatment of juveniles; and shall appoint, manage and evaluate the Director of the Facility. The Commissioners' Court approves the budget of the facility, sets salaries and benefits of facility employees; and approves any contract involving an expenditure or collection of money. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Operation and Management Agreement between the Hays County Juvenile Board and the Hays County Commissioners' Court relating to the Operating and Management of the Hays County Juvenile Detention Facility. All voting "Aye".**



- 22663 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2005"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE [T1-740] & T1-1684]**

Dan Wegmiller (First Southwest Co. Financial Adviser) spoke of bond rating for the county that was lowered and has now been raised back to the A+ level (S&P) and Aa3 (Moody's) and should increase in the future. He provided the court with details regarding \$5,230,000 Combination Tax & Revenue Certificates of Obligation, Series 2005. County will be paying \$29,000 per month. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an Order Authorizing the Issuance of "Hays County, Texas Certificates of Obligation Series 2005"; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the County; providing the terms and conditions of said Certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said Certificates, including the approval and distribution of an Official Statement; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements of the Depository Trust Company's Letter of Representations; and providing an effective date. All voting "Aye".

- 22664 APPROVAL OF AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS APPROVING AND AUTHORIZING THE ACQUISITION OF A JUVENILE DETENTION FACILITY, EXECUTION OF A PURCHASE AND SALE AGREEMENT, AND ACCEPTING TITLE TO SUCH JUVENILE DETENTION FACILITY; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH [T1-747] & 1993]**

Bond Counsel advised that these documents delegate to the County Judge the authority to execute the paperwork necessary to accept title to the juvenile detention facility. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an Order by the Commissioners' Court of Hays County, Texas approving and authorizing the acquisition of a Juvenile Detention Facility, execution of a Purchase and Sale Agreement, and accepting title to such Juvenile Detention Facility; and resolving other matters in connection therewith. All voting "Aye".

- 22665 APPROVE A RESOLUTION RELATING TO HOUSE BILL 2438 [T1-2082]**

Commissioner Molenaar spoke of proposed resolution requesting the Governor to VETO House Bill 2438 due to its detrimental effect on local government finance and unreasonably favored treatment of manufactured homes in the scheme of ad valorem taxation. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a Resolution relating to House Bill 2438. All voting "Aye".

- 22666 APPROVE THE LEASE PURCHASE OF THE COUNTY WIDE RADIO SYSTEM AND JUSTICE CENTER SOFTWARE & HARDWARE SYSTEM; AND PURCHASE OF SOFTWARE/HARDWARE NECESSARY TO ALLOW INTERNET COVERAGE OF COMMISSIONER'S COURT MEETINGS [T1-2107]**

Commissioner Molenaar spoke of need to replace the countywide radio system. Information Technology Director Jeff McGill spoke of current system that is 11 years old and needs to be upgraded – he spoke of integrated system that far exceeds what we expected to find – the technology we are on now is outdated (early 80's technology) and we are unable to move forward. County Auditor Bill Herzog advised that action is being taken today to lock in on the current interest rate. Jeff McGill spoke of internet coverage of Commissioners' Court meetings (archival broadcast like the one used by Travis County) – will cost about \$10,000 – will require staff time to set up video camera (start and stop) and time to edit and prepare for public view. Commissioner Carter and Commissioner Conley spoke in support of internet coverage of court meetings. Commissioner Molenaar stated that he is opposed only because of this being in the finance package – it should be budgeted in the next fiscal year. [T1-2555] A motion was made by Judge Powers, seconded by Commissioner Conley to approve the lease purchase of the countywide radio system and justice center software & hardware system; and purchase of software/hardware necessary to allow internet coverage of Commissioners' Court meetings out of contingency funds subject to legal review by staff. All voting "Aye".



22667 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH ENTERPRISE PRODUCTS OPERATING, L.P. FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-18)- HAYS COUNTY / TC&B / ENTERPRISE PRODUCTS OPERATING, L.P. (POSEY ROAD) [T1-2594]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval of this utility adjustment agreement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Adjustment Agreement with Enterprise Products Operating, L.P. for the Hays County Road Bond Program (HC-Bond 18) – Hays County/TC&B/Enterprise Products Operating, L.P. (Posey Road). All voting "Aye".

22668 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH ENTERPRISE PRODUCTS OPERATING, L.P. FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-14)-HAYS COUNTY / TC&B/ ENTERPRISE PRODUCTS OPERATING, L.P. (REDWOOD ROAD) [T1-2634]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval of this utility adjustment agreement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Adjustment Agreement with Enterprise Products Operating, L.P. for the Hays County Road Bond Program (HC-Bond-14) Hays County/TC&B/Enterprise Products Operating, L.P. (Redwood Road). All voting "Aye".

22669 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO THE OPERATION AND MAINTENANCE OF THE FORTY-THREE ACRE TRACT OF THE FIVE MILE DAM COMPLEX [T1-2660]

Grants Administrator Richard Salmon explained the agreement – the City of San Marcos will operate and maintain the park. Commissioner Carter spoke of need to clarify that the city of San Marcos will pay the electric bill and other utility bills. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement with the City of San Marcos relating to the operation and maintenance of the forty-three acre tract of the Five Mile Dam Complex with understanding that the City of San Marcos will pay the electric and other utility bills. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 14, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





JUNE 21, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21st DAY OF JUNE A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22670 APPROVE BUDGET AMENDMENT # 05-31

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #05-31 as proposed by the County Auditor. All voting "Aye".

22671 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve county invoices in the amount of \$952,603.75 as presented by the County Auditor. All voting "Aye".

22672 APPROVE UTILITY PERMITS #01815 - 01818

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to Approve Utility Permit #01815 on Nutty Brown Road issued to LCRA, #01816 on Clovis Barker Road issued to CenterPoint Energy, #01817 on Redwood Road issued to CenterPoint Energy, #01818 on Windy Hill Road issued to Grande Communications Network, Inc. All voting "Aye".

22673 APPROVE HIRE OF PRECINCT 3 DEPUTY CONSTABLE TOM WALLACE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the hiring of Deputy Constable Precinct 3 Tom Wallace. All voting "Aye".

22674 APPROVE PURCHASE OF A NEXTEL MOBILE TELEPHONE FOR THE DIRECTOR OF PERSONAL HEALTH AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR SAME

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the purchase of a Nextel Mobile Telephone for the Director of Personal Health and authorize the County Judge to execute contract for same. All voting "Aye".

22675 APPROVE SPECIFICATIONS FOR HAYS COUNTY ROAD BOND PROGRAM/IMPROVEMENT PROJECT FOR NUTTY BROWN RD. (CR163) AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for Hays County Road Bond Program/Improvement project for Nutty Brown Road (CR163) and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

CLERK'S NOTE: AGENDA ITEM #7 RE: [PCT. 1 # 05-1-055, 2 LOTS] KYLE HEIGHTS SECTION 2 REPLAT OF LOT 13 - APPROVE PRELIMINARY PLAN * ITEM PULLED NO DISCUSSION NO ACTION TAKEN

22676 [PCT. 3 #05-3-54, 2 LOTS] REPLAT OF TIMMERON SECTION 1 RESERVE 1.2 AND 1.3, CREATING LOTS 1.2R & 1.3R - APPROVE THE PRELIMINARY PLAN [T1-28]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve the preliminary plan on "Timmeron Section 1 Replat Reserve 1.2 and 1.3", creating lots 1.2R & 1.3R. All voting "Aye".

CLERK'S NOTE: AGENDA ITEM #9 RE: [PCT. 3 #05-3-043, 3 LOTS] DEWITT GAYLE SUBDIVISION - APPROVE PRELIMINARY PLAN * ITEM PULLED NO DISCUSSION NO ACTION TAKEN



22677 [PCT. 4 #05-4-026, 10 LOTS] WALT GRANER UNIT ONE - APPROVE PRELIMINARY PLAN

[T1-44] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Walt Graner Unit One". Commissioner Ingalsbe, Commissioner Carter voting "No" Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Motion Passed.

22678 [PCT. 4 #04-4-040] HEATHERWOOD - ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND [T1-98]

County Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept the roads and release the construction bond. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept the road construction, drainage improvements and release the construction bond. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22679 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND TO ALLOW THE ROAD DEPARTMENT TO RECONSTRUCT 240 FEET OF GRIST MILL ROAD THAT LIES WITHIN THE CITY LIMITS OF UHLAND [T1-114]

County Road Supt/Engineer Jerry Borcharding spoke of deterioration of a portion of Grist Mill Road due to reconstruction on Heidenreich Road and will be further deteriorated by the construction of the County portion of Grist Mill and he felt it reasonable to make repairs to the City portion of the road. A motion was made by Commissioner Carter, seconded by Commissioner 1 to approve Interlocal Agreement with the City of Uhlund to allow the road department to reconstruct, without reimbursement, 240 feet of Grist Mill Road that lies within the City Limits of Uhlund. All voting "Aye".

22680 APPROVE APPOINTMENT OF JULIA RAMSEY NEW TO REPLACE CHRIS DIBRELL ON THE EMERGENCY SERVICE DISTRICT #7 [T1-135]

Commissioner Conley spoke on behalf of Julia Ramsey New, Executive Director of the Greater San Marcos Youth Council, and gave his recommendation for the appointment. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve the appointment of Julia Ramsey New to replace Chris Dibrell on the Emergency Service District #7. All voting "Aye".

22681 APPROVE \$133,000 FROM THE COUNTY PARK BOND FUNDS FOR THE CITY OF DRIPPING SPRINGS' SPORTS PARK [T1-148]

Grants Administrator Richard Salmon gave a slide show presentation of the proposed Sports Park. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve the County Park Bond Funds for the City of Dripping Springs' Sports Park. All voting "Aye".

22682 CONSIDER APPROVAL TO FUND \$167,000 FROM THE COUNTY PARK BOND FUNDS FOR THE CITY OF DRIPPING SPRINGS' STONE MOUNTAIN PROJECT

[T1-277] Charles O'Dell (Hays CAN) spoke in opposition of this park. Paul Watkins of Dripping Springs spoke of money concerns from the City of Dripping Springs. Edward Michael spoke in support of project. Gandolf Burrus of Grant Development Services gave a slide show presentation of the proposed Stone Mountain Project. Dixie Camp spoke in support of Stone Mountain Project. [T1-570] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve \$167,000 from the County Park Bond Funds for the City of Dripping Springs' Stone Mountain Project. Commissioner Ingalsbe spoke of appreciating the history of Stone Mountain but not being able to support this item because of its equestrian event center like the Civic Center here in San Marcos. [T1-747] Commissioner Molenaar amended his motion, seconded by Judge Powers to approve \$167,000 from the County Park Bond funds for the City of Dripping Springs' Stone Mountain Project to give the City 10 months rather than 1 year to acquire the money needed for the project. Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Ingalsbe, Commissioner Carter and Commissioner Conley voting "No". MOTION FAILED.

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 21, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



JULY 12, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12TH DAY OF JULY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell (Director of Hays CAN) spoke of his previous public comment regarding the Storm Mountain agenda item and he stated that he has apologized to Dripping Springs Mayor Purcell for his remarks and is now publicly apologizing to members of the court for remarks about Mayor Purcell. [Mr. O'Dell submitted his full statement in writing]

22683 APPROVE BUDGET AMENDMENT # 05-32

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #05-32 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22684 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$425,472.50 (6/28/05 disbursements), \$532,137.70 (7/5/05 disbursements), and \$354,190.79 (7/12/05 disbursements) as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22685 APPROVE UTILITY PERMIT #01822

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01822 on Bear Creek Pass issued to L.C.R.A. as submitted by the Road Department. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22686 APPROVE APRIL 2005 TREASURER'S REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve April 2005 Treasurer's Report as submitted. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22687 APPROVE RESOLUTION DECLARING THAT A STATE OF DISASTER (BURN BAN) IS HEREBY CONTINUED UNTIL IT IS RESCINDED BY THE COUNTY JUDGE OR BY ACTION OF THE COMMISSIONERS' COURT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Resolution declaring that a state of disaster (burn ban) is hereby continued until it is rescinded by the County Judge or by action of the Commissioners' Court. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22688 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SHAUNESSY & BURNETT FOR THE PURPOSE OF RESPONDING TO PUBLIC INFORMATION REQUESTS FROM CHARLES O'DELL OR THE ORGANIZATION HAYSCAN

Charles O'Dell (Director of HaysCAN) spoke of open records request he has made – he voiced his concern about spending public money for this. [Mr. O'Dell submitted his full statement in writing] A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an outside legal counsel agreement with Shaunessy & Burnett for the purpose of responding to public information requests from Charles O'Dell or the Organization HaysCAN. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.



22689 ACCEPT THE INTERNAL EXAMINATION REPORTS FOR THE CONSTABLE PCT. 4 OFFICE, JUVENILE PROBATION OFFICE, AND THE TREASURER'S OFFICE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to accept the internal examination reports for the Constable Pct. 4 office, Juvenile Probation office, and the Treasurer's office. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22690 APPROVE CONTRACT WITH GUADALUPE COUNTY FOR CONTRACT DETENTION SERVICES FOR ADULT PRISONERS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract with Guadalupe County for contract detention services for adult prisoners. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22691 APPROVE PURCHASE OF RADAR FOR HAYS COUNTY CONSTABLE PCT. 2 VEHICLE FROM SAVINGS IN LAW ENFORCEMENT EQUIPMENT LINE ITEM

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve purchase of radar for Hays County Constable Pct. 2 vehicle from savings in law enforcement equipment line item. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22692 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN INTER-LOCAL GRANT APPLICATION FOR \$21,840 TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR TUBERCULOSIS PREVENTION AND CONTROL AND TO EXECUTE CONTRACT

The Inter-Local application from the Texas Dept. of State Health Services will provide basic services and associated activities for tuberculosis prevention and control. No County match except for program income. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit an interlocal grant application for \$21,840 to the Texas Department of State Health Services for Tuberculosis Prevention and Control and to execute contract. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22693 AUTHORIZE THE COUNTY JUDGE TO SUBMIT RENEWAL GRANT APPLICATION ENTITLED, "TITLE V FEE FOR SERVICE-MATERNAL AND CHILD HEALTH SERVICES," TO THE TEXAS DEPARTMENT OF HEALTH SERVICES FOR UP TO \$63,311 AND TO EXECUTE CONTRACT

Title V Fee for Service Maternal and Child Health Service funds will be awarded to provide services to persons on an individual basis for prenatal care, preventive and primary child care, dysphasia, case management for children from birth to 21 years and pregnant women, and dental care for children and adolescents. Allowable expenses are reimbursed at established rates noted in the grant. No administration fee included. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit renewal grant application entitled "Title V Fee for Service - Maternal and Child Health Services", to the Texas Department of Health Services for up to \$63,311 and to execute contract. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22694 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AMENDED BIOTERRORISM GRANT FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$183,279

Line item adjustments were made and budget was increased from \$183,247 to \$183,279 (a \$32.00 increase overall) A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept amended Bioterrorism Grant from the Texas Department of State Health Services in the amount of \$183,279.00. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22695 APPROVE BID SPECIFICATIONS FOR "IN GROUND TRIPLE AXLE-TRUCK SCALE" FOR DEPARTMENT OF PUBLIC SAFETY WEIGH STATION AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

Funds for this project were approved in the 2004-2005 budget. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve bid specifications for "In Ground Triple Axle-Truck Scale" for Department of Public Safety Weigh Station and authorize Purchasing Agent to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.



22696 APPROVE RENEWAL OF THE CONTRACT WITH ROADWAY SPECIALTIES, INC: FOR "FURNISH AND INSTALL GUARDRAILS" FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

The Road Dept. has been satisfied with the performance of Roadway Specialties and would like to renew their contract for one additional year. All terms and conditions of the contract remain unchanged and in full force and effect. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve renewal of the contract with Roadway Specialties Inc. for "Furnish and Install Guardrails" for one additional year as provided in the original contract. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22697 APPROVE BID SPECIFICATIONS FOR "ROW FENCING" FOR PUMP STATION ROAD (CR218) TO MT. SHARP ROAD (CR219) AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE (ROAD BOND IMPROVEMENTS PROJECT)

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve bid specifications for "ROW Fencing" for Pump Station Road (CR218) to Mt. Sharp Road (CR219) and authorize Purchasing Agent to solicit for bid and advertise (Road Bond Improvements Project). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

22698 [PCT. 3 #05-3-54] REPLAT OF TIMMERON SECTION 1 RESERVE 1.2 AND 1.3, CREATING LOTS 1.2R & 1.3R - APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS [T1-110]

Environmental Health Director Allen Walther advised that these were not original lots in the subdivision, they were reserve portions. He gave staff recommendation for final plat approval and striking general note #9 of the plat notes. A motion was made by Commissioner Conley, Seconded by Commissioner Molenaar to approve final plat and waive public notification requirements for "Replat of Timmeron Section 1 Reserve 1.2 and 1.3, creating Lots 1.2R and 1.3R. All voting "Aye".

22699 [PCT. 3 #05-3-018, 2 LOTS] BURNETT RANCH SECTION 1 LOT 6 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-166]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter spoke of application for this plat. A motion was made by Commissioner Conley, Seconded by Commissioner Molenaar to approve final plat of "Burnett Ranch Section 1 Lot 6". voting "Aye". Commissioner Carter abstained.

22700 [PCT. 4 #05-4-037, 2 LOTS] CROSSROAD ESTATES SECTION 2 LOT 1 RESUBDIVISION - APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS [T1-206]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and waive public notification requirements for "Crossroad Estates Section 2 Resubdivision of Lot 1". All voting "Aye".

22701 [PCT. 4 #05-4-026, 10 LOTS] WALT GRANER UNIT ONE - APPROVE FINAL PLAT [T1-216]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Walt Graner Unit One". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22702 [PCT. 4 #05-4-045, 2 LOTS] FREEDOM ACRES - APPROVE FINAL PLAT [T1-243]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Freedom Acres". All voting "Aye".

22703 [PCT. 4 #05-4-053, 2 LOTS] HIDDEN CREEK PHASE ONE REPLAT OF LOT 18-A - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-250]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Hidden Creek Phase One Replat of Lot 18-A". All voting "Aye".



22704 [PCT. 4 #05-4-052, 2 LOTS] ROLLING OAKS SECTION ONE LOT 4 RESUBDIVISION - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-268]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Rolling Oaks Section One Resubdivision of Lot 4". All voting "Aye".

22705 [PCT. 4 #05-4-009, 1 LOT] SL-967 - APPROVE FINAL PLAT [T1-293]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "SL-967" subdivision. All voting "Aye".

22706 CALL FOR A PUBLIC HEARING ON JULY 26, 2005 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) ON OLD STAGECOACH ROAD, CR 136 [T1-302]

The proposed traffic regulations are to establish stop signs on Old Stagecoach Road/CR136 to stop traffic on the old section of road at each intersection with the new section of road. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on July 26, 2005 to establish traffic regulations (Stop signs) on Old Stagecoach Road/CR136. All voting "Aye".

22707 HUBER ESTATES SUBDIVISION PHASE 4 - RELEASE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW, HOLD A PUBLIC HEARING AND TAKE ACTION TO ESTABLISH TRAFFIC REGULATIONS [T1-310]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that the maintenance bond expired June 28, 2005. The Road Dept. has inspected and recommends acceptance for maintenance all road and drainage improvements within county right-of-way. Also recommended by the Road Dept. is traffic regulations setting the speed limit at 25MPH and STOP signs on Thomas Place at Huber Lane and on Huber Lane at Mathias Lane. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance bond and accept for maintenance all roads and drainage improvements within county right-of-way, and establish traffic regulations as recommended by the Road Department. All voting "Aye".

22708 CALL FOR A PUBLIC HEARING ON JULY 26, 2005 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING ZONE) ON LITTLE ARKANSAS ROAD IN WIMBERLEY [T1-343]

This action will prohibit parking of private vehicles in County ROW on Little Arkansas Road within 1000' of the flood gate on the east side of the Blanco River. Presently vehicles are causing a hazard by blocking private driveways, limiting sight distances at those driveways, and by parking in a narrow "S" curve. A similar parking restriction is currently in effect at the San Marcos River bridge on CR266. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on July 26, 2005 to establish traffic regulations (No Parking Zone) on Little Arkansas Road in Wimberley. All voting "Aye".

22709 CALL FOR A PUBLIC HEARING ON JULY 26, 2005 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS AND SPEED LIMIT) IN CREEK ROAD RANCH SUBDIVISION, SECTION 1 [T1-364]

The proposed speed limit is 25MPH and a STOP sign on Pug Rippy Road at Creek Road/CR190. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on July 26, 2005 to consider establishing traffic regulations (STOP signs and speed limits) in Creek Road Ranch Subdivision Section 1. All voting "Aye".

22710 CALL FOR A PUBLIC HEARING ON JULY 26, 2005 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS AND SPEED LIMIT) IN SIERRA WEST SUBDIVISION, SECTION 4B [T1-375]

The proposed speed limit is 25MPH and a STOP sign on Jasmine Court at Canna Lily Circle. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on July 26, 2005 to consider establishing traffic regulations (STOP signs and speed limits) in Sierra West Subdivision Section 4B. All voting "Aye".



22711 ACTION TO RENAME "ONION CREEK RANCH DR.," A COUNTY MAINTAINED ROAD IN ONION CREEK RANCH, TO "ONION CREEK RANCH RD." [T1-385]

Commissioner Molenaar advised that the plat and existing sign states that the name of the road is "Onion Creek Ranch Drive" and property owners are requesting that it be renamed "Onion Creek Ranch Road". A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to rename "Onion Creek Ranch Drive", a county maintained road in Onion Creek Ranch, to "Onion Creek Ranch Road". All voting "Aye".

22712 ADOPT A RESOLUTION SUPPORTING A UNIFIED EFFORT TO PROVIDE TEXANS WITH PROPERTY TAX RELIEF AND CALLING UPON THE TEXAS LEGISLATURE TO WORK TOGETHER WITH THE AIM OF ARRIVING AT THIS GOAL [T1-398]

Commissioner Molenaar advised that he is opposed to this resolution – what we need is school tax reform. Commissioner Carter explained "appraisal creep" and how it affects the taxpayer. Commissioner Ingalsbe spoke of her concerns over this resolution – particularly point #5. Commissioner Conley spoke of impact on small businesses. Commissioner Carter and Judge Powers spoke in support of the resolution. A motion was made by Judge Powers, seconded by Commissioner Carter to Adopt a Resolution supporting a unified effort to provide Texans with property tax relief and calling upon the Texas Legislature to work together with the aim of arriving at this goal with removal of point #5 from the proposed resolution. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

22713 APPROVE NAMING THE PARK ON BROADWAY ST., WHICH IS ADJACENT TO THE HEALTH DEPARTMENT AND THE ELECTIONS OFFICE, THE "ANITA REYES MEMORIAL PARK" [T1-877]

Commissioner Ingalsbe spoke of letter from the Mayor of San Marcos asking the court to name the park on Broadway Street in honor of Anita Reyes, who was a very well respected resident of our county who recently passed away. Anita Reyes initiated discussions with Commissioner Ingalsbe and City representatives on the importance and need for a park in this neighborhood. The park is owned by the County and maintained by the City of San Marcos. John Diaz, owner of Sign Arts, has agreed to provide the sign for naming of this park. Roger Reyes, youngest son of Anita Reyes, thanked the court for their consideration. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve naming the Park on Broadway Street, which is adjacent to the Health Department and the Elections Office, the "Anita Reyes Memorial Park". All voting "Aye".

22714 ALLOW THE ROAD DEPARTMENT TO PAVE APPROXIMATELY 1240 FEET OF GRAEF ROAD THAT LIES WITHIN THE CITY LIMITS OF NIEDERWALD [T1-946]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to allow the Road Department to pave – cost will be approximately \$6300. Special Counsel Jacqueline Cullom Murphy advised that state law allows counties to work on city roads for up to \$15,000. An interlocal agreement is needed. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to allow the Road Department to pave approximately 1240 feet of Graef Road that lies within the city limits of Niederwald. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

Clerk's Note: Agenda Item #33 RE: APPROVE REQUEST FOR PROPOSAL (RFP) FOR HEALTH CARE BENEFITS was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

22715 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM [T1-1048]

The Court convened into closed executive session at 10:30 a.m and reconvened at 10:40 a.m.

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize outside legal counsel to proceed with condemnation proceedings upon finding of public necessity and need for the following parcels based on the need to widen the road and need to install drainage on the road and based on the inability of the county and property owners to agree on the value of the property which are Parcel 13/Hillside Terrace Road – William Allen Blaney Jr. and Joy Blaney and Parcel 18DE/Hillside Terrace Road – KIVA Inc. a/k/a AMRA Landscape and Lawncare. All voting "Aye".



A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize outside legal counsel to proceed with condemnation proceedings upon finding of public necessity and need for the following parcels based on the need to widen the road and need to install drainage on the road and based on the inability of the county and property owners to agree on the value of the property which are Parcels 1 & 1DE/Posey Road – John Coleman Horton III and Wilmot Roberdcau Horton and Parcel 10DE/Posey Road – JMC Realty, LP. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 JULY 12, 2005.

A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 19TH DAY OF JULY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 3 WILL CONLEY; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order. Judge Powers gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

22716 ADOPT A PROCLAMATION DECLARING, TUESDAY, AUGUST 2, 2005 AS "NATIONAL NIGHT OUT" IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring Tuesday, August 2 2005, as "National Night Out" in Hays County. All present voting "Aye". Commissioner Molenaar presented the proclamation to Allen Bridges and Pam Robinson from the Sheriffs Dept.

22717 APPROVE BUDGET AMENDMENT # 05-33

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #05-33 as proposed by the County Auditor. All present voting "Aye".

22718 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$1,009,338.91 as presented by the County Auditor. All present voting "Aye".

22719 APPROVE UTILITY PERMIT #01823

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01823 on Appleton Court & Jerry's Lane issued to Huntington Utility Co. All present voting "Aye".

22720 APPROVE BUDGET CALENDAR

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the FY2006 Budget Calendar as presented by the County Auditor. All present voting "Aye".

APR	8	BUDGET WORKSHEETS SENT TO ALL DEPARTMENTS
MAY	9	BUDGET WORKSHEETS DUE BACK FROM DEPARTMENTS
JUL	5	COPIES OF BUDGET REQUESTS TO COUNTY JUDGE AND COUNTY COMMISSIONERS
JUL	6-31	COUNTY JUDGE PREPARES BUDGET PROPOSAL AND MEETS WITH DEPT. HEADS AS NEEDED
JUL	25	CHIEF APPRAISER CERTIFIES APPROVED APPRAISAL ROLL
AUG	9	COUNTY JUDGE PRESENTS HIS PROPOSED BUDGET TO COMMISSIONERS COURT AND FILES COPY WITH THE COUNTY CLERK
AUG	9-23	BUDGET WORKSHOPS (DATES AND TIMES TO BE ANNOUNCED)
AUG	23	VOTE ON PROPOSED TAX RATE INCREASE AND SCHEDULE PUBLIC HEARINGS ON THE TAX RATE AND BUDGET
AUG	25	PUBLISH NOTICE OF PUBLIC HEARING ON TAX RATE INCREASE, BUDGET NOTICES MAILED TO ELECTED OFFICIALS, PUBLISH ELECTED OFFICIALS' SALARIES, SUMMARY OF BUDGET, AND PUBLISH NOTICE OF HEARING ON BUDGET
SEP	6(?)	PUBLIC HEARING ON TAX RATE NOTICE #1 PUBLISHED AT LEAST 7 DAYS BEFORE PUBLIC HEARING NOTICE #2 PUBLISHED AFTER HEARING BUT BEFORE MEETING TO VOTE ON TAX RATE - 10:00 A.M.
SEP	8	PUBLISH 2 ND NOTICE ON TAX RATE INCREASE
SEP	12 (?)	PUBLIC HEARING ON THE BUDGET, ADOPT THE BUDGET, SET SALARIES OF ELECTED OFFICIALS AT 1:30 P.M.
SEP	20	SET TAX RATE AND LEVY TAXES - 10:00 A.M.
SEP	30	FILE FINAL APROVED BUDGET WITH COUNTY CLERK



22721 APPROVE RENEWAL HEALTH SERVICES AGREEMENT BETWEEN COMMUNITY ACTION INC., OF HAYS, CALDWELL, & BLANCO COUNTIES HEAD START PROGRAM AND THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve renewal Health Services Agreement between Community Action Inc. of Hays, Caldwell, & Blanco Counties Health Start Program and the Hays County Personal Health Department. All present voting "Aye".

22722 APPROVE RENEWAL OF CONTRACT WITH CENTRAL TEXAS ROADS FOR "EQUIPMENT W/ OPERATOR" FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve renewal of contract with Central Texas Roads for "Equipment w/Operator" for one additional year as provided for in the original contract. All present voting "Aye".

22723 APPROVE CONTRACT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND HAYS COUNTY FOR USE OF COUNTY COPY MACHINE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve contract between the Office of the Attorney General and Hays County for use of county copy machine. All present voting "Aye".

22724 APPROVE SPECIFICATIONS FOR WIMBERLEY BY-PASS CONSTRUCTION/ROAD BOND PROGRAM AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Wimberley By-Pass Construction/Road Bond Program and authorize Purchasing Agent to solicit for bid and advertise. All present voting "Aye".

22725 ACCEPT INTERNAL EXAMINATION REPORT OF THE ENVIRONMENTAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept internal examination report of the Environmental Health Department. All present voting "Aye".

22726 APPROVE ONE YEAR EXTENSION AGREEMENT WITH MID-STATE SERVICES, INC. TO PROVIDE COMMISSARY SERVICES TO THE HAYS COUNTY JAIL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a One Year Extension Agreement with Mid-State Services Inc. to provide commissary services to the Hays County Jail. All present voting "Aye".

22727 [PCT. 1 #05-1-055, 2 LOTS] KYLE HEIGHTS SECTION 2 REPLAT LOT 13 - APPROVE PRELIMINARY PLAN AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS [T1-93]

Property owner Roberto Villanueva proposes to divided a 5.104 acre tract (Lot 13) into two lots (Lot 13-A = 2.0 ac. & Lot 13-B = 3.104 ac). Environmental Health Director Allen Walther advised that this subdivision has gone through the Kyle process and he gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve preliminary plan and waive public notification requirements for "Kyle Heights Section 2 Replat of Lot 13". All present voting "Aye".

22728 [PCT. 4 #05-4-049] VACATING OF FOX HOLE LOT 3 AND AMENDING PLAT OF WHITE WINGS BY ADDITION OF TRACT B2K - APPROVE PRELIMINARY PLAN

[T1-106] Environmental Health Director Allen Walther advised that White Wing and Fox Hole are adjoining subdivisions - the owners (William & Karen Sprague) of two tracts (one in Fox Hole and one in White Wing) want to vacate a portion of Fox Hole and add it to the tract in White Wings. He gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve vacating Lot 3 of "Fox Hole" and preliminary plan amending plat of "White Wings" by addition of Tract B2K. All present voting "Aye".

22729 [PCT. 4 #04-4-074, 17 LOTS] REUNION RANCH SECTION ONE - APPROVE FINAL PLAT

[T1-131] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Reunion Ranch Section One". Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No"



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22730 [PCT. 4 #04-4-074, 111 LOTS] REUNION RANCH SECTION TWO – APPROVE FINAL PLAT

[T1-145] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Reunion Ranch Section Two". Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22731 CALL FOR A PUBLIC HEARING ON AUGUST 2, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (STOP SIGNS & SPEED LIMIT) IN PARK 35 SOUTH SUBDIVISION [T1-154]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on August 2, 2005 to consider establishing traffic regulations (Stop signs and Speed limits) in "Park 35 South" subdivision. All present voting "Aye".

22732 CALL FOR A PUBLIC HEARING ON AUGUST 2, 2005 TO CONSIDER ESTABLISHING A "NO PARKING" ZONE ON WAYSIDE DR., CR 179 [T1-166]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on August 2, 2005 to consider establishing a "No Parking" zone on Wayside Drive/CR179. All present voting "Aye".

22733 CALL FOR A PUBLIC HEARING ON AUGUST 2, 2005 TO CONSIDER ESTABLISHING A "NO PARKING" ZONE AT THE CYPRESS CREEK LOW WATER CROSSING ON JACOBS WELL ROAD IN WIMBERLEY [T1-186]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on August 2, 2005 to consider establishing a "No Parking" zone at the Cypress Creek low water crossing on Jacobs Well Road in Wimberley. All present voting "Aye".

22734 CALL FOR A PUBLIC HEARING ON AUGUST 2, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) ON SAWYER RANCH RD., CR 164 [T1-197]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on August 2, 2005 to consider establishing traffic regulations (Speed Limit) on Sawyer Ranch Road, CR164. All present voting "Aye".

22735 CALL FOR A PUBLIC HEARING ON AUGUST 2, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (STOP SIGN) ON GREYSTONE RD [T1-208]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on August 2, 2005 to consider establishing traffic regulations (STOP sign) on Greystone Road. All present voting "Aye".

Clerk's Note: Agenda Item # 21 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE REGARDING KOHLER'S CROSSING was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

22736 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH BLUEBONNET ELECTRIC COOPERATIVE FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-12) – HAYS COUNTY/TC&B/BLUEBONNET ELECTRIC COOPERATIVE. (REDWOOD ROAD)

[T1-221] A motion was made by Commissioner Ingalsbe, Seconded by Commissioner Carter To approve Utility Adjustment Agreement with Bluebonnet Electric Cooperative for the Hays County Road Bond Program (HC-BOND-12) – Hays County/TC&B/Bluebonnet Electric Cooperative (Redwood Road). All present voting "Aye".

22737 CALL FOR A PUBLIC HEARING ON AUGUST 23, 2005 TO CONSIDER THE ABANDONMENT OF RIGHT-OF-WAY ALONG WHITE HAWK CIRCLE IN PRECINCT 4 PURSUANT TO SECTION 263.002, TEXAS LOCAL GOVERNMENT CODE [T1-236]

The property owners have paid the required \$500 application fee and have completed the appraisal. They will be paying the County \$9,200 for 0.767 acres along the west line of Bear Creek Pass. The County Engineer has determined that there is no public need for this right of way. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on August 23, 2005 to consider the abandonment of right-of-way along White Hawk Circle in Precinct 4 pursuant to Section 263.002 Texas Local Government Code. All present voting "Aye".



22738 ADOPT A RESOLUTION RELATING TO SUPREME COURT RULING KELO ET AL. V. CITY OF NEW LONDON ET AL. AND HJR 19 [T1-266]

Jennifer Anderson, Precinct 3 Office Assistant, read a statement from Commissioner Pct. 3 Will Conley who is out-of-state at this time which addressed the Supreme Court ruling allowing the taking of private property for economic use. As a staunch advocate of private property rights, Commissioner Conley asked fellow court members to stand with him and agree that Hays County will never enforce eminent domain on our residents simply for the purpose of economic development. The proposed resolution supports legislation known as HJR 19 that would call for a constitutional amendment on the November 8th ballot to be voted on by the general public to prohibit a political subdivision from taking private property for the primary purpose of economic development and additionally states that Hays County has no intention of utilizing the expanded right of condemnation to the detriment of the private property rights of citizens. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Resolution relating to Supreme Court Ruling KELO et al v. City of New London, et al and HJR 19. All present voting "Aye".**

22739 ADOPT THE REVISED HAYS COUNTY FLOOD DAMAGE PREVENTION ORDER TO SATISFY REQUIREMENTS OF CFR 44 SECTION 60.3(D) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS [T1-360]

Environmental Health Director Allen Walther advised that when we have new maps and new dates, the court must adopt the revised order – this is a necessary action in order to continue participation in the FEMA Flood Insurance Program. There was no new study, only map revisions. The new maps contain GPS road data, letters of map revision, etc. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt the Revised Hays County Flood Damage Prevention Order to satisfy requirements of CFR 44 Section 60.3(d) of the National Flood Insurance Program Regulations. All present voting "Aye".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL FOR AN UPDATE ON LITIGATION RELATING TO THE HAYS COUNTY BAIL BOND BOARD, INCLUDING THE LYNN AUTRY, JOHN MINING AND DAN ROBERTS LITIGATION

Court convened into closed executive session at 9:40 a.m. and reconvened into open meeting at 10:15 a.m. Judge Powers advised that no action will be taken.

Court was adjourned.

I, **LEE CARLISLE, 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 JULY 19, 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



JULY 26, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26th DAY OF JULY A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order. Judge Powers gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22740 APPROVE BUDGET AMENDMENT # 05-34

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment #05-34 as proposed by the County Auditor. All voting "Aye".

22741 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$461,682.65 as presented by the County Auditor. All voting "Aye".

22742 APPROVE UTILITY PERMITS #01824 & #01825

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Utility Permit #01824 on CR164/Sawyer Ranch Rd. issued to Joe Bland Construction and #01825 on Flite Acres Road issued to Wimberley WSC as submitted by the Road Department. All voting "Aye".

22743 AUTHORIZE THE COUNTY JUDGE TO APPROVE AMENDED CAPCOG SOLID WASTE & RECYCLING GRANT CONTRACT

Hays County was awarded an additional \$12,000 (increase from \$19,500 to \$31,500) from supplemental funds by the CAPCOG Solid Waste & Recycling Grant Program. The \$12,000 will be used to pay additional costs associated with bringing 3-phase electricity to the Wimberley Transfer Station and the Driftwood Citizens Collection Station and to retrofit the balers with power converters. No county match required. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to approve Amended CAPCOG Solid Waste & Recycling Grant Contract. All voting "Aye".

22744 APPROVE RESOLUTION AUTHORIZING THE SUBMISSION OF A SURFACE TRANSPORTATION PROGRAM METROPOLITAN MOBILITY APPLICATION (STPMM) THROUGH THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FOR A HIKE AND BIKE TRAIL ALONG THE WIMBERLEY BYPASS, IN PARTNERSHIP WITH THE CITY OF WIMBERLEY

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Resolution authorizing the submission of a Surface Transportation Program Metropolitan Mobility Application (STPMM) through the Capital Area Metropolitan Planning Organization (CAMPO) for a hike and bike trail along the Wimberley By-Pass, in partnership with the City of Wimberley. All voting "Aye".

22745 APPROVE RESOLUTION AUTHORIZING THE SUBMISSION OF A SURFACE TRANSPORTATION PROGRAM METROPOLITAN MOBILITY APPLICATION (STPMM) THROUGH THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FOR IMPROVEMENTS TO LOW-WATER CROSSINGS AND TO INSTALL A LEFT-TURN LANE AT THE INTERSECTION OF BEBEE AND DACY LANES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Resolution authorizing the submission of a Surface Transportation Program Metropolitan Mobility Application (STPMM) through the Capital Area Metropolitan Planning Organization (CAMPO) for improvements to low-water crossings and to install a left-turn lane at the intersection of Bebee and Dacy Lanes. All voting "Aye".



22746 AWARD OF BID #2005-B07 FOR IMPROVEMENTS TO NUTTY BROWN ROAD/HAYS COUNTY ROAD BOND PROGRAM TO JOE BLAND CONSTRUCTION, LP IN THE AMOUNT OF \$3,980,310.60

Charles O'Dell spoke in opposition to construction work to be done on Nutty Brown Road. Purchasing received three bids - after tabulation and review of the bids received, it is the recommendation of Turner, Collie & Braden, Purchasing and Road Supt/Engineer to award the bid to Joe Bland Construction. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to award bid #2005-B07 for improvements to Nutty Brown Road/Hays County Road Bond Program to Joe Bland Construction, LP in the amount of \$3,980,310.60. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

22747 [PCT. 2 #03-2-058] THE PARKLANDS SECTION 1 - APPROVE EXTENSION OF CONSTRUCTION FISCAL SECURITY AND CONSIDER THE AMENDED PHASE DEVELOPMENT AGREEMENT [T1-103]

Environmental Health Director Allen Walther spoke of request to extend Letter Of Credit and amend the Phase Development Agreement - there are issues with wastewater - there is no risk to the county to extend the LOC. He gave staff recommendation to extend the LOC for 1 year. The phased development agreement provides for improvements to roads outside the development. He suggested an amendment to Section 2 which would provide security to the county for improvements. Commissioner Carter spoke of need to have a corrected final version of the agreement. [T1-209] A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve extension of construction fiscal security for one year. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22748 [PCT. 4 #05-4-025, 1 LOT] HIGHPOINTE PHASE 1 SECTION 2 - APPROVE FINAL PLAT

[T1-222] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Highpointe Phase 1 Section 2". All voting "Aye".

22749 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) ON OLD STAGECOACH ROAD, CR 136 [T1-248]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended the following traffic regulations: STOP signs on Old Stagecoach Road at the new sections of Old Stagecoach Road (see diagram). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish traffic regulations on Old Stagecoach Road/CR136 as recommended by the Road Department. All voting "Aye".

22750 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING ZONE) ON LITTLE ARKANSAS ROAD IN WIMBERLEY [T1-317]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that this action will prohibit parking of private vehicles in county r/o/w on Little Arkansas Road within 1000' of the flood gate on the east side of the Blanco River. The parking restriction will apply to both sides of Little Arkansas Road. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations on Little Arkansas Road in Wimberley as recommended by the Road Department. All voting "Aye".

22751 CREEK ROAD RANCH SUBDIVISION SECTION 1 - RELEASE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW, AND HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS AND SPEED LIMIT) [T1-338]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended the following traffic regulations: speed limit @ 25MPH and a Stop sign on Pug Rippy Road @ Creek Road and the release of the maintenance bond and acceptance of road and drainage improvements in Creek Road Ranch Section 1 (Pug Rippy Road = 1,391 ft). A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release maintenance bond, accept for maintenance all road and drainage improvements within county right-of-way, and establish traffic regulations as recommended by the Road Department for "Creek Road Ranch Subdivision Section 1". All voting "Aye".



22752 SIERRA WEST SUBDIVISION SECTION 4B – RELEASE OF MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW, AND HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS AND SPEED LIMIT) [T1-372]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended the following traffic regulations: 25MPH speed limit and STOP sign on Jasmine Court at Canna Lilly Circle and release maintenance bond and accept roads and drainage improvements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release maintenance bond, accept for maintenance all road and drainage improvements within county right-of-way, and establish traffic regulations as recommended by the Road Department for "Sierra West Subdivision Section 4B". All voting "Aye".**

22753 APPROVE APPOINTMENT OF LEA ANN KENWORTHY TO THE SOUTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #3 BOARD TO FILL THE UNEXPIRED TERM OF BRUCE HART [T1-394]

A motion was made by Commissioner Inglasbe, seconded by Commissioner Carter to appoint Lea Ann Kenworthy to the South Hays County Emergency Services District #3 Board to fill the unexpired term of Bruce Hart. All voting "Aye".

22754 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH CRYSTAL CLEAR WATER SUPPLY CORPORATION FOR THE HAYS COUNTY ROAD BOND– HAYS COUNTY / TC&B / CRYSTAL CLEAR WATER SUPPLY CORPORATION. (REDWOOD ROAD)

[T1-402] Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Inglasbe, seconded by Commissioner Carter to approve Utility Adjustment Agreement with Crystal Clear Water Supply Corporation for the Hays County Road Bond – Hays County / TC&B / Crystal Clear Water Supply Corporation (Redwood Road). All voting "Aye".**

22755 APPROVE A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) [T1-426]

Fire Marshal/EMC Mark Chambers spoke of requirement that counties adopt NIMS (nationwide command system) as a pre-condition to the receipt of federal grants, contract and activities related to the management of preparedness for certain disaster and hazard situations. Michelle Fischer (City of Dripping Springs) spoke of letter they received regarding this action – county acceptance makes cities eligible for homeland security funding. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve a Resolution Adopting the National Incident Management System (NIMS). All voting "Aye".**

22756 APPROVE \$100,000 FROM COUNTY PARK BOND FUNDS FOR WATER CONTROL & IMPROVEMENT DISTRICT #1 & 2 NEAR DRIPPING SPRINGS FOR A NEIGHBORHOOD PARK [T1-506]

Barbara Austin (RBI) gave a powerpoint presentation regarding Hays County Park Project #10 – Hays County WCID #1 & #2 – Neighborhood Parks & Greenbelt Trail (located in Belterra subdivision). The public parks are "Pecan Grove Neighborhood Park [8.4 ac]" and "Trinity Hills Neighborhood Park [11.4 ac]" with a 1.8 miles, 6' wide, decomposed granite with concrete low water crossings and culverts, connections to elementary school and other neighborhoods, access to ponds and creeks, benches and signage. Project funding will be provided as follows: WCID #1 & #2 Park Fund = \$450,000 Hays County Park Bond = \$100,000 LCRA Partnership in Parks Grant = \$200,000 and Texas Trails Grant = \$100,000. The WCID will maintain the parks, trails and greenbelts at no cost to Hays County. Richard Salmon, Grants Administrator, recommended that the court issue a letter of commitment for \$100,000, limit term of commitment to one year, require the Hays County WCID #1 & #2 to commit to improvements and maintenance of property, require the Hays County WCID #1 & #2 to work with the Grants Office to locate additional funds, and require the Hays County WCID #1 & #2 to acquire cash or in-kind matching funds of \$100,000. [T1-829] Charles O'Dell spoke of problems he sees with this project and presented his statement in writing. [T1-907] Eric Willis (Belterra Community Assoc) spoke of current use by general public – he feels like this is a good use of public funds. Michelle Fischer (City Administrator of Dripping Springs) presented a Resolution from the Dripping Springs Parks and Recreation Commission in opposition to funding this project – they are requesting that existing county park funds be used to fund an irrigation well and related improvements for the Dripping Springs Sports and Recreation Park. [T1-995] Frank Daniels (lives in Friendship Ranch) spoke in support of this Park. [T1-1069] Steve Strohschein spoke about use of Dripping Springs Sports & Recreation Park and need for upgrades. Commissioner Ingalsbe spoke of her concerns about use of this park by the general public. [T1-1190] Andrew Barrett (HCWCID) advised that the park would be open to the public and there is donated land for public schools in the subdivision. Commissioner Molenaar spoke of having participated in other parks in the county and this project does qualify for parks funding. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve \$100,000 from County Park Bond Funds for Water Control & Improvement District #1 & 2 near Dripping Springs for a Neighborhood Park. Commissioner Molenaar, Commissioner Conley and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter voting "No". MOTION PASSED.**



22757 ADOPT THE MEMORANDUM OF AGREEMENT, IMPLEMENTATION PLAN AND RESOLUTION TO IMPLEMENT AND ENFORCE THE STATE RULE FOR LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATIONS AS PART OF THE AUSTIN/ROUND ROCK MSA CLEAN AIR ACTION PLAN FOR THE EARLY ACTION COMPACT [T1-1370]

Bill Gill, Capital Area Council of Governments, spoke of need for adoption of memorandum of agreement and implementation plan. The rule limits heavy vehicle idling up to 5 minutes from April 1 to October 31 of each calendar year, with several exceptions in which the rule does not apply. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt the Memorandum of Agreement, Implementation Plan and Resolution to implement and enforce the state rule for locally enforced Motor Vehicle Idling Limitation as part of the Austin/Round Rock MSA Clean Air Action Plan for the Early Action Compact. All voting "Aye".**

22758 APPROVE CIGNA'S PROPOSAL ON NEW RATE PLANS FOR MEDICAL AND DENTAL PLAN BENEFITS [T1-1670]

Burke Sunday (Sunday & Associates Inc.) presented a financial report/medical claims analysis and financial report/dental claims analysis. He went over cost analysis and a financial summary showing figures for CIGNA, Blue Cross, Humana, Unicare, and United Health Care for medical and dental plan benefits. Discussion was had regarding TAC not being allowed to submit a bid. Burke Sunday went over medical plan budget annualized cash flow analysis, dental plan renewal financials, and recommendations which would increase the county's contribution to the medical plan with no increase in cost to employees to carry their dependents. He also recommended offering a "low cost" medical plan option for employees that are currently carrying dependent coverage or who have previously waived coverage for dependent due to cost – this plan would not cover any out-of-network services and would have an annual deductible (\$150/\$300) and a \$50 fees for MRI/CAT Scan/PET Scan – all other benefits would be the same. Mr. Sunday suggested not approving rates for the "low cost option" at this time. *Recommendations of the insurance committee: (1) accept the renewal offer from CIGNA Healthcare for administrative services, stop-loss coverage for medical, and administrative services for the dental PPO plan, and the full insured CIGNA Dental Care (DHMO) plan; (2) make NO CHANGES to the monthly cost the County charges employees to carry their dependent(s) for medical coverage [Spouse = \$237.18 Child(ren) = \$173.80 Family = \$421.26]; (3) increase the County's contribution to the medical plan to \$484 per employee per month form the current \$440 and increase the County's contribution to the dental plan(s) to \$21.50 per employee per month from the current \$19.50; and (4) offer a "Low Cost" medical plan option for employees that are currently carrying dependent coverage and would like to reduce the cost and/or to employees that have previously waive coverage for dependents due to cost. [T1- 2883]* **A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve renewal of CIGNA's proposal on new rate plans for Medical and Dental Benefits, with exception of final monthly deductions for the "low cost option" plan. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 JULY 26 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2nd DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order. Judge Powers gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

John Lee requested that the court hold some meetings in the evening so that citizens can participate. Commissioner Molenaar advised that this has been tried and citizens did not show up. He spoke of having meetings taped and on the county website soon. John Lee spoke about the proposed new justice center – he suggested building where the civic center is located and sell the Thorpe Lane property so that it can go on the tax rolls.

22759 APPROVE BUDGET AMENDMENT # 05-35

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve Budget Amendment #05-35 as proposed by the County Auditor. All voting "Aye".

22760 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$244,563.60 as presented by the County Auditor. All voting "Aye".

22761 ACCEPT THE INTERNAL EXAMINATION REPORT FOR THE CONSTABLE PCT. 5 OFFICE AND FOR THE TRANSFER STATION / CITIZEN'S COLLECTION STATION

A motion was made by Commissioner Conley, seconded by Commissioner Carter to accept the internal examination report for the Constable Pct. 5 Office and for the Transfer Station/Citizen's Collection Station. All voting "Aye".

22762 APPROVE PREMIUM RATES FOR THE OPEN ACCESS PLUS IN-NETWORK MEDICAL PLAN AS PRESENTED BY BURKE SUNDAY ON JULY 26, 2005

The following premium rates were proposed for the Open Access Plus In-Network Medical Plan option for dependent coverage: Employee + Spouse = \$200 (regular plan \$237.18) Employee + Child(ren) = \$105.00 (regular plan \$173.80) Employee + Family = \$350.00 (regular plan \$421.26). A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve premium rates for the Open Access Plus In-Network Medical Plan as presented by Burke Sunday on July 26, 2005. All voting "Aye".

22763 APPROVE APPOINTMENT OF COMMISSIONER WILL CONLEY TO THE CAPCOG GENERAL ASSEMBLY TO FILL A VACANCY

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve appointment of Commissioner Will Conley to the CAPCOG General Assembly to fill a vacancy. All voting "Aye".

22764 APPROVE AN INTERLOCAL COOPERATION AGREEMENT FOR THE ASSESSMENT AND COLLECTION OF TAXES IN AND BETWEEN HAYS COUNTY MUNICIPAL DISTRICT NO. 5 AND HAYS COUNTY

Hays County Tax Assessor-Collector Luanne Caraway stated that it will take no additional people to perform this work or any extra money. She stated that we are required to collect these taxes if requested. A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve an interlocal cooperation agreement for the assessment and collection of taxes in and between Hays County Municipal District No. 5 and Hays County. All voting "Aye".



22765 APPROVE APPOINTMENT OF JUDGE BETH SMITH AND SHARI MILLER TO THE SALARY EVALUATION COMMITTEE

Commissioner Ingalsbe requested that the Shari Miller appointment be pulled until the committee has time to consider that appointment. Judge Ramage resigned his position and the Salary Evaluation Committee recommends the appointment of JP2 Beth Smith. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to appoint Judge Beth Smith to the Salary Evaluation Committee. All voting "Aye". A motion was made by Judge Powers, seconded by Commissioner Conley to appoint Shari Miller to the Salary Evaluation Committee. Commissioner Molenaar was not present for vote. Commissioner Ingalsbe voting "No". Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye".

22766 [PCT. 4 #05-4-059, 3 LOTS] REPLAT OF HARMON HILLS SECTION ONE LOT H-30 - APPROVE PRELIMINARY PLAN [T1-149]

Environmental Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Harmon Hills Section One Replat of Lot H-30". All voting "Aye".

22767 [PCT. 4#05-4-049] PUBLIC HEARING WITH ACTION TO VACATE FOX HOLE LOT 3 AND AMEND PLAT OF WHITE WINGS BY ADDITION OF TRACT B2K - APPROVE FINAL PLAT [T1-160]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve vacating of "Fox Hole Lot 3" and final plat of "White Wings Amended Adding Tract B2K". All voting "Aye".

22768 GRANT A VARIANCE TO PLATTING REQUIREMENTS TO JOYCE AND AUBREY WILKINSON [T1-175]

Commissioner Carter summarized the request for variance from Joyce and Aubrey Wilkinson. No houses are to be built and no septs installed. Joyce Wilkinson spoke of 2.9961 acres that they would like to transfer to their neighbors - because of health reasons they are unable to properly maintain their property - they would retain 1.0120 acres. Commissioner Carter spoke in support of granting the variance. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to grant a variance to platting requirement to Joyce and Aubrey Wilkinson for a 2.9961 acre tract. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

22769 PARK 35 SECTION 4B - PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS & SPEED LIMIT), RELEASE MAINTENANCE BOND, AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW [T1-237]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering gave staff recommendation to release maintenance bond, accept for county maintenance all road and drainage improvements, and establish traffic regulations as submitted. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way in "Park 35 South Section 4B"; and establish traffic regulations as follows: 25 MPH speed limit and STOP signs on Park 35 Cove at Commercial Drive, on Tecon Cove at Commercial Drive, on Warehouse Drive at Commercial Drive, and on Distribution Cove at Commercial Drive. All voting "Aye".

22770 PUBLIC HEARING AND ACTION TO ESTABLISH A "NO PARKING" ZONE ON WAYSIDE DR., CR 179 [T1-260]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. This action will prohibit parking of private vehicles in County ROW on Wayside Drive within 1000' of the Bendigo Crossing at the Blanco River. Presently vehicles are causing a hazard by limiting sight distances and by parking in a narrow curve at the approach to the crossing. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish a "No Parking" zone on Wayside Drive, CR179. All voting "Aye".

22771 PUBLIC HEARING AND ACTION TO ESTABLISH A "NO PARKING" ZONE AT THE CYPRESS CREEK LOW WATER CROSSING ON JACOBS WELL ROAD IN WIMBERLEY [T1-270]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. This action will prohibit parking of private vehicles in County ROW on Jacobs Well Road within 1000' of the crossing at Cypress Creek. Presently vehicles are causing a hazard by limiting sight distances and by parking in a narrow curve at the approach to the crossing. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish a "No Parking" zone at the Cypress Creek low water crossing on Jacobs Well Road in Wimberley. All voting "Aye".



22772 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON SAWYER RANCH RD., CR 164 [T1-282]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering recommended reducing the speed limit to 30MPH. The speed limit on this road is currently set at 40MPH. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to reduce the speed limit on Sawyer Ranch Road and establish a 30MPH speed limit. All voting "Aye".**

22773 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGN) ON GREYSTONE RD [T1-293]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a STOP sign on Greystone Road at its intersection with McGregor Lane as recommended by the Road Department. All voting "Aye".**

22774 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 14 FOR THE HAYS COUNTY ROAD BOND (ENGINEERING AND SURVEY SERVICES) – HAYS COUNTY / TC&B / PATE ENGINEERS (POSEY ROAD) [T1-304]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization No. 4 to Work Authorization No. 14 for the Hays County Road Bond (Engineering and Survey services) – Hays County/TC&B/Pate Engineers [Posey Road]. All voting "Aye".

22775 AMEND SECTION 5.05, HAYS COUNTY PERSONNEL POLICY MANUAL, RELATING TO RETIREE BENEFITS TO PROVIDE NOTICE TO PROSPECTIVE RETIREES OF THEIR RIGHT TO MAINTAIN HEALTH INSURANCE BENEFITS PURSUANT TO CHAPTER 175, LOCAL GOVERNMENT CODE [T1-315]

Luis Gonzales, Human Resources Director, spoke of need to establish a process and procedures in accordance with the Local Government Code requiring that the County notify retirees of their right to maintain health insurance. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to amend Section 5.05, Hays County Personnel Policy Manual, relating to retiree benefits to provide notice to prospective retirees of their right to maintain health insurance benefits pursuant to Chapter 175 Local Government Code. All voting "Aye".**

22776 CALL FOR A LOCAL OPTION ELECTION TO BE HELD ON NOVEMBER 8, 2005, IN THE CITY OF WOODCREEK [T1-333]

Elections Administrator Joyce Cowan submitted the verified petitions which includes more than the 354 signatures required to call for a local option election in the City of Woodcreek to consider "the legal sale of all alcoholic beverages for off-premise consumption only". **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a Local Option Election to Legalize to be held on November 8, 2005, to determine the following issue: The sale of all alcoholic beverages for off-premise consumption only in the City of Woodcreek. All voting "Aye".**

22777 AUTHORIZE EXPENDITURE FOR IMPROVEMENTS TO THE HAYS COUNTY CIVIC CENTER IN ANTICIPATION OF FUTURE RENTAL AGREEMENTS [T1-360]

Civic Center Manager Charles Nagel presented two contracts for \$19,000 (rentals) that will generate revenue of approximately \$108,000 per year (stall rentals and hookups). They are asking for more RV hookups than what we have and 50 more horse stalls than we have. The contracts are contingent on improvements to the civic center at a cost of approximately \$34,364 + \$800 more for upgrade on rubber floor mats for horse stalls. Commissioner Carter spoke in opposition to county purchasing stall mats and she suggested that Mr. Smith pay for these improvements. Commissioner Molenaar spoke in support of this request. Commissioner Ingalsbe spoke of Cinco De Mayo use of the civic center and contracts being considered will block their dates. Commissioner Molenaar spoke of civic center being a facility for horse shows, etc. and he spoke of work and cost involved in preparing the facility for other events. Special Counsel Jacqueline Cullom Murphy spoke of rental contracts and management contract that is coming up for Mr. Nagel. Ray E. Smith (Central Texas Cutting Horse Assoc.) spoke of improvements that need to be made to the civic center – they normally have 150 horses at each event. He spoke of other events that would follow and bring in additional revenue to the area. County Auditor Bill Herzog spoke in support of the contract. Commissioner Ingalsbe spoke of need for court to make a decision regarding use of this facility – it seems to becoming an equestrian facility. Charles Nagel advised that he was brought in to bring this kind of thing to the table and to turn this facility around and he spoke of historical use of the facility and his contract. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the expenditure of approximately \$35,164.00 for improvements to the Hays County Civic Center in anticipation of future rental agreements and contracts with funding to come equally out of line item #414-5314 self-insurance expense and #414-5441 legal expense. Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter "No" MOTION PASSED.**



Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 2, 2005.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9TH DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22778 APPROVE AND PRESENT A CERTIFICATE OF RECOGNITION TO CHELSEA BORDOVSKY FOR HER UNIQUE AND OUTSTANDING ACCOMPLISHMENTS

Commissioner Carter spoke of accomplishments of Chelsea Bordovsky (*first Governor of Girls' State to win as a write-in candidate, first student at Hays High School to serve as class president for 4 years, served as an intern in the Texas Legislature, attended a national political convention as a delegate, and served as a counselor for Texas Girls' State*) and presented her with a Certificate of Recognition. Chelsea Bordovsky spoke of the support she has received from her parents and spoke of all her amazing experiences and achievements and people she has met. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the certificate of recognition to Chelsea Bordovsky for her unique and outstanding accomplishments. All voting "Aye".**

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Commissioner Molenaar presented a 10 year service award to Building Maintenance Supervisor Ron Knott. Personal Health Director Nick Icossipentanhos presented a 10 year service award to Rebecca Herring.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

District Attorney Office Manager Carolyn Brown introduced new personnel Sostenes Mireles (Assistant DA), Margarita Avalos, Amelia Rios, and Rachael Druckhammer. Human Resources Director Luis Gonzales introduced Shari Miller (Compensation Analyst).

22779 APPROVE BUDGET AMENDMENT # 05-36

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 05-36 as proposed by the County Auditor. All voting "Aye".

22780 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 404,113.49 as presented by the County Auditor. All voting "Aye".

22781 APPROVE MAY 2005 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Treasurer's Report and Investment Report for May 2005 as presented. All voting "Aye".

22782 AUTHORIZE THE COUNTY JUDGE TO EXECUTE APPLIANCE WARRANTY AND MAINTENANCE AGREEMENT WITH U S NETCOM FOR PHONEMASTER PRO SYSTEM PURCHASED FOR THE HEALTH DEPARTMENT THROUGH THE TDHS BIO-TERRORISM GRANT APPROVED IN COMMISSIONERS' COURT JULY 12, 2005

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute and Appliance Warranty and Maintenance Agreement with U.S. Netcom for Phonemaster Pro System purchased for the Health Department through the TDHS Bio-Terrorism Grant approved by Commissioners' Court July 12, 2005. All voting "Aye".



22783 AWARD BID #2005-B08 TRIPLE AXLE IN GROUND TRUCK SCALE FOR DPS WEIGH STATION TO P&S SCALES IN THE AMOUNT OF \$47,850.00

Purchasing received two bids and one alternate. P&S Scale had the lowest bid and meets bid specifications. Funds for this project were approved in this fiscal year budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award Bid #2005-B08 Triple Axle In Ground Truck Scale for DPS Weigh Station to P&S Scales in the amount of \$47,850.00. All voting "Aye".

22784 AUTHORIZE PURCHASING AGENT TO HOLD ON-LINE AUCTION AND TO ADVERTISE TO DISPOSE OF SURPLUS PROPERTY

The auction will be placed on-line with Rene Bates Auctioneers (August 10, 2005 - August 25, 2005). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize Purchasing Agent to hold on-line auction and to advertise to dispose of surplus property. All voting "Aye".

22785 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$33,130.00 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AND TO EXECUTE CONTRACT

This grant and matching funds will be used by Hays County Juvenile Probation to continue to pay the salary and benefits of the 2nd drill instructor for the "Day Boot Camp" at Hays CISD. The County will provide a 10% match based on JABG calculations (\$3,682). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept a \$33,130.00 Grant from the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program and to execute a contract. All voting "Aye".

22786 APPROVE INTERLOCAL AGREEMENT WITH CAPCOG FOR ENHANCED 9-1-1 DATABASE PROGRAM, AND PSAP MAINTENANCE, EQUIPMENT UPGRADE, AND TRAINING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve an interlocal agreement with CAPCOG for enhanced 9-1-1 Database Program and for PSAP Maintenance, Equipment, Upgrade and Training. All voting "Aye".

Clerk's Note: Agenda Item #7 Re: AUTHORIZE PURCHASE OF 3 WORKSTATIONS FOR THE COUNTY CLERK'S OFFICE (COURTS DIVISION) was PULLED. No discussion and no action taken.

PUBLIC COMMENT

Joe Castillo spoke of action taken by the court regarding the Civic Center last week. He spoke of being disappointed that Cinco De Mayo cannot utilize the facility for their event and he does not feel like agricultural events will generate the revenue anticipated.

22787 [PCT. 1 #05-1-055, 2 LOTS] KYLE HEIGHTS SECTION 2 REPLAT OF LOT 13 - CONSIDER APPROVAL OF FINAL PLAT [T1-264]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve final plat of "Kyle Heights Section 2 Replat of Lot 13". All voting "Aye".

22788 [PCT. 2 #05-2-030] SHADOW CREEK PHASE ONE SECTION THREE LOT 7 BLOCK Q - APPROVE SIDE BUILDING SETBACK REVISION [T1-275]

Environmental Health Director Allen Walther spoke of request to reduce set back from 5 ft to 2 ft. only on Lot 7. He gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve side building setback revision allowing a setback of 2 feet on Lot 7 Block Q Shadow Creek Phase One Section Three. All voting "Aye".

22789 PCT. 2 03-2-058 THE PARKLANDS SECTION 1 - APPROVE AMENDED PHASE DEVELOPMENT AGREEMENT [T1-290]

Environmental Health Director Allen Walther explained this agreement re: improvements to be made to roads outside the subdivision. Commissioner Carter spoke of transportation plan being changed by this agreement and right of way to be dedicated to the county. Allen Walther spoke of additional r-o-w being dedicated for extension of an existing road. Mel Mathis spoke of the r-o-w being a requirement of the City of Neiderwald and he spoke of road improvements to be made. Road Supt/Engineer Jerry Borcharding spoke of his review and understanding of this agreement and he gave staff recommendation for approval. Allen Walther explained how this would change the transportation plan. A motion was made by Judge Powers, seconded by Commissioner Conley to approve "The Parklands Development Restated and Amended Phasing Agreement". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



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22790 ELLIOTT RANCH SUBDIVISION PHASE 4 - ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN THE COUNTY ROW, AND RELEASE OF CONSTRUCTION BOND [T1-533]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction and drainage improvements in the county right-of-way and release of construction bond. He advised that these are not county roads and do not require a maintenance bond. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to accept road construction and drainage improvements in the county right-of-way, and release the construction bond for "Elliott Ranch Subdivision Phase 4". All voting "Aye".**

22791 CALL FOR A PUBLIC HEARING ON AUGUST 23, 2005 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) IN MEADOW OAKS SUBDIVISION [T1-551]

The Road Dept. will be recommending a STOP sign on Morgan Hills Drive, Meadow Lane, and Broken Lane Drive. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on August 23, 2005 to establish traffic regulations (STOP signs) in Meadow Oaks Subdivision. All voting "Aye".**

22792 ACTION TO HIRE LOOMIS AUSTIN TO PERFORM AN ENVIRONMENTAL STUDY AT CYPRESS CREEK LOW WATER CROSSING ON JACOBS WELL ROAD [T1-557]

This company is pre-qualified by the court. Road Supt./Engineer Jerry Borcharding advised that Task #2 has been deleted from the proposal. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to hire Loomis Austin to perform an environmental study at Cypress Creek low water crossing on Jacobs Well Road. All voting "Aye".**

22793 PRESENTATION OF THE COUNTY JUDGE'S PROPOSED FY2006 BUDGET AND ACTION TO SET BUDGET WORKSHOP DATES [T1-591]

Judge Powers presented his FY2006 proposed budget and a recommended schedule for budget workshops. The proposed budget recommends a lower tax rate (from \$0.4630 to \$0.4620), a 13% increase in road department operations, 13% increase in indigent health care, 9% increase in law enforcement expenses, 12 new positions, a 2% merit increase for employees and a 4% pay raise for elected officials. The recommended schedule for budget workshops are as follows: *Tuesday - Aug 16, 2005 immediately following Commissioners' court; Wednesday - Aug 17, 2005 @ 10:00 a.m.; Thursday - Aug 18, 2005 @ 10:00 a.m.; Monday - Aug 22, 2005 @ 10:00 a.m.; and Tuesday - Aug 23, 2005 immediately following Commissioners' Court.* **A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve the recommended budget workshop dates and times. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 9, 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

HAYS COUNTY 4-H UPDATE

County Agent Richard Parish gave an update of 4H activities. There are nine 4H clubs in the County. He spoke of awards that have been received and various other accomplishments by the youth. He thanked the court for their support.

22794 APPROVE BUDGET AMENDMENT # 05-37

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment No. 05-37 as proposed by the County Auditor. All voting "Aye".

22795 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$468,020.35 as presented by the County Auditor. All voting "Aye".

22796 APPROVE UTILITY PERMITS #01826-01828

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Permit #01826 on Pauls Valley Road issued to Time Warner Cable, #01827 on Bonham Ranch Road issued to Time Warner Cable, and #01828 on Sawyer Ranch Road/CR164 issued to Verizon Wimberley. All voting "Aye".

22797 ADOPT A RESOLUTION TO COLLECT AND DISBURSE AN APPELLATE JUDICIAL SYSTEM FEE FOR CIVIL SUITS FILED IN HAYS COUNTY

The Legislature amended Section 1 Subchapter C Chapter 22 of the Government Code requiring the Commissioners' Court of each county to collect a fee of \$5.00 for each civil suit filed in county courts, county courts at law, probate courts, and district courts in the Third Court of Appeals 24 counties. These funds are not subject to the county's budgetary process and may not be used for any other purpose than to "assist the court of appeals". A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to adopt a Resolution to collect and disburse an Appellate Judicial System Fee for civil suits filed in Hays County. All voting "Aye".

22798 AUTHORIZE THE COUNTY JUDGE TO APPROVE AMENDED CONTRACT FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR CHS-FEE FOR SERVICE - FAMILY PLANNING

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to approve the Amended Contract from the Texas Department of State Health Services for CHS-Fee for Service - Family Planning in the amount of \$9,568.00. All voting "Aye".

22799 ACCEPT THE INTERNAL EXAMINATION REPORT FOR THE CIVIC CENTER

Commissioner Carter had questions regarding this report. County Auditor Bill Herzog spoke of recommendations made by the Auditors office and advised that Mr. Nagel has agreed to follow those recommendations. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to accept the internal examination report for the Civic Center. All voting "Aye".



22800 APPROVE REPLACEMENT OF SALARY EVALUATION COMMITTEE WITH HUMAN RESOURCES DEPARTMENT THROUGHOUT THE HAYS COUNTY PERSONNEL POLICY MANUAL [T1-176]

Commissioner Carter spoke of her concern about moving an 8 person committee into a 1 person decision. Tax Assessor-Collector Luanne Caraway advised that she would like to retain this committee so that she will have a voice. J.P. 2 Beth Smith and District Clerk Cecelia Adair spoke in support of the committee. Commissioner Carter requested that this be pulled off the agenda. Commissioner Molenaar feels like we hired a person in Human Resources to do the job and the committee is no longer necessary. Commissioner Conley also felt like Human Resources is responsible for this. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve replacement of salary evaluation committee with Human Resources Department throughout the Hays County Personnel Policy Manual. Commissioner Molenaar, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter voting "No".**

Clerk's Note: Agenda Item#9 RE: RUTHERFORD WEST SECTION ONE - APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

22801 ADOPT THE ELECTION DAY POLLING LOCATIONS FOR THE NOVEMBER 8, 2005, CONSTITUTIONAL AMENDMENT ELECTION [T1-269]

Sue Basham presented a list of polling locations for the November 8, 2005 Constitutional Amendment Election which combines some precincts. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt the Election Day Polling Locations for the November 8, 2005 Constitutional Amendment Election. All voting "Aye".**

22802 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 8, 2005, CONSTITUTIONAL AMENDMENT ELECTION [T1-282]

Sue Basham spoke of this being the standard locations and dates for elections. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt the Early Voting Schedule for the November 8, 2005 Constitutional Amendment Election. All voting "Aye".**

22803 APPROVE APPOINTMENT OF EDDIE GUMBERT TO UN-EXPIRED TERM ON THE WIMBERLEY ESD #4 BOARD REPLACING DAVE SLIDER WHO IS STEPPING DOWN

[T1-295] A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve appointment of Eddie Gumbert to an un-expired term on the Wimberley ESD#4 Board replacing Dave Slider who is stepping down. All voting "Aye".

22804 HAYS COUNTY BUDGET WORKSHOP WITH ACTION ON PARTICULAR BUDGET LINE ITEMS AND VOTE ON PROPOSED TAX RATE [T1-329]

TAX RATE

Judge Powers spoke of updates to his proposed budget: 1) salary upgrades adjustment - subtract overestimates = \$33,409, 2) adjusted hire date for 12 new positions to April 1, 2006 = \$268,386, 3) civic center equipment line item paid for in FY04/05 = \$32,000, 4) remove library fund increases = \$13,000, 5) subtract 3 computers from the District Attorney's office = \$4,500, 5) adjust county revenue estimates - civil and criminal filing fees = \$45,000, 6) use reserves for equipment / 1 time expense = \$ 67,117. Total adjustments to reach effective tax rate = \$463,412. The current tax rate = 46.30¢ effective tax rate = 45.54¢ County Auditor Bill Herzog explained the 1 time equipment expense using reserve funds. The proposed tax rate of 45.54¢ would represent a 0.76¢ decrease in the current tax rate and a 0% increase over the effective tax rate. **A motion was made by Judge Powers, seconded by Commissioner Conley to go to an effective tax rate of 45.54¢ along with recommended adjustments to the proposed budget. All voting "Aye".** Commissioner Molenaar voiced his concerns about adopting a tax rate at this time before hearing from department heads. **A motion was made by Judge Powers, seconded by Commissioner Conley to adopt a proposed tax rate of 45.54 cents. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".**

ROAD DEPARTMENT [T1-471]

Road Supt/Engineer Jerry Borcharding spoke of the road department budget being based on previous years expenditures, interviews with Commissioners regarding priorities, and data from road scoring. He spoke of analyzing each road, road project costs (priority list), and maintenance material costs. Critical budget line items are "contract hauling", "materials" (project & maintenance), and "contract road work". Road Dept. FY06 budget summary: \$2.1 million for new priority projects, \$0.6 million for carry over projects, and \$0.6 million for maintenance material estimate = total of \$3.3 million - County Judge's recommended budget = \$3.2 million. Other budget items to consider are fuel/lube oil (\$368,000), consultant expense (\$120,000), road equipment (\$300,000), and capitol improvements (\$0). Mr. Borcharding advised that he can live with the recommended budget of \$3.2 million but will not be able to do hot mix roads. Cotton Gin, Centerpoint Road, and CR 266 needs



to be hot mix -- a good base is necessary before the hot mix is applied. He spoke of needing some reserves to take care of weather related problems that may come up during the year. Jerry Borcharding requested moving \$40,000 into the capital improvements line item out of consultant expense to pay for a storage shed and office facility for Pct. 3 yard and a similar portable building for Pct. 1 yard at the Civic Center. [T1-1270] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to decrease line item 438-5443 Consultant Expense from \$120,000 to \$80,000 and the remaining \$40,000 be placed in line item #438-5741 Misc. Capital Improvements line item. All voting "Aye". Jerry Borcharding spoke of right-of-way needs: \$30,000 to cover r-o-w on Bee Back Inn Road and approximately \$48,000 to widen McCarty Lane + \$82,000 for utility adjustments. He is requesting \$160,000 for right-of-way. A discussion was had regarding surplus funds in the salary line item that could be utilized.

PUBLIC COMMENT

[T1-1530] Roderick Lawrence spoke of owing unpaid taxes in Hays County because of not receiving notice of taxes due for a number of years. He has since paid those taxes. Mr. Lawrence spoke of a Statute he has researched allowing a taxpayer to work for the county in lieu of paying taxes

WORKSHOP REGARDING RESIDENCE HOMESTEAD EXEMPTION FOR DISABLED AND 65 YEARS OF AGE AND OVER [T1-1845]

Commissioner Molenaar read from statute [Texas Constitution Section 1-b Article VIII]. Tax Assessor-Collector Luanne Caraway spoke of problems with this statute (tax freeze): once the amounts are frozen the only time there would be any increase would be when they make an improvement to the property. This exemption would also stay in place as long as the individual does not claim other property as their homestead, including time that they live in a nursing home and someone else is possibly living in the house. Once put in place, this exemption cannot be rescinded. She spoke of other options -- you can increase homestead exemptions by claiming an over 65 homestead exemption. She advised that Hays County currently has 23,457 homestead exemptions with 4,766 of these being over 65 exemptions. Commissioner Conley spoke in support of tax relief for seniors and disabled taxpayers. Luanne Caraway advised that you could increase the homestead exemptions rather than put a ceiling (which can never be repealed).

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 16, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

22805 FY2006 HAYS COUNTY BUDGET WORKSHOP WITH ACTION

HABITAT CONSERVATION PLANNING ASSISTANCE GRANT

Commissioner Conley spoke of habitat conservation plan and attempt to get a \$753,000 grant from U.S. Fish & Wildlife Service – the county will have to provide a match of \$ 251,000. He spoke of letters of support from various public officials (Congressmen). **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to pull \$200,000 from reserves to provide matching funds for a \$753,000 U.S. Fish & Wildlife Service Grant. All voting "Aye".**

RETIREE COMMITTEE RECOMMENDATIONS

Britney Richey spoke of meeting at TCDRS indicating that Hays County is in very good shape. She presented recommendations from the Retiree Committee: No changes to current retirement requirements or policies, propose a cost of living increase of 2% to current retirees, County Treasurer to provide packets to all retirees regarding recent changes in Texas Law regarding retirement and Medicare D, provide information to retirees regarding individual insurance plans that are available through various insurance carriers that are a cheaper alternative for those on Medicare even if they are not on the Hays County Group Insurance, and provide information to retirees regarding pharmaceutical help that is available to those who qualify. Britney Richey requested \$900 for a security system for the Treasurers office. County Auditor Bill Herzog advised that the \$900 could be found in the current budget. Cost of living increase for retirees would cost \$15,216.38 Bill Herzog stated that this money can be obtained through attrition – would be effective January 1, 2006. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to accept recommendations of the Retiree Committee. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

DISTRICT CLERK

District Clerk Cecelia Adair spoke of increase in postage (5.4% increase in January 2006). County Auditor Bill Herzog spoke of \$3,000 too much in District Court budget that could be transferred to the District Clerk budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to pull \$2,000 from District Court postage line item and put it into District Clerk postage line item. All voting "Aye".** Cecelia Adair also requested additional personnel (tax/family court specialist). She spoke of new court and scheduling of three district courts going on at the same time with only two clerks to assist. She could make do with hiring a file clerk instead of a deputy clerk. Bill Herzog advised that new positions start on April 1, 2006. Commissioner Ingalsbe advised that she would like to hear other department requests before making a decision. Bill Herzog spoke of cost for a 912 position: \$22,185 + fringe = \$32,000 (\$15,000 for ½ year).

JUSTICE OF THE PEACE PCT. 4 [T1-801]

Judge Rex Baker appeared requesting an additional fulltime clerk. He presented comparisons between the six justice courts in Hays County (number of clerks, number of cases filed, and revenue generated). The tremendous increase in cases filed has put a severe strain on the court and its 2 clerks – it is essential that he be granted another clerk (will be bi-lingual). County Auditor Bill Herzog advised that cost for a clerk is \$22,185 + fringes = \$32,000 (\$15,000 for ½ year).

HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT [T1-1004]

Andrew Backus, President of HTGCD, spoke of budget request submitted (\$46,000). He spoke of makeup of the board of directors (volunteers) – there is one paid person. Annual budget is \$75,000 per year and expenditures are \$75,000 - which makes them break even or less. The requested money is for science which would assist them in refining the big picture model for the region. They are tasked with protecting the resources. Commissioner Carter spoke in support of funding this request. Commissioner Conley spoke of listening to requests at this time.

**SHERIFFS DEPARTMENT**

Chief Deputy Sam Williams spoke of Jail budget: Overtime line item – requested \$175,00 recommended \$150,000. They have had FMLA and Workers Comp issues which have affected their budget. Four new Correction Officers were requested and 2 were budgeted – he requested one additional (3 instead of 2). Sam Williams spoke of classification of inmates in the jail and how that creates personnel problems. He also spoke about building maintenance and improvements that need to be made. Jail standards require 1 officer to every 48 inmates. County Auditor Bill Herzog advised that the cost is \$40,200 per correction officer. Sam Williams spoke of need for new video surveillance system - \$100,000 is needed to replace the current equipment and reduce the county's liability – would allow officers to view the video from their computers at home. He would make do with half of that funding. Inmate medical expenses are increasing – they would like to recoup the expenses from the inmates – requesting \$20,000 for automated system that would track services provided and bill the inmates (internally and outside the jail). Commissioner Carter spoke of inmates growing food for the jail. Sam Williams feels like it is not economically effective – there is no incentive, pool to chose from is too small, and problem with available land. The cost for meals is averaging \$0.81-0.84 per meal. The increase in meals expense is largely due to fuel surcharge being added to food deliveries. Capt. Bo Kidd appeared requesting at least two new Sgt. positions on the patrol side – geographic issue requires additional supervisors. Proper supervision is needed.

Commissioner Molenaar spoke of increase in travel allowance – take \$500 from special projects. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to move \$500 from special projects and into travel allowance in each Commissioners budget. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Commissioner Molenaar voting "Aye". Judge Powers abstained.** [\$1,000 for special projects \$1,000 for travel allowance]

Commissioner Ingalsbe spoke of CARTS being taken out of the budget. She spoke of services provided by CARTS. She will have Dave Marsh appear before the court.

I, **LEE CARLISLE, 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 AUGUST 17, . 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 18TH DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

22806 FY2006 HAYS COUNTY BUDGET WORKSHOP

JUVENILE DETENTION CENTER

Brett Littlejohn, Administrator of the Juvenile Detention Center, appeared before the court. He spoke of Line item #5548 contract services - he requested \$230,000 and the recommended amount in the budget is \$200,000. He spoke of adding one more substance abuse counselor. He also spoke about the school lunch program in which the State reimburses them on a monthly basis for meals - the cost for meals is \$1.15 per meal per day. He spoke of vehicle request - they are looking at a 12 passenger van which will cost approximately \$20,000 but only \$18,000 was budgeted. Discussion was had regarding medical/dental services provided to detainees. Brett Littlejohn spoke of request for increase in staff salaries - they have not received a raise in 3 years. It was recommended that he go to Human Resources and have staff positions evaluated.

COMPUTER SERVICES (IT DEPT) [T1-701]

Information Technology Director Jeff McGill spoke of salary upgrades - people are leaving because of the salary being paid - we are training people and losing them. He stated that Human Resources concurs with what he is asking for in salaries. He is willing to give up a position in order to get these increases. Requesting a \$36,000 increase in staff salaries line item. He spoke of need for an increase in the entry level position. Jeff McGill spoke in support of the medical health records system requested by the Sheriffs Dept. which could also be utilized by the Health Dept. and he supports the request by Environmental Health Dept.

CARTS [T1-1088]

CARTS Executive Director David Marsh appeared before the court. They receive 10% of their total revenues come from local government. He spoke of services provided in Hays County. They are requesting \$15,000 and the recommendation was for zero funding. He spoke of funds provided from TxDot, fares, local government, contracts, etc. The City of San Marcos funds \$70,000. Commissioner Ingalsbe suggested taking \$10,000 from line item #408-5431 medical/dental services & \$5,000 from line item #408-5231 Prescription/medical supplies.

J.P. 2

Justice of the Peace Pct. 2 Beth Smith requested \$500 more for postage.

ELECTED OFFICIALS SALARIES [T1-1500]

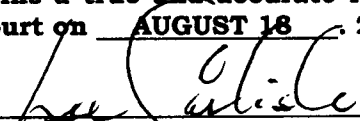
The proposed salary increase for elected officials is 4%. Commissioner Carter spoke of TAC booklet that shows Hays County Officials being highly paid. Commissioner Conley spoke of Comal County considering an 8% increase. Judge Powers advised that if an elected officials does not want to receive this salary, they can turn it down. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt the proposed elected officials salaries. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

Elected Officials' Salaries Proposed FY 2006			
County Court at Law Judges	\$ 110,000	County Auditor & Sheriff	\$ 79,872
County Judge	\$ 67,077	Tax Assessor	\$ 59,576
County Treasurer	\$ 56,057	District & County Clerk	\$ 55,943
Commissioners	\$ 54,023	Justices of the Peace	\$ 47,458
Constables	\$ 46,000		

Commissioner Conley suggested not taking action on individual items until everyone has been heard. Commissioner Molenaar spoke of vehicle request for Fire Marshal Mark Chambers. Commissioner Conley spoke of need to explore corporate sponsorship/contributions.

Court adjourned.

I, **LEE CARLISLE, 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 AUGUST 18, 2005.


**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**





ON THIS THE 22nd AY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILL CONLEY
RUSS G. MOLENAAR
LEE CARLISLE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

FY2006 HAYS COUNTY BUDGET WORKSHOP

GREATER SAN MARCOS ECONOMIC COUNCIL

Dan Rogers, Director of GSMEC, appeared requesting \$29,750. They are working on two projects in the county at this time in Precinct 2. He spoke of working with the cities on prospective projects in their area. Mr. Rogers spoke of process followed when a prospective business comes to them – each city has told GSMEC what type of business they are interested in and those are the only type that are referred to them. They work with a planned growth model.

AUSTIN-SAN ANTONIO CORRIDOR COUNCIL [T1-354]

Ross Molloy spoke of commuter rail district that was created and feasibility study underway – moving into preliminary planning phase. He spoke of talking with Union Pacific regarding relocation of their rail lines further east. They are seriously interested in relocating out of the Austin-San Antonio corridor and have set aside funding for a study. Texas Rail? Relocation Act was adopted by the Legislature this year. Hoping to shift a lot of truck freight to rail. He spoke of ridership studies – 28,500 people per day may use rail and that would take a significant amount of traffic off IH35. They requested \$5,000 and \$4,750 was funded in the budget. Public hearings have indicated that people want fare to be \$12 from San Antonio to Austin.

ENVIRONMENTAL HEALTH DEPARTMENT [T1-800]

Tom Pope spoke of requesting \$60,000 for vehicles and receiving only \$34,000 – would need \$36,400 to replace two trucks and outfitting one truck for enforcement officer with an additional \$7,000 (lights \$1000, siren & PA \$350, Striping \$275, and radio \$5,300). Also requesting \$6,000 instead of recommended \$5,000 to maintain older and high mileage vehicles. Mr. Pope spoke of need for an additional Environmental Tech to assist in monitoring the maintenance requirements of Class I On Site Sewage Facilities. They have over 5,500 systems to monitor. He also requested an additional Environmental Code Enforcement Officer to allow their program to expand. Environmental Health Director Allen Walther spoke of need to look at continuing education line item and he read from a letter sent to him by the Leisurewoods Property Owners Association in support of an additional code enforcement officer.

COUNTY COURT AT LAW #1 & #2 [T1-1135]

Judge Howard Warner spoke of late request he sent to add a full-time Assistant Court Administrator to serve CCL#1 and CCL#2. He has not added staff in the last 15 years. He spoke of increase in the District Attorney's office and the County Clerk's office. Jury trials have increased. In the future he will be requesting an additional court reporter and he thinks another County Court at Law Judge will be needed.

CASA [Court Appointed Special Advocates] OF CENTRAL TEXAS [T1-1250]

Norma Castilla-Blackwell, Executive Director of CASA of Central Texas, explained the services provided. They are requesting \$10,000 and the recommended amount is \$4,750. Money will be used for advocates and cash match for VOCA grant. Commissioner Molenaar spoke in support of this program. \$5,250 needed. Commissioner Conley spoke of working personally with this program to help raise money. County Auditor Bill Herzog advised that VOCA & VAWA grants are no longer funded through the county and grants are now going directly to social services. Randolph Goodman also appeared.

ENVIRONMENTAL HEALTH/GIS DEPT. [T1-1578]

Steve Floyd, GIS Program Manager/911 Addressing, spoke of various county departments and other agencies that his office deals with. He spoke of increase in population in the county which increases their workload. He spoke of software needs to maintain the 9-1-1 database. The contract with CAPCOG requires them to place a point on the map for every addressable structure in Hays County. Residences, businesses, any structure with a phone gets an address, and sometimes they have to address non-structure places that have an electric meter. He spoke of possibly having an internet map server accessible through the county intranet site for use by county departments.

Court was adjourned.

I, **LEE CARLISLE**, 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 AUGUST 22, 2005.



Lee Carlisle
LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22807 ACCEPT RESIGNATION OF HAYS COUNTY SHERIFF DON MONTAGUE AND APPOINT SGT. ALLEN BRIDGES AS HAYS COUNTY SHERIFF PURSUANT TO SECTION 87.041 TEXAS LOCAL GOVERNMENT CODE EFFECTIVE AUGUST 31, 2005

County Judge Jim Powers presented a plaque to Sheriff Montague in appreciation for his 18 years of service to Hays County. Sheriff Montague spoke of his beginning with Hays County and gave his appreciation to everyone. Commissioner Molenaar gave his appreciation to the Sheriff and others associated with the Sheriff's Dept. Commissioner Conley and Commissioner Ingalsbe thanked Sheriff Montague for his service to our community. Commissioner Carter also spoke. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the resignation of Hays County Sheriff Don Montague and appoint Sgt. Allen Bridges as Hays County Sheriff pursuant to Section 87.041 Texas Local Government Code effective August 31, 2005. All voting "Aye".**

PUBLIC COMMENT

Commissioner Conley introduced his mother, aunt, fiancé, & grandparents (here from Shreveport) and thanked them for being here today.

Peter French (T1-159), President of Kyle Area Chamber of Commerce and Developer of the Plum Creek Community in Kyle, spoke of the Kohlers Crossing Bond Road Project. He stated that the City of Kyle has approved the interlocal agreement and requested that Commissioner Carter place this on the Commissioners Court agenda and she has chosen not to, therefore, he requested that some other member of the court proceed with the wishes of the Kyle City Council and place this on the agenda so that this project can move forward.

22808 APPROVE BUDGET AMENDMENT # 05-38

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-38 as proposed by the County Auditor. All voting "Aye".

22809 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$437,336.17 as presented by the County Auditor. All voting "Aye".

22810 APPROVE UTILITY PERMIT #01832

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01832 on CR200/Deer Creek Circle issued to Deer Creek Water Company as submitted by the Road Department All voting "Aye".

22811 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT APPLICATION FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, JAG GRANT PROGRAM FOR \$14,332.00 AND TO EXECUTE CONTRACT

The purpose of this grant will be to purchase tasers as another non-lethal option to improve public safety. The Sheriff's office, Constables and District Attorney's office will utilize the funds. No administrative funds included in the grant and there is no match. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept Grant Application from the U. S. Department of Justice, Bureau of Justice Assistance, JAG Grant Program for \$14,332.00 and to execute a contract. All voting "Aye".**



- 22812 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$182,244 TO THE TEXAS DEPARTMENT OF HEALTH SERVICES FOR BIOTERRORISM ASSESSMENT AND PLANNING TO INCLUDE THE CREATION OF NEW POSITION (IF GRANT EXPIRES, THE POSITION WILL EXPIRE) AND EXECUTE CONTRACT**

The Texas Dept. of Health is providing grant funds to upgrade local health department's bio-terrorism preparedness and response to other outbreaks of infectious disease and other public health threats and emergencies for FY2005. Grant funds would be used to add one more staff member. No match required. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for \$182,244 to the Texas Department of Health Services for Bio Terrorism Assessment and Planning to include the creation of a new position (if grant expires, the position will expire) and to execute contract. All voting "Aye".

- 22813 APPROVE RENEWAL OF CONTRACT FOR "BRUSH CUTTING AND OTHER SERVICES" FOR THE HAYS COUNTY ROAD DEPT. WITH ASPLUNDH TREE EXPERT FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT**

The Road Department recommends renewal of contract for one year – all terms and conditions remain unchanged and in full force and effect. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approval renewal of contract for "Brush Cutting and other Services" for the Hays County Road Department with Asplundh Tree Expert for one additional year as provided in the original contract. All voting "Aye".

- 22814 APPROVE AWARD OF BID #2005-B10 WIMBERLEY BY-PASS TO RGM CONSTRUCTORS, LP IN THE AMOUNT OF \$2,992,823.05**

Purchasing received 4 bids and after tabulation and review it is the recommendation of Purchasing and TC&B to award the bid to low bidder RGM Construction. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of bid #2005-B10 Wimberley By-Pass to RGM Constructors LP in the amount of \$2,992,823.05. All voting "Aye".

- 22815 APPROVE OUT-OF-STATE TRAVEL FOR JOHN HENRY CAVANAUGH AND JULIE SCHNEIDER OF THE HAYS COUNTY SHERIFF'S OFFICE JAIL MEDICAL UNIT**

Training is being provided by the National Commission on Correction Health Care and the Academy of Correctional Health Professionals and will provide the jail infirmary staff with valuable resources to combat the aggressively climbing costs of providing health care to the inmates. The cost of the program is minimal in comparison to this type of medical training being provided elsewhere. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve out-of-state travel for John Henry Cavanaugh and Julie Schneider of the Hays County Sheriff's office Jail Medical Unit. All voting "Aye".

- 22816 AUTHORIZE THE PURCHASE OF 25 HEAVY-DUTY BODY BAGS FOR ALL HAYS COUNTY JUSTICE OF THE PEACE OFFICES**

Each unit cost less than \$30 – the mortuary charges the county \$150 per unit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the purchase of 25 heavy-duty body bags for all Hays County Justice of the Peace Offices. All voting "Aye".

Clerk's Note: Agenda Item #10 RE: [PCT. 3 #04-3-076, 12 LOTS] CIELO RANCH – APPROVE FINAL PLAT AND ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN COUNTY R-O-W AND MAINTENANCE BOND was PULLED. No discussion and no action taken.

- 22817 [PCT. 4 #05-4-059, 3 LOTS] REPLAT OF HARMON HILLS SECTION 1 LOT H-30 – PUBLIC HEARING AND APPROVE FINAL PLAT [T1-187]**

Judge Powers declared the public hearing open. Tommy Johnson asked for a moratorium for development in the subdivision. He spoke of commercial usage and tracts being divided into as many as 6 tracts. The restrictions for this subdivision state that "the tracts in this subdivision are set aside for single family dwelling units, and commercial usage shall not be permitted". Commissioner Molenaar spoke of property owners being able to file a suit regarding violation of restrictions. Commissioner Carter spoke of county subdivision rule which she feels applies. Environmental Health Director Allen Walther advised that the county does not have the authority to regulate land use. Special Counsel Jacqueline Cullom Murphy advised that we are not a party to the subdivision restrictions and cannot enforce them. Wendy Armstrong spoke of this being the only time they were notified of a resubdivision – they want direction on what they can do in situations like this. Commissioner Molenaar invited Mr. Johnson and Ms. Armstrong to come to his office and he will provide them with statutes that show what the court can and cannot do. Judge Powers closed the public hearing. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Replat of Harmon Hills Section 1 Lot H-30". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".



22818 PUBLIC HEARING AND ACTION TO ABANDON RIGHT OF WAY ALONG WHITE HAWK CIRCLE IN PRECINT 4 [T1-459]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther spoke of appraisal that has been done and he recommends abandonment. Commissioner Molenaar spoke of property owner owning both sides of the road which ends in a culdesac at their home. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to abandon right-of-way along White Hawk Circle in Precinct 4. All voting "Aye".**

22819 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (3 WAY STOP) IN MEADOW OAKS SUBDIVISION [T1-511]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 3-Way Stop at the intersection of 2 county roads and 1 private road: Stop traffic on Morgan Hills Drive @ Meadow Lane, on Meadow Lane @ Morgan Hills Drive, and on Broken Lance Drive @ Meadow Lane. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations as recommended by the Road Department: a 3-way STOP at the intersection of county roads Meadows Lane and Morgan Hill Drive and private road Broken Lance Drive. All voting "Aye".**

22820 CALL FOR A PUBLIC HEARING ON SEPTEMBER 6, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) ON COTTONWOOD ROAD AND DAYS END ROAD [T1-525]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on September 6, 2005 to consider establishing traffic regulations (speed limit) on Cottonwood Road and Days End Road. All voting "Aye".

22821 APPROVE SUPPLEMENTAL WORK AUTHORIZATION #4 TO WORK AUTHORIZATION #3 FOR ADDITIONAL UTILITY, ENGINEERING, AND SURVEY WORK ALONG REDWOOD ROAD (HAYS COUNTY/TCB/URS) [T1-536]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization #4 to Work Authorization #3 for additional utility, engineering, and survey work along Redwood Road (Hays County/TCB/URS). All voting "Aye".

22822 APPROVE SUPPLEMENTAL WORK AUTHORIZATION #1 TO WORK AUTHORIZATION #23 FOR CONSTRUCTION PHASE SERVICES FOR NUTTY BROWN & THE WIMBERLEY BY-PASS (HAYS COUNTY/TCB) [T1-546]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Supplemental Work Authorization #1 to Work Authorization #23 for construction phase services for Nutty Brown & the Wimberley By-Pass (Hays County/TCB). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22823 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM AGREEMENT WITH CATHOLIC, ARCHDIOCESE OF SAN ANTONIO, INC. [T1-560]

Human Resources Director Luis Gonzales spoke of this being a federally funded program – Human Resources would be a training site. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to execute Senior Community Service Employment Program Agreement with Catholic Archdiocese of San Antonio Inc. All voting "Aye".**

22824 APPROVE REVISED BASE FLOOD ELEVATION REQUIREMENT ON LOT 214 RIVER MOUNTAIN RANCH SECTION II [T1-578]

Environmental Health Director Allen Walther spoke of base elevations being placed on the recorded plat, however, map changes in 1998 reduced the base elevations by about 6-7 feet. A base flood elevation requirement of 759 feet is recommended. Allen Walther gave staff recommendation for approval of a lower base elevation. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve revised base flood elevation requirement on Lot 214 River Mountain Ranch Section II. All voting "Aye".**



22825 EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND § 551.072 TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM AND SUBSEQUENT ACTION

The Court convened into closed executive session at 10:10 a.m. and reconvened into open meeting at 10:20 A.M.

[T1-666] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to declare a public need to make improvements to Posey Road and Redwood Road in Hays County and in order to make these improvements certain properties need to be acquired by the County, and furthermore the following parcels are needed for such improvements, including drainage and construction, and that the County and the owners have been unable to agree on compensation for the parcels and therefore the court should grant counsel for the county the authority to condemn these parcels: Parcels 4,5, and 7 on Posey Road owned by JOQ-San Marcos Ventures, LP; Parcels 8 and 8CE on Posey Road owned by James M. Sims III; and Parcel 12 on Redwood Road owned by Glenn Ray Pape. All voting "Aye".

[T1-686] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to declare a public need to make improvements to Sawyer Ranch Road in Hays County and in order to make these improvements certain properties need to be acquired by the County, and furthermore the following parcels are needed for such improvements, including drainage and construction, and that the County and the owners have been unable to agree on compensation for the parcels and therefore the court should grant counsel for the county the authority to condemn these parcels: Parcel 30 owned by Dr. Harold D. Lewis and Peggy Lewis, and Parcel 37 owned by Sawyer 290 Crossing Ltd. All voting "Aye".

HAYS COUNTY BUDGET WORKSHOP [T1-728]

HAYS COUNTY CRIME STOPPERS [T1-709]

Roger Myers, Executive Director of Hays County Crime Stoppers, spoke in support of any funds available for crime stoppers.

HUMAN RESOURCES [T1-768]

Human Resources Director Luis Gonzales spoke of service award pins – had budgeted for service pins and retirement watches which was deleted from the budget. He advised that he can get service pins: 300 pins/minimum order = \$750.

SALARY and POSITION CHANGES

Human Resources Director Luis Gonzales presented a Salary Classification Package and he reminded the court that we have not had a reclassification since 2003. This recommendation exceeds budgeted funds by approximately \$45,000 + fringes. Compensation Analyst Shari Miller spoke of major market competitor being the City of San Marcos – we are very competitive in paying our employees. She is not recommending moving/making adjustment to our Salary Schedule. She presented documentation that compares county job positions with City of San Marcos job positions.

Recommendations:

Building Maintenance –re-grade Maintenance Coordinator and re-titling to Facilities & Construction Director (from grade 616 to 617). Because of added construction emphasize there are 2 employees in a lead capacity – recommending re-titling to Facilities Lead & Construction Lead (from grade 913 to 915) and to Facilities & Construction Worker (from grade 913 to 914).

Commissioner's support staff for the court – Re-grade and Re-title Executive Secretary I to Executive Assistant (from grade 914 to 916).

County Judge's Executive Assistant – Re-grade and Re-title to Special Assistant to the County Judge (from grade 916 to 918).

District Attorney's Chief Investigator and Investigators – re-grade Chief Investigator (from grade 322 to 323) and Investigators (from grade 321 to 322).

District Court – re-grade District Court Administrator (from grade 916 to 917) and Assistant Administrator (from grade 912 to 914).

Extension Office – re-grade and re-title Office Administrator to Administrative Coordinator (from grade 912 to 915) and re-title Clerical Assistant to Staff Assistant (from grade 911 to 914).

Health Dept. – re-grade Social Worker (from grade 915 to 916) and Clinical Manager (from grade 616 to 617).

Human Resource Dept. Re-grade and re-title Safety Specialist to Risk Manager (from grade 914 to 917) and Director of Human Resources (from 618 to 619).

Information Technology Dept. – re-grade Assistant IT Director (from grade 617 to 618), Network Engineer (from grade 615 To 617), and Internal Systems Specialist (from grade 615 to 617).

Juvenile Prob Dept. – recommending changing 2 Juvenile Probation Officers to Specialized Juvenile Probation Officer (from grade 916 to 917) and re-grading 1 Senior Juvenile Probation Officer (from grade 917 to 918) and changing 2 Juvenile Probation Officers to Senior Juvenile Probation Officer (from grade 916 to 918).

Law Library – re-grade Law Librarian part-time position (from grade 913 to 914).

Parks Dept. – re-title Parks Administrator to Parks Director and re-grade (from grade 916 to 917).

Road & Bridge Dept. – re-title Infrastructure Coordinator to Infrastructure Services Superintendent and re-grade (from grade 916 to 919), re-title Executive Assistant to Staff Assistant (from grade 916 to 914), Road Maintenance Worker Lead downgraded to Road Maintenance Worker (from grade 915 to 912), and Road Maintenance Worker Specialist downgraded to Road Maintenance Worker (from grade 913 to 912).



Sheriffs Dept. – re-grade 1 of the 14 Communications Operator to a Lead Communications position (from grade 916 to 917). And re-title Senior Building Maintenance to Building Maintenance Worker (no change in grade – title change only).

Tax Assessor/Collector –re-grade Tax Deputy II (from grade 912 to 914).

Victims Advocacy – requested that one Victims Advocate be raised to a Director – unable to substantiate the request

County Clerk Lee Carlisle spoke of feeling like he was left out of the loop on the upgrade process. He spoke of asking for a long time for re-grade of Linda Fritsche in his office. County Auditor Bill Herzog asked about Environmental Health Director and Engineering Director – City of San Marcos match for those positions makes \$77,000 and ours make \$69,371. He spoke of other positions such as Accountants. Luis Gonzales spoke of accountants that were compared in 2003 (Hays Co. Accountant / City Investor) and the City no longer has the investor position at the City. Commissioner Conley asked for county turnover rates. Environmental Health Director Allen Walther spoke of turnover for various reasons – he does not lose his employees to the city, but to the private sector. Luis Gonzales spoke of “internal worth” as a consideration for re-grading. Commissioner Carter spoke of requirements that need to be considered for positions being matched. Road Supt/Engineer Jerry Borcharding spoke of his employee considerations – he is trying to reduce numbers but feels like his dept. should get credit for that reduction – money should stay in his budget for those reductions. Chief Juvenile Probation Officer Ed Cooper spoke of comparing positions to City of San Marcos – his losses were to the Austin Police Dept. District Judge Charles Ramsay thanked the court for what has been given to the District Court – he feels like County Court at Law and District Court should be equal. Charles O’Dell spoke of need to look at turnover rate – all organizations have a natural turnover rate. [T1-2151] Commissioner Ingalsbe felt like we were suppose to look at market for all positions every other year and adjust the scale/schedule for all positions. Luis Gonzales spoke of using benchmarks for each grade (pay group). Judge Powers stated that we want to know only the turnover rate for county employees (broken down as retirees, terminations, & voluntary resignation). Commissioner Conley wants to know if we are losing employees that affect our services. He feels like “internal worth” is important. Allen Walther suggested sending out a memo to all department heads for input as to why they are losing their employees. Commissioner Molenaar wants overall percentages of employees leaving – one report before the Waters Study and another after and leave out juvenile detention facility employees altogether. Commissioner Ingalsbe requested this information as quickly as possible.

Court agreed to schedule a budget workshop for Monday, August 29th at 10:00 a.m.

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 23 , 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS’ COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29th DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

22826 BUDGET WORKSHOP WITH ACTION ON PARTICULAR BUDGET LINE ITEMS AND ADOPT THE PROPOSED FY2006 HAYS COUNTY BUDGET WITH CHANGES

Wimberley Senior Center

M.F. Johnson spoke of need for previous funding support from Hays County. \$2400 was funded in the budget. Jimmie Robinson, Vice-President of Wimberley Community Center, spoke of challenge in financing all the programs – they fund all their activities by proceeds from their Thrift Shop - she asked for consideration from the Commissioners' Court. She spoke of grants funds. Commissioner Conley spoke of additional \$7600 needed to bring them back up to \$10,000 in funding for the Wimberley Community Center. The court will consider all requests at a later date.

Salary Regrades and Upgrades [T1-190]

Judge Powers spoke of memo/email he sent out on Friday to suspend all upgrades/re-grades and merit until the Compensation Specialist meets with every Elected Official and Department Head to determine if additional positions should be identified as mis-graded or needing a re-grade due to responsibilities. Within 5 months of adoption of the budget, the Compensation Specialist shall inform the Court of the completion of the assigned task, the Court will appoint a temporary salary review committee – each member of the Court will appoint one member. The Committee, over a 1 month period, will review the recommendations of the Compensation Specialist and determine 2 things: Has every request by an elected official or department head been identified and reviewed (not necessarily upgraded) and has the Compensation Specialist used or been given correct information for the potential re-grades/upgrades. The committee WILL NOT reject, remove, or disqualify any position from the list created by the Compensation Specialist. Ultimately, every employee deserves an up or down vote by the Commissioners' Court. Finally, the Court will review the recommendation of the Compensation Specialist and make (or consider) necessary adjustments. At the same time, the Court will determine how much money will be left for Merit Pay, or depending on the extent of any proposed re-grades/upgrades, if we will have merit pay this year. Judge Powers stated that he would support a 2% across the board COLA, and not a merit, if it is activated the same time as the other positions (April 1, 2006) – not immediately. County Auditor Bill Herzog advised that the 2% was budgeted to begin October 1, 2005. County Clerk Lee Carlisle, spoke of Waters Study that could have been and should have been used by Human Resources. Judge Powers spoke of temporary Evaluation Committee that will be reviewing job positions for at least one month to come back to Commissioners' Court. County Clerk spoke of re-evaluations that should be taken care of next year. County Treasurer Michele Tuttle spoke of evaluation which should have taken place months ago and were started late. Jeff McGill, IT Director, spoke of recommendations that were made last week and how he might not have any employees in 6 months to a year. [T1-708] Commissioner Conley spoke of 10% increase in health cost that is also being given to the employees and should be considered as an added benefit. **A motion was made by Commissioner Judge, seconded by Commissioner Carter to approve a 2% increase for all employees effective October 1, 2005 and to temporarily suspend the upgrades and regrades for five months to allow Human Resources time to meet with Elected Officials and Department Heads to review positions and furthermore, the Court will appoint a Temporary Salary Review Committee – each member of the court will appoint one member – which will review the recommendations of Human Resources and make sure that every request has been identified and reviewed and correct information was provided for the potential regrades/upgrades and bring those recommendations to the court for consideration. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Conley voting "No"**

County Clerk Records Management/Archive [T1-840]

Auditor, Bill Herzog, advised the Court that we need to add \$150,000 back into the County Clerk's Records Management Archive budget line item # 08-475-5448 contract services. **A motion was made by Commissioner Judge, seconded by Commissioner Carter to increase the County Clerk's Records Management Archive contract services line item #08-475-5448 \$150,000.00. All voting "Aye".**

Constable Pct. 3 [T1-869]

County Auditor Bill Herzog advised that Constable Pct. 3 is requesting that \$400 be taken out of the budget for vehicle computer mount and add \$150 to law enforcement supplies – a savings of \$250. **A motion was made by Commissioner Judge, seconded by Commissioner Carter to reduce Constable Pct. 3 Law Enforcement Equipment by \$400.00 and increase Law Enforcement Supplies by \$150.00. All voting "Aye".**



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JP4 & JP1-2 [T1-884]

Commissioner Ingalsbe spoke of new Deputy for the District Clerk's Office & JP4 office. Commissioner Molenaar spoke of available funding – he suggested taking a position from JP1-2 and add it to JP4 because JP1-2 revenues are down and JP4 revenues are up. All new employees to start on April 1, 2006. A motion was made by Commissioner Molenaar, seconded by Judge Powers to take one position from JP1-2 and add it to JP4 office. All voting "Aye".

New Positions, Social Services, Etc. [T1-1030]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to add the following new employees effective April 1, 2006: Deputy District Clerk @ \$15,970, Jail Corrections Officer @ \$20,095, two Sheriff Sgts. @ \$74,833, Environmental Health Technician @ \$15,970, and Environmental Health Code Enforcement Officer @ \$28,290, to be funded out of salary grade changes and liability/workers comp insurance funds and, furthermore, fund Environmental Health equipment in the amount of \$25,200, \$9,680 for GIS computer software; and add \$5,000 for Fire Marshal vehicle, \$5,250 for CASA, \$10,000 for CARTS, \$12,500 for Libraries (\$2,500 for Kyle, Wimberley, & Drippings Springs & \$5,000 for San Marcos), \$5,000 for Crime Stoppers, and \$7,600 for the Wimberley Senior Center. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Contingency Funds [T1-1261]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to put \$7,292 into contingencies to be used in the future as needed. Commissioner Ingalsbe and Commissioner Molenaar voting "Aye". Commissioner Carter, Commissioner Conley and Judge Powers voting "No". MOTION FAILED

Hays Trinity Ground Water Conservation District [T1-1239]

A motion was made by Judge Powers, seconded by Commissioner Carter to fund \$5,000 for the Hays Trinity Ground Water Conservation District. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

ADOPT THE PROPOSED HAYS COUNTY BUDGET [T1-1267]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to adopt the proposed Budget for Hays County with changes made. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Meeting was adjourned.

I, LEE CARLISLE, 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 AUGUST 29, 2005.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30th DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 2, H. S. "SUSIE" CARTER; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Attorney Larry Rasco asked that a site in downtown San Marcos be considered for a County facility – if the county leaves from downtown it will devastate the businesses there.

22827 APPROVE BUDGET AMENDMENT # 05-39

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-39 as proposed by the County Auditor. All present voting "Aye".

22828 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$717,477.85 as presented by the County Auditor. All present voting "Aye".

22829 APPROVE UTILITY PERMITS #1829-1831, #1833-1834

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Permit #1829 on CR171/Kohl's Crossing issued to Time Warner Cable, #1830 on CR21/Dry Hole Road issued to Time Warner Cable, #1831 on CR210/Dry Hole Road issued to Time Warner Cable, #1833 on CR187/McGregor Road issued to Pedernales Electric Coop., and #1834 on Canyon Wren Road issued to Verizon. All present voting "Aye".

22830 APPROVE JUNE 2005 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the June 2005 Treasurer's Report and Investment Report as submitted by the County Treasurer. All present voting "Aye".

22831 APPROVE RENEWAL OF BID CONTRACT FOR "METAL PIPE" WITH WILSON CULVERTS FOR 1 ADDITIONAL YEAR AS PROVIDED IN ORIGINAL CONTRACT

The Road Department is satisfied with the performance of Wilson Culverts and would like to renew their contract for one additional year. All terms and conditions remain unchanged and in full force and effect as provided in the original bid contract. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve renewal of bid contract for "Metal Pipe" with Wilson Culverts for one additional year as provided for in the original contract. All present voting "Aye".

22832 APPROVE FENCE LINE CLEARING ACROSS FROM DUDLEY JOHNSON AND RANDALL VETTER PARKS BY DALE LOWDEN EXCAVATING IN THE AMOUNT OF \$9,700.00

Purchasing sent out informal bids for this project and Dale Lowden was the only responsive bidder. Funds are available in the Parks budget (capital improvements). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve fence line clearing across from Dudley Johnson and Randall Vetter Parks by Dale Lowden Excavating in the amount of \$9,700.00. All present voting "Aye".



22833 APPROVE SPECIFICATIONS FOR BID #2005-B11 FOR "REGULATORY, WARNING & OTHER ROAD SIGNS" FOR ROAD DEPT. AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve specifications for Bid #2005-B11 for "Regulatory, Warning & Other Road Signs" for the Road Department and authorize Purchasing Agent to solicit for bid and advertise. All present voting "Aye".

22834 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH CLINICAL PATHOLOGY LABORATORIES TO PROVIDE LABORATORY SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute an agreement with Clinical Pathology Laboratories to provide laboratory services for the Hays County Personal Health Department. All present voting "Aye".

22835 APPROVE CONTRACT RENEWALS FOR PHYSICIAN SERVICES AT THE HAYS COUNTY JAIL WITH DR. MICHAEL MOORE AND DR. JAMES CHUDLEIGH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve contract renewals for Physician services at the Hays County Jail with Dr. Michael Moore and Dr. James Chudleigh. All present voting "Aye".

22836 APPROVE CONTRACT RENEWALS WITH DRs. SANTOS, ANDERSON, PARKS, IRWIN, JACOBSON, AND REID FOR THE PROVISION OF MEDICAL SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve contract renewals with Drs. Santos, Anderson, Parks, Irwin, Jacobson, and Reid for the provision of medical services to the Hays County Personal Health Department and to authorize the County Judge to execute agreements. All present voting "Aye".

22837 APPROVE EXPENDITURE OF UP TO \$4,000.00 TO COVER FENCING MATERIAL COSTS FOR THE CEMETERY PROPERTY PURCHASED BY HAYS COUNTY

This is the property that was purchased approximately 2 years ago for indigent burials. The fencing is needed to provide privacy for the residents on Horace Howard Lane whose properties border the cemetery and for individuals involved in services at the cemetery. All the labor for the construction will be done by our Building Maintenance Dept. personnel. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve expenditure of up to \$4,000.00 to cover fencing material costs for the cemetery property purchased by Hays County. All present voting "Aye".

22838 APPROVE PURCHASE OF RCA/WHIRLPOOL ICE MACHINE FOR THE HAYS COUNTY COURTHOUSE

The ice machine in the courthouse has been broken for approximately 3-4 months. It is recommended that the needed funds of \$549 come from contingencies. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of an RCA/Whirlpool Ice Machine for the Hays County Courthouse. All present voting "Aye".

22839 APPROVE PURCHASE OF 3 WORKSTATIONS IN THE COUNTY CLERK'S OFFICE (COURTS DIVISION) AND AMEND THE BUDGET ACCORDINGLY

Three workstations need to be replaced at the Justice Center County Clerk's Courts Division. There is money available in the budget, however, a budget amendment is needed in the amount of \$3300. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of 3 workstations in the County Clerk's office (Courts Division) and amend the budget accordingly. All present voting "Aye".

22840 APPROVE PURCHASE OF A PLAT CABINET FOR THE COUNTY CLERK'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

There is money available in the budget, however, a budget amendment is needed in the amount of \$3400. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of a plat cabinet for the County Clerk's office and amend the budget accordingly. All present voting "Aye".



22841 AUTHORIZE THE PURCHASING DEPARTMENT TO SOLICIT QUALIFICATIONS FROM THE LIST OF PRE-QUALIFIED ENGINEERING FIRMS RELATING TO THE PREPARATION OF A SITE ANALYSIS AND TRAFFIC STUDY OF POSSIBLE LOCATIONS FOR A NEW HAYS COUNTY OFFICE COMPLEX

Commissioner Ingalsbe spoke of 3 properties (Tri-Co building on Hunter Road, old hospital site, and Wonderworld Drive property) being considered – this would be an analysis of the site, not an appraisal. Downtown San Marcos was not being considered because of the issue with parking. The Commissioners' Court and other offices will remain at the courthouse downtown. Commissioner Conley spoke in favor of evaluating the San Marcos downtown area along with the other 3 locations. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Purchasing Department to solicit qualifications from the list of pre-qualified engineering firms relating to the preparation of a site analysis and traffic study of possible locations for a new Hays County Office Complex – locations to be included are downtown San Marcos, the old hospital site, Tri-co building, and Wonderworld Drive property. All voting "Aye".**

22842 [PCT. 3 #05-3-062, 3 LOTS] RESUBDIVISION OF MOUNTAIN VIEW ESTATES LOT 2 - APPROVE PRELIMINARY PLAN [T1-176]

Environmental Health Director Allen Walther spoke of this being a 150 acre tract with an average lot size of 50 acres – he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Mountain View Estates Lot 2 Resubdivision". All present voting "Aye".**

22843 [PCT. 3 #04-3-076, 15 LOTS] CIELO RANCH - APPROVE FINAL PLAT [T1-192]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Cielo Ranch". All present voting "Aye".**

22844 ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE AND RELEASE OF MAINTENANCE BOND FOR BELTERRA SUBDIVISION PHASE 1 SECTIONS 5A & 6A [T1-200]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance for county road maintenance and release of bond. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept roads for county maintenance and release maintenance bond for "Belterra Phase 1 Section 5A & 6A". All present voting "Aye".**

22845 APPROVE AN INTERLOCAL AGREEMENT WITH THE CITY OF KYLE RELATING TO ROADWAY IMPROVEMENTS ALONG KOHLER'S CROSSING [T1-215]

Tom Mattis, City Manager of Kyle, spoke of this being a county road bond project and that the road has now been annexed into the City of Kyle. The current estimated cost is \$3.7 million which is above what was originally estimated. They are proposing a partnership with the county to make sure they get the road they want (4-lane roadway). He presented several interlocal agreements for consideration. Judge Powers spoke of original estimate being \$1.2 million and the cost continued to increase as it went along until it is now at \$3.7 million and it has since been annexed into the City of Kyle. Mr. Mattis advised that Commissioner Carter has indicated that she is in favor of a 4 lane roadway but she is not willing to give up funding for other projects in her precinct. The original plan and estimate was for a 2 lane road. The \$1.2 estimate was only for an overlay of the road – bridges and culverts have increased the cost. Mr. Mattis advised that in meeting with TC&B and others, the \$1.868 million was for a 4 lane road. Kyle City Council Member Linda Tenorio stated that she voted against this project – she is concerned about moving traffic but does not favor over building this street. She would be in favor of the county building a 4 lane road. Commissioner Conley spoke of his conversation with Commissioner Carter in which she stated that she was not willing to give up her Hillside Terrace Project for the Kohler Crossing project. Mr. Mattis advised that Mrs. Tenorio is not authorized to speak on behalf of the city council, only as an individual. Commissioner Conley advised that it is possible that more funding may become available. Brad Bailey spoke of 3 agreements for consideration. It was agreed that court accept #1 agreement dated July 19, 2005 in the amount of \$1,868,000.00 and reject the others – this agreement calls for a 4 lane roadway and if that is not possible they will need to renegotiate the agreement or return the funds to the county. **A motion was made by Commissioner Conley, seconded by Judge Powers to approve an interlocal agreement with the City of Kyle (dated July 19, 2005) relating to roadway improvements along Kohler's Crossing. All present voting "Aye".**



22846 ALLOW THE ROAD DEPARTMENT MAINTENANCE SUPERINTENDENT TO RESUME TAKING HIS COUNTY VEHICLE HOME OUT OF COUNTY [T1-913]

Commissioner Molenaar spoke of Road Dept. Maintenance Supv. Ernest Cordova originally taking home a county vehicle until the county changed its policy 2 years ago and he had to park it at the Yarrington Yard. He is an essential employee and is on call 24 hrs. per day and makes frequent trips on county business after hours and on weekends. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to allow the Road Department Maintenance Superintendent to resume taking his county vehicle home out-of-county. All present voting "Aye".

22847 ACCEPT RESIGNATION OF RANDY ROBINSON AND APPOINT JON THOMPSON TO THE NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1 [T1-960]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept resignation of Randy Robinson and appoint Jon Thompson to the North Hays County Emergency Services District #1. All present voting "Aye".

22848 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT RELATING TO THE APPOINTMENT OF DR. CHARLES ANDERSON AS THE HAYS COUNTY LOCAL HEALTH AUTHORITY [T1-983]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute an agreement relating to the appointment of Dr. Charles Anderson as the Hays County Local Health Authority. All present voting "Aye".

22849 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT ONE TO THE INTERLOCAL AGREEMENT FOR ROADWAY CONSTRUCTION BETWEEN HAYS COUNTY, THE CITY OF SAN MARCOS, AND THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT RELATING TO AN EXTENSION OF MCCARTY LANE, IMPROVEMENTS TO THE INTERSECTION OF COUNTY ROAD 266 AND STATE HIGHWAY 123 [T1-991]

Amendment reflects \$50,000 additional funds taken from Pct. 1 projects to add to this project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute Amendment One to the Interlocal Agreement for Roadway Construction between Hays County, the City of San Marcos, and the San Marcos Consolidated Independent School District relating to an extension of McCarty Lane improvements to the intersection of County Road 266 and State Highway 123. All present voting "Aye".

22850 EXECUTIVE SESSION PURSUANT TO SECTION § 551.071 AND 551.072, TEXAS GOVERNMENT CODE TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM WITH ACTION [T1-1016]

Court convened into closed executive session at 10:20 a.m. and reconvened into open meeting at 10:30 a.m. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to declare public need to make improvements to Sawyer Ranch Road in Hays County due to increased traffic and to make the road safe for the traveling public and in order to make these improvements certain property needs to be acquired by the county to widen the road and for drainage purposes, and furthermore, we find that the following parcels are needed for such improvements, including drainage, and the county and owners have been unable to agree on compensations for the parcels, therefore, the court shall grant legal counsel for the county the authority to condemn Parcels 27, 27DE, 29, and 29DE owned by MAK Foster Ranch Ltd. Partners (aka Belterra). All present voting "Aye".

22851 HAYS COUNTY BUDGET WORKSHOP WITH ACTION ON PARTICULAR BUDGET LINE ITEMS AND SCHEDULE PUBLIC HEARING ON THE PROPOSED BUDGET AND SETTING ELECTED OFFICIALS SALARIES ON SEPTEMBER 13, 2005 AT 10:00 A.M. AND SET THE TAX RATE AND LEVY TAXES ON SEPTEMBER 13, 2005 AT 1:00 P.M. [T1-1040]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to schedule a public hearing on September 13, 2005 at 10:00 a.m. to set Elected Officials Salaries and on September 13, 2005 at 1:00 p.m. to set the tax rate and levy taxes. All present voting "Aye".



Justice Of The Peace Pct. 1 Place 2 [T1-1080]

JP1-2 Margie Hernandez spoke of not being called upon when the court took action to take one of her clerk positions and move it to JP4. She spoke of submitting documentation regarding revenue and caseload in her budget request. She spoke of loss of revenue (uncollected fines) since 1995. She asked that the court reconsider their vote to take away that employee and she spoke of cases she deals with that do not generate revenue (truancy, etc.). From Jan – July they have had 1,222 cases filed with revenue to date of \$283,283.04. She spoke of the Omni Program that addresses uncollected fines. If she is not allowed to keep the fourth clerk she will not be able to take truancy cases, bad checks and small claims cases. County Auditor Bill Herzog advised that his figures indicate the amount of money that is deposited in the general fund – the JP's also collect funds for the State. She spoke of reasons JP1-2 got a 4th clerk was because they were to handle all the Class C hot checks in the county. Judge Powers stated that the other JP's handle hot checks now. It was stated that DataCheck files their checks with JP1-2. Commissioner Molenaar spoke of why he voted to move this clerk position (revenue and case load).

District Attorney [T1-1339]

District Attorney Mike Wenk spoke of reading in the newspaper that the two new misdemeanor prosecutors that were put in his budget will be starting April 1, 2006 – the problem is that effective September 1st they will have a new District Judge and district attorney staff will be needed for that court. He spoke of grant funding that can be obtained in excess of \$144,000 (which is not in the budget) if the court converts the two Misd. Prosecutors into Felony Prosecutors effective Oct. 1, 2005. Grants Administrator Richard Salmon spoke of VOCA funds and discretionary funds.

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 30 . 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





SEPTEMBER 6, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 6TH DAY OF SEPTEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Emergency Management Coordinator, Mark Chambers, spoke of emergency personnel from all over Hays County that assisted with evacuees in Austin throughout the weekend. Hays County had about 35-40 emergency personnel that helped with the approximately 4000 people that arrived via the Austin-Bergstrom Airport. He spoke of 240 to 250 thousand evacuees being housed in Texas and the Governor is asking for assistance from other states as well. He spoke of Hays County Health Dept. sending out nurses to assist. Personal Health Dept Director Nick Icossepentarios spoke of nurses that assisted in Travis County, he wanted to recognize the nurses that participated this weekend; Priscilla Hargraves, So Fong Wong, Kristy Phillips, Eleanor Gray, Lisa Inlaw. Mark Chambers spoke of donations being collected today at the San Marcos Activity Center from 7:00 a.m. to 6:00 p.m.

22852 APPROVE BUDGET AMENDMENT # 05-40

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-40 as proposed by the County Auditor. All present voting "Aye".

22853 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$610,531.81 as presented by the County Auditor. All present voting "Aye".

22854 APPROVE UTILITY PERMITS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #1835 on CR133/Hillside Terrace issued to CenterPoint Energy. All present voting "Aye".

22855 APPROVE BOND AND OATH OF SHERIFF ALLEN BRIDGES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Bond and Oath of Sheriff Allen Bridges. All present voting "Aye".

22856 APPROVE RESOLUTION DECLARING THAT A STATE OF DISASTER (BURN BAN) IS HEREBY CONTINUED UNTIL IT IS RESCINDED BY THE COUNTY JUDGE OR BY ACTION OF THE COMMISSIONERS' COURT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Resolution Declaring that a State of Disaster (Burn Ban) is hereby continued until it is rescinded by the County Judge or by action of the Commissioners' Court. All present voting "Aye".

22857 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$50,695 DRUG FREE SCHOOLS GRANT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR GRANT YEAR 09-01-05 - 08-31-06

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$50,695 Drug Free Schools Grant from the office of the Governor - Criminal Justice Division for Grant Year 09-01-05 - 08-31-06. All present voting "Aye".



22858 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE FOR UP TO \$67,381

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Resolution Authorizing the County Judge to submit a Grant Application to the Texas Judicial Council - Task Force on Indigent Defense for up to \$67,381. All present voting "Aye".

22859 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$74,773 VOCA GRANT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION AND TO REQUEST A MODIFICATION IN THE BUDGET

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$74,773 VOCA Grant from the Office of the Governor - Criminal Justice Division and to request a Modification in the budget. All present voting "Aye".

22860 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AN INTER-LOCAL ASSISTANCE AGREEMENT WITH THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE AND TO EXECUTE CONTRACT FOR \$53,563

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept an Inter-local Assistance Agreement with the Regional Auto Theft Enforcement Task Force and to Execute Contract for \$53,563. All present voting "Aye".

22861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT REGARDING ELECTRONIC DOCUMENTS WITH CIGNA HEALTHCARE TO ALLOW THE PLACEMENT OF BENEFIT INFORMATION ON THE HAYS COUNTY WEBSITE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Agreement regarding Electronic Documents with Cigna Healthcare to allow the placement of benefit information on the Hays county Website. All present voting "Aye".

22862 AUTHORIZE THE COUNTY JUDGE TO ACCEPT CONTRACTS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR TITLE V, TB, REGIONAL & LOCAL SERVICES IMMUNIZATION GRANTS FOR YEAR 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept contracts from the Texas Department of State Health Services for Title V, TB, Regional & Local Services Immunization Grants for Year 2006. All present voting "Aye".

22863 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RENEWAL IMMUNIZATION CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Renewal Immunization Contract with the Texas Department of State Health Services. All present voting "Aye".

22864 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RENEWAL TUBERCULOSIS PREVENTION AND CONTROL CONTRACTS WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Renewal Tuberculosis Prevention and Control Contracts with the Texas Department of State Health Services. All present voting "Aye".

22865 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RENEWAL TITLE V FEE-FOR-SERVICE MATERNAL & CHILD HEALTH SERVICES CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Renewal Title V Fee-For-Service Maternal & Child Health Services contract with the Texas Department of State Health Services. All present voting "Aye".

22866 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RENEWAL CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR DIRECTOR OF NURSES FOR IMMUNIZATION PROGRAM

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Renewal Contract with the Texas Department of State Health Services for Director of Nurses for Immunization Program. All present voting "Aye".



22867 APPROVE CONSULTING AGREEMENT RENEWAL WITH DR. JOHN S. ANDERSON TO CONTINUE SERVING AS HAYS COUNTY'S PHARMACIST-IN-CHARGE (P.I.C.)

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Consulting Agreement Renewal with Dr. John S. Anderson to continue serving as Hays County's Pharmacist-in-Charge(P.I.C.). All present voting "Aye".

22868 APPROVE PURCHASE OF PREMIER RAPIDFOLD AUTOMATIC LETTER FOLDER MACHINE FOR THE HAYS COUNTY SHERIFF'S OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of Premier Rapidfold Automatic Letter Folder Machine for the Hays County Sheriff's Office. All present voting "Aye".

22869 APPROVE SPECIFICATIONS FOR "ROAD BUILDING MATERIALS" BID #2005-B13 AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Road Building Materials" Bid #2005-B13 and authorize Purchasing to solicit for bid and advertise. All present voting "Aye".

22870 AUTHORIZE THE COUNTY JUDGE TO EXECUTE BUSINESS TERM AGREEMENT WITH CENTURYTEL FOR ONE YEAR STARTING OCTOBER 1, 2005

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Business Term Agreement with Centurytel for one year starting October 1,2005. All present voting "Aye".

22871 APPROVE PAYMENT OF \$2,500.00 TO CIGNA FOR ACTUARIAL ATTESTATION SERVICES FOR MEDICARE PART D AND APPROVE AGREEMENT WITH CIGNA

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of \$2,500.00 to Cigna for Actuarial Attestation Services for Medicare part D and approve agreement with Cigna. All present voting "Aye".

22872 [PCT. 2 #05-2-065, 4 LOTS] ELLIOTT RANCH PHASE 4 BLOCK C RESUBDIVISION OF LOTS 1-3 - APPROVE PRELIMINARY PLAN [T1-185]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan of "Elliott Ranch Phase 4 Block C Resubdivision of Lots 1-3". All voting "Aye".

22873 PUBLIC HEARING AND ACITON TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON COTTONWOOD ROAD AND DAYS END ROAD [T1-200]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. County Engineer Jerry Borchering gave staff recommendation for setting speed limit of 30 mph on Cottonwood Road and Days End Road. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations (speed limit) at 30 mph on Cottonwood Road and Days End Road. All present voting "Aye".

22874 DECLARE AN EMERGENCY PURSUANT TO SECTION 111.010, TEXAS LOCAL GOVERNMENT CODE TO PURCHASE SUPPLIES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-214]

Personal Health Director Nick Icosipentarios spoke of ordering vaccines and needing the funds readily available because of shortages throughout the country. The \$50,000 needed is for the vaccines and stockpiling in the clinic. Some vaccines have already been ordered. The need is to have it readily available for our first responders our health care providers and whomever comes after that. Funds will also be used to purchase another refrigerator to stockpile what is already on hand. Fire Marshal/EMC Mark Chambers spoke of these funds being refunded by FEMA. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to declare an emergency pursuant to Section 111.010, Texas Local Government Code to Purchase supplies for the Hays County Personal Health Department in the amount of \$37,500 from contingencies. All present voting "Aye".



22875 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 12 FOR GEOTECHNICAL SERVICES / CONSTRUCTION MATERIALS TESTING FOR THE NUTTY BROWN AND WIMBERLEY BYPASS PROJECTS (HAYS COUNTY/TCB/FUGRO) [T1-299]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve supplemental Work Authorization No. 5 to Work Authorization No. 12 for Geotechnical Services/Construction materials testing for the Nutty Brown and Wimberley Bypass projects (Hays County/TCB/Fugro). All voting "Aye".

22876 APPROVE UTILITY ADJUSTMENT AGREEMENT NO. HC-BOND 19 BETWEEN HAYS COUNTY AND GOFORTH WATER SUPPLY CORPORATION FOR UTILITY ADJUSTMENT ALONG HILLSIDE TERRACE (HAYS COUNTY/TCB/GOFORTH WATER SUPPLY CORPORATION) [T1-307]

Maen Hourani, Turner Collie & Braden, spoke of water lines that need to be relocated because of the design. The line that needs to be relocated is within the easement and the overall cost of the project is \$180,000, just for the water line. The cost for the County is very limited and the money has been budgeted. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Adjustment Agreement No. HC-Bond 19 between Hays County and Goforth Water Supply Corporation for Utility Adjustment along Hillside Terrace (hays County/TCB/Goforth Water supply Corporation). All voting "Aye".

[T1-340] Commissioner Conley spoke of emergencies that occur in Hays County and asked Fire Marshal/EMC Mark Chambers of issues concerning flash flooding and flooded low water crossings and the elderly trapped behind them. Commissioner Molenaar spoke of quick response by the emergency personnel when these emergencies occur. County Judge Powers spoke of workshop needed to discuss emergency issues and response when emergencies occur. Mark Chambers spoke of getting together with County Engineer, Sheriff to come up with a plan and put it in place. Commissioners thanked Mark Chambers and Nick IcoSSIPentarios for the work that they did this weekend.

PRESENTATION BY AUSTIN CITY COUNCIL MEMBER BREWSTER MCCRACKEN CONCERNING THE PHASE 2 TRANSPORTATION PLAN STUDY AND ALTERNATIVES ANALYSIS

[T1-455] Austin City Council Member Brewster McCracken spoke of joint study on toll roads. City of Austin, Travis County, Williamson County, and Central Texas Regional Mobility Authority have agreed to partner up on joint study of alternatives. Another alternative they've agreed to look at is Charles River Associates based out of Boston. They've done work for the toll authority for Houston/Galveston before and they've done work for CAMPO as well. They'll be looking at our numbers and see what our alternatives are. Phase 2 toll plan will affect Hays County residents. The first roads to come on line will be Hwy 290 and SH 71 improvements in the Oak Hill Area which is a direct feeder for Hays County. He asked for the Court's consideration to look into this study on how to finance the roads that will be needed for future growth. Williamson and Travis Counties have contributed \$25,000 each to this project. With their contribution they each have a seat on the steering committee. They will have more toll roads compared to Hays County. County Judge spoke of taking \$10,000 from the engineering assistance line item from the Road Department. County Judge pulled this agenda item and will bring it back in a couple of weeks.

22877 EXECUTIVE SESSION PURSUANT TO SECTION § 551.071 AND 551.072, TEXAS GOVERNMENT CODE TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM, INCLUDING: PARCELS 15 AND 15SE SAWYER RANCH ROAD, GLEN M. KARISCH AND SUZANNE KARISCH, FEE OWNERS

[T1-712] A motion was made by Commissioner Molenaar seconded by Commissioner Conley to declare that there is a public need to make improvements to Sawyer Ranch Road in Hays County due to increased traffic and in order to make the roads safe for the traveling public in order to make these improvements certain properties need to be acquired by the County to widen the road and for drainage and erosion purposes and furthermore we find that the following parcels are needed for such improvements and that the County and the owners have been unable to agree on compensation for the parcels therefore the County should grant legal counsel the authority to condemn these parcels: Parcel 15 and 15SE owned by Glen M. Karisch and Suzanne Karisch. All voting "Aye".



22878 EXECUTIVE SESSION PURSUANT TO SECTION § 551.071 AND 551.072, TEXAS GOVERNMENT CODE TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM, INCLUDING: PARCEL 6, HILLSIDE TERRACE ROAD, ANGIE RODRIGUEZ, FEE OWNER; PARCEL 14, HILLSIDE TERRACE ROAD, DANNY D. DAVILLA AND REGINA DAVILLA, FEE OWNERS

[T1-743] A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to declare that there is a public need to make improvements to Hillside Terrace Road due to increased traffic and in order to make the roads safe for the traveling public in order to make these improvements certain properties need to be acquired by the County widen the road and furthermore find that the following parcels are needed for such improvements and that the County and the owners have been unable to agree on compensation for the parcels therefore the County should grant legal counsel the authority to condemn these parcels: Parcel 6 owned by Angie Rodriguez, Parcel 14 owned by Danny D. and Regina Davilla. All voting "Aye".

22879 EXECUTIVE SESSION PURSUANT TO SECTION § 551.072, TEXAS GOVERNMENT CODE TO DISCUSS AND DELIBERATE THE POSSIBLE ACQUISITION OF REAL PROPERTY LOCATED AT 101 OLD FITZHUGH ROAD AND TWO LOTS (#11 AND #12) ON THE EASTLINE OF ROGER HANKS PARKWAY IN DRIPPING SPRINGS. ACTION MAY FOLLOW IN OPEN COURT

[T1-760] A motion was made by County Judge, seconded by Commissioner Conley to allow Commissioner Molenaar to negotiate on real property located at 101 Old Fitzhugh Road and two lots (#11 and #12) on the east line of Roger Hanks Parkway in Dripping Springs and bring back settlement(s). All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 6 . 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF SEPTEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILL CONLEY
RUSS G. MOLENAAR
LEE CARLISLE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS RE: NUTTY BROWN ROAD BOND PROJECT

Nick Burkhalter spoke of Nutty Brown Road Bond project appraisal that was done. He spoke of loss of value of his property and procedures that he followed in seeking a compromise. He does not feel it was a fair and equitable process. Karen Ford wanted the court to know about their experience – she feels like more was spent on not allowing them to get the money they wanted than the additional \$3500 they were requesting. She wants someone to look into this process. John Serur felt like there was no effort to negotiate. He spoke of hearing that was held and meeting he had with Mr. Hourani (TC&B) and he recommended that the court put into effect a review committee to look at the process.

22880 APPROVE BUDGET AMENDMENT # 05-41

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 05-41 as proposed by the County Auditor. All voting "Aye".

22881 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$374,041.58 as presented by the County Auditor. All voting "Aye".

22882 APPROVE UTILITY PERMITS #01836-01838

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01836 on Picasso Drive issued to Crystal Clear Water, #01837 on Cresthill Causeway issued to Monarch Utility, and #01838 on Summit Drive issued to Crystal Clear Water as submitted by the Road Department. All voting "Aye".

22883 APPROVE JULY 2005 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the July 2005 Treasurer's Report and Investment Report as submitted. All voting "Aye".

22884 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$70,000 VAWA GRANT FROM THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION AND TO REQUEST A MODIFICATION OF THE BUDGET

Federal law mandates the Violence Against Women Act. This grant will be used to pay the salary and benefits of one attorney and the VAWA program will increase from 2 staff members to 3 staff members. Matching funds will be budgeted in the District Attorney's office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept \$70,000 VAWA Grant from the Office of the Governor–Criminal Justice Division and to request a modification of the budget. All voting "Aye".

22885 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$21,024 JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM GRANT FROM THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION AND TO EXECUTE CONTRACT

The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept \$21,024 Juvenile Justice and Delinquency Prevention Program Grant from the Office of the Governor – Criminal Justice Division and to execute the contract. All voting "Aye".



22886 [PCT. 4 #05-4-066, 112 LOTS] THE VINEYARD - GRANT A VARIANCE FROM THE HAYS COUNTY SUBDIVISION REGULATIONS (MINIMUM CENTERLINE RADIUS REQUIREMENT) AND APPROVE PRELIMINARY PLAN [T1-248]

Variance to the minimum centerline radius requirement is being requested because adherence to the regulations would move the entrance point on County Road 170 east which would reduce the sight distance in either direction. Environmental Health Director Allen Walther advised that a water availability report was provided and he spoke in support of variance request and gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to grant a variance from the minimum centerline radius requirement of the Hays County Subdivision Regulations and approve the preliminary plan for "The Vineyard". All voting "Aye".

22887 [PCT. 4 #05-4-060, 2 LOTS] ROLLING OAKS SECTION THREE RESUBDIVISION OF A 6.94 PORTION OF LOT 28 - APPROVE PRELIMINARY PLAN [T1-268]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Rolling Oaks Section 3 Resubdivision of 6.94 acres being a portion of Lot 28". All voting "Aye".

22888 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN COUNTY RIGHT-OF-WAY AND CALL FOR A PUBLIC HEARING ON SEPTEMBER 27, 2005 TO ESTABLISH TRAFFIC REGULATIONS FOR "MOUNTAIN VIEW ESTATES" SUBDIVISION [T1-280]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction and drainage improvements and call for a public hearing to consider traffic regulations (*15MPH speed limit on Currie Ranch Road and a Stop sign @ Days End Road*) for "Mountain View Estates". A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to accept the road construction and drainage improvements in county right-of-way for "Mountain View Estates" subdivision and call for a public hearing on September 27, 2005 to consider establishing traffic regulations. All voting "Aye".

22889 CHANGE THE NAME OF A SEGMENT OF CHAPARRAL LANE TO "DEERFIELD ROAD" TO BE CONSISTENT WITH 911 ADDRESSING [T1-298]

Environmental Health Director Allen Walther spoke of this road being built in multiple segments and they want it to be consistent with 911. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to change the name of a segment of "Chaparral Lane" to "Deerfield Road" to be consistent with 911 addressing. All voting "Aye".

22890 ACCEPT RESIGNATION OF HAYS COUNTY CONSTABLE PCT. 5, LEROY OPIELA AND APPOINT MATT MANCILLAS III, AS HIS REPLACEMENT EFFECTIVE OCTOBER 1, 2005 AS AUTHORIZED IN LOCAL GOVERNMENT CODE, § 87.041

[T1-314] Commissioner Carter requested that this item be postponed until she is more familiar with the recommended appointee – the majority of this precinct is in her precinct. Commissioner Molenaar advised that Leroy Opiela recommended the appointment of Matt Mancillas. Constable Opiela spoke of Matt's qualifications. Judge Powers spoke of normal procedure being that the person stepping down makes a recommendation for their replacement. A motion was made by Commissioner Molenaar, seconded by Judge Powers to accept the resignation of Leroy Opiela as Hays County Constable Pct. 5 and appoint Matt Mancillas III as his replacement effective October 1, 2005 as authorized in Local Government Code Section 87.041. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22891 ACTION TO CONSIDER PROVIDERS AND AMOUNT OF COVERAGE FOR EMPLOYEE BASIC LIFE INSURANCE [T1-422]

Human Resources Compensation Analyst Shari Miller spoke of \$5,000 basic life insurance being provided through MetLife Insurance (current rate is \$1.25 per employee with renewal rate of \$1.35). A quote was requested for a \$10,000 policy and the lowest quote was from BCBS/Ft. Dearborn Life. Going from a \$5,000 policy to a \$10,000 policy would cost an additional \$8,190. County Auditor Bill Herzog advised that the additional funds are available in the budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to increase basic life insurance coverage for county employees from \$5,000 to \$10,000 with provider to be BCBS/Ft. Dearborn Life at the rate of \$2.30 per employee. All voting "Aye".



- 22892 INSTRUCT THE PURCHASING DEPARTMENT TO AUCTION OR ACCEPT SEALED BIDS FOR THE SALE AND REMOVAL OF THE OLD PCT. 2 SHOP BUILDING LOCATED IN KYLE, TEXAS AND ALLOW THE FUNDS GENERATED BY THE SALE TO BE USED FOR ANTICIPATED ENVIRONMENTAL TESTING AND REMEDIATION OF THE SITE [T1-550]**

Road Supt/Engineer Jerry Borcharding advised that this building is of little use to the Road Dept. at this time and needs to be demolished. A motion was made by Commissioner Carter, seconded by Commissioner Conley to instruct the Purchasing Department to auction or accept sealed bids for the sale and removal of the old Precinct 2 shop building located in Kyle, Texas and allow the funds generated by the sale to be used for anticipated environmental testing and remediation of the site. All voting "Aye".

- 22893 AUTHORIZE THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT WITH THE NORTH HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 FOR COLLECTION OF PROPERTY TAXES [T1-571]**

The North Hays County Municipal Utility District No. 1 is requesting that Hays County collect their property taxes beginning with tax year 2005. Fees will be charged on a per parcel basis. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to sign an interlocal agreement with the North Hays County Municipal Utility District No. 1 for collection of property taxes. All voting "Aye".

PUBLIC HEARING ON THE FY 2006 BUDGET [T1-660]

Judge Powers declared the public hearing open. Tax A/C Luanne Caraway spoke of position she needs during the tax season and the new positions are effective April 1st (after the tax season). She asked for this position to begin October 1st. County Auditor Bill Herzog advised it would cost \$15,571 – he suggested making it a part time position all year. Luanne Caraway spoke of difficulty in getting a person to work part-time. Nick Icosipentarhos, Personal Health Director, spoke of part-time position in his department – this job is getting quite complicated and needs to be upgraded to an accountant/CPA instead of accounts payable clerk. The grants are getting more complex and difficult. Bill Herzog spoke of having 2 positions in place of 1 position at this time – \$27,000 is needed to keep Jennifer Smith at ¾ time (currently budgeted as a ½ time person for ½ a year). JP1-2 Margie Hernandez requested that the clerk position that was taken from her office be reinstated based on statistics she has presented. She spoke of number of cases filed on hot checks/issuance of bad checks and need for a person to process outstanding warrants. Commissioner Molenaar spoke of figures he received from the Office of Court Administration (to whom all courts report their figures monthly) – he gave figures for the other JP offices and the number of clerks they have in their offices. Judge Hernandez spoke of truancy and eviction cases in her office that requires multiple visits. Commissioner Conley spoke of comparing caseload with other JP offices. Judge Hernandez stated that she cannot continue providing the services she is now if she loses one of her employees. [T1-1497] Chief Deputy Sheriff Sam Williams spoke of needs to be re-addressed: (1) automated medical assistance system = \$20,000, and (2) security surveillance system = \$100,000 for complete implementation – they are requesting at least ½ of that amount to begin building the system. He spoke of request for laptops with docking stations to replace older desktops that are requiring continuous maintenance. IT Director Jeff Magill spoke of distributing the desktops in other areas throughout the Sheriffs Dept. (i.e. substations). Sam Williams explained why they want to replace desktops with laptops – they are mobile so the Detectives can take it with them on the road and it is a useful tool for crime scene investigations. Jeff Magill felt like this is a legitimate request. Request is for 14 laptops with docking stations = \$25,200. District Attorney Office Manager Carolyn Brown requested that the two new felony prosecutors be effective October 1, 2005. Tony Polarmo, Director of the Hays County CERT Team, thanked the court for their support. Judge Powers closed the public hearing.

- 22894 SET SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY 2006 [T1-2126]**

Sherry Bilson spoke of 4% salary increase for elected officials – her research on the internet indicates that the current salaries are at a good level. She feels like the increase of \$36,000 (plus fringe benefits) could be used in a better place in the budget. Commissioner Carter spoke of Texas Association of Counties information that shows what other elected officials are paid relevant to counties our size – we are paid very well and we could use this money for other purposes. Judge Powers spoke of not having a salary increase last year and he spoke of Constable salaries that were increased last year by a citizens committee. He spoke of keeping the tax rate down this year and he supports a salary increase this year. Commissioner Ingalsbe spoke of other elected officials receiving other allowances (travel allowance, etc.). Commissioner Conley spoke of lowering the tax rate and he feels like the elected officials are deserving of an increase. He also spoke of employees, departments, social services, etc. receiving increases and he is proud of what has been accomplished in this budget. Commissioner Molenaar spoke in support of the increase. A motion was made by Judge Powers, seconded by Commissioner Conley to set salaries and allowances for Hays County Elected Officials for FY2006 as published. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".


22895 ADOPT THE FY 2006 HAYS COUNTY BUDGET WITH FINAL CHANGES [T1-2480]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve request by District Attorney to delete two (2) misdemeanor prosecutors effective April 1, 2006 and add two (2) felony prosecutors effective October 1, 2005. All voting "Aye".

[T1-2520]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to reinstate JP1-2 clerk to half-time effective April 1, 2006. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No". County Auditor Bill Herzog advised that if the transfer is Oct 1st then JP1-2 would not have a clerk until 4/1/06. He needs clarification from the court. Commissioner Molenaar felt like this is not a new employee, it was a transfer of position from JP1-2 to JP Baker effective Oct 1, 2005. [T1-2683] A motion was made by Commissioner Molenaar to give a new employee to JP4 and ½ employee to JP1-2 effective October 1, 2005. Motion died for lack of second. [T1-2723] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to start new JP4 clerk on April 1, 2006. All voting "Aye".

[T1-2761]

A motion was made by Commissioner Ingalsbe, seconded by Judge to approve funding the Sheriff's Dept. laptops with docking stations (\$25,200), security camera system for jail (\$100,000), and medical health record system (\$20,000) for a total of \$145,200 out of reserves. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

[T1-2826]

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to roll over funds for DPS scales in the amount of \$47,850 into reserves. All voting "Aye".

[T1-2945]

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to increase jail utilities by \$75,000 from current savings. All voting "Aye".

[T1-3022]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to roll over \$12,968 for reimbursement for wrecked car in Sheriff's office. All voting "Aye".

[T1-3045]

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to increase Juvenile Detention contract services \$30,000 from juvenile detention funds. All voting "Aye".

[T1-3075]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to fund the Tax Assessor-Collector new employee beginning October 1, 2005 and fund Health Dept. personnel as requested using current savings and delete the part-time position in the Treasurer's office. All voting "Aye".

[T1-3183]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to increase Justice of the Peace Pct. 2 postage by \$500.00. All voting "Aye".

[T1-3209]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to budget \$1,563 into time payment fees for Justice of the Peace Pct. 5 (roll over funds). All voting "Aye".

[T1-3238]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve the FY2006 Hays County Budget as proposed with changes. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22896 APPROVE AN ORDER ADOPTING THE TAX RATE AT THE EFFECTIVE TAX RATE FOR FY 2006 AND LEVY THE TAXES [T1-3260]

Commissioner Ingalsbe stated that the Judge gave the court a good budget to work with and she is very satisfied with the outcome. Commissioner Carter spoke in support of the tax rate. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt an Order Adopting the Tax Rate at the Effective Tax Rate of 45.54cents for FY2006 and levy the taxes. The breakdown for the tax rate is as follows: 32.29 cents for General Maintenance & Operations, 6.15 cents for General Debt, and 7.10 cents for Road and Bridge Maintenance & Operations. All voting "Aye".

I, LEE CARLISLE, 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 SEPTEMBER 13, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 20TH DAY OF SEPTEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell (President of Hays CAN) spoke in support of the new streaming video of Commissioners Court sessions and he looks forward to real time access. He gave suggestions to improve the current system. He thanked the court for making this available to the citizens.

22897 APPROVE BUDGET AMENDMENT # 05-42

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 05-42 as proposed by the County Auditor. All voting "Aye".

22898 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,016,075.76 as presented by the County Auditor. All voting "Aye".

22899 APPROVE UTILITY PERMITS #01839 & #01840

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01839 on Nutty Brown Road issued to Pedernales Electric Coop. and #01840 on CR266/Old Bastrop Highway issued to Broadwing Communications. All voting "Aye".

22900 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$184,244 GRANT FROM THE TEXAS DEPARTMENT OF HEALTH SERVICES FOR BIOTERRORISM ASSESSMENT AND PLANNING

This grant will provide funds to upgrade local health department's bio-terrorism preparedness and response to outbreaks of infectious disease and public health threats and emergencies for FY2006. Funds will also be used to add one more staff member. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a \$184,244 grant from the Texas Department of Health Services for Bio-Terrorism Assessment and Planning. All voting "Aye".

22901 AUTHORIZE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR UP TO \$6,500

Grant and matching funds will be used to purchase custom bulletproof vests for county deputies, constables, and other law enforcement officers. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for up to \$6,500.00. All voting "Aye".

22902 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO CONSTRUCT 2 CUBICLE ROOMS AT THE HAYS COUNTY JUSTICE CENTER FOR THE DISTRICT ATTORNEY'S OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the Building Maintenance Department to construct two (2) cubicle rooms at the Hays County Justice Center for the District Attorney's office. All voting "Aye".



22903 APPROVE INCREASE IN SHERIFF & CONSTABLE FEES FOR 2006 PURSUANT TO LOCAL GOVERNMENT CODE § 118.131

It was proposed that the Sheriff/Constable fees be increased this coming year to help cover the cost of increases in fuel, etc. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Sheriff & Constable Fees for 2006 pursuant to Local Government Code §118.131. All voting "Aye".

22904 APPROVE ANTI-FRAUD & WHISTLE BLOWING POLICIES AS RECOMMENDED IN PREVIOUS EXTERNAL AUDIT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve anti-fraud & whistle blowing policies as recommended in previous external audit. All voting "Aye".

22905 [PCT. 4 #05-4-013, 1 LOT] RUTHERFORD WEST SECTION ONE -APPROVE FINAL PLAT

[T1-77] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Rutherford West Section". All voting "Aye".

22906 CALL FOR A PUBLIC HEARING ON OCTOBER 4, 2005 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON NUTTY BROWN RD., CR 163 [T1-88]

The proposed speed limit is 30 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on October 4, 2005 to establish traffic regulations (speed limit) on Nutty Brown Road (CR163). All voting "Aye".

22907 ADOPT A RESOLUTION REGARDING CARTPO REQUESTS FOR TRAFFIC IMPROVEMENTS ON STATE HWY 21 AND FM 150 [T1-95]

CARTPO (Capital Area Rural Transportation Planning Organization) is a 10-county forum for transportation issues and projects and over the past 2 years have helped secure over \$24 million in funding for transportation projects in the Capital area. Each of the 10 counties are being asked to select its top 3 projects meeting certain criteria provided. The City of Umland has recently adopted a resolution supporting the request of these improvements. Caldwell County and City of Niederwald have promised support as well. The TXDOT proposed roadway projects are: FM150 between IH35 and SH21 and SH21 between SH80 and US183. The SH21 project is broken into 2 projects – the first section ties to the existing four lane section just north of the airport and runs to FM2720 – the second section runs from FM2720 to the north Niederwald city limits about the Hays/Travis County line and will only be constructed to a three lane facility with shoulders at this time. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a resolution supporting TxDot's reconstruction of State Highway 21 and FM 150. All voting "Aye".

22908 AUTHORIZE PURCHASE OF A UTILITY VEHICLE FOR THE HAYS COUNTY PARKS DEPARTMENT [T1-201]

Commissioner Ingalsbe spoke of donations that have been received to help purchase this vehicle - \$2500 additional funds are needed and available in the capital improvements line item of the parks budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize purchase of a utility vehicle for the Hays County Parks Department. All voting "Aye".

RECOGNITION OF KERRY CHRISTENSEN AND HER HONOR IN BEING INVITED TO SHOWCASE HER ARTWORK AT THE 2005 FLORENCE INTERNATIONAL BIENNIAL [T1-216]

Susan McBride, friend of Kerry Christensen, spoke of invitation Kerry received to attend an international event to showcase her artwork at the 2005 Florence International Biennial. She spoke of Kerry's personal accomplishments and need for funding in order for Kerry to attend this event. Commissioner Carter read a certificate of recognition which she then presented to Kerry Christensen in honor of her being invited to showcase her artwork at the 2005 Florence International Biennial.

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 20, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF SEPTEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

22909 ACTION TO RESCIND THE DISASTER DECLARATION DUE TO HURRICANE RITA ENACTED BY COUNTY JUDGE JIM POWERS PURSUANT TO SECTION 418.108, TEXAS GOVERNMENT CODE [T1-31]

Fire Marshal/EMC Mark Chambers thanked the people and organizations that were involved in this emergency situation. He spoke of an information meeting that was held on Thursday with various entities and the opening of the Emergency Operation Center. He also spoke of approximately 600 evacuees that were assisted at the local shelter. He thanked everyone for their support. A motion was made by Commissioner Carter, seconded by Commissioner Conley to rescind the Disaster Declaration that was proclaimed by the County Judge on September 22, 2005. All voting "Aye".

22910 APPROVE BUDGET AMENDMENT # 05-43

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #05-43 as proposed by the County Auditor. All voting "Aye".

22911 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$603,224.42 as presented by the County Auditor. All voting "Aye".

22912 APPROVE UTILITY PERMIT #01841

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01841 on Cr132/Cement Road issued to City of Buda as submitted by the Hays County Road Department. All voting "Aye".

22913 AWARD CONTRACT FOR "REGULATORY, WARNING AND OTHER ROAD SIGNS" TO MULTIPLE VENDORS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award contract (Bid #2005-B11) for "Regulatory, Warning and other Road Signs" to multiple vendors as recommended by the Purchasing Department and Road Department. All voting "Aye".

22914 APPROVE SPECIFICATIONS FOR CONSTRUCTION OF "HILLSIDE TERRACE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications (Bid #2006-B01) for construction of "Hillside Terrace" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22915 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$13,303 SUB AWARD GRANT FOR TEXAS STATE UNIVERSITY FOR THE COUNTY'S PARTICIPATION IN THE ALERRT PROGRAM

This annual sub award from TSU is for the Advanced Law Enforcement Rapid Response Training (ALERRT) Program (for 2 months only). Grants funds will be used to pay the salary/benefits of Hays County SO Sgt. Burn who provides training and support for the program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept \$13,303 sub award grant for Texas State University for the County's participation in the ALERRT Program. All voting "Aye".



22916 APPROVE CONTRACT RENEWAL WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE DSHS FOR COOPERATIVE AGREEMENT WORK PLAN FOR PUBLIC HEALTH PREPAREDNESS AND EMERGENCY RESPONSE FOR BIOTERRORISM

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve contract renewal with the Centers for Disease Control and Prevention and the DSHS for Cooperative Agreement Work Plan for Public Health Preparedness and Emergency Response for Bioterrorism. All voting "Aye".

22917 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RE-ENROLLMENT IN TEXAS LIFE INDIVIDUAL VOLUNTARY LIFE INSURANCE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute re-enrollment in Texas Life Individual Voluntary Life Insurance. All voting "Aye".

Clerk's Note: Agenda Item #9 RE: ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS, AND A TWO YEAR MAINTENANCE BOND BY CAPITAL EXCAVATION FOR HEIDENREICH LANE, CR 152 was PULLED. No discussion and no action.

22918 ACTION TO COMMIT \$700,000 FROM HAYS COUNTY PARKS BOND FUNDS FOR THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT [T1-185]

Elizabeth Arceneaur spoke in support of more greenbelt land in San Marcos. Sheran Seif spoke in support of preserving the aquifer. George Boemerman spoke in support of this particular parkland. Charles O'Dell (Hays CAN) spoke of alternative uses for this property that have economic value and encouraged the court to support this project. Jim Green spoke in opposition to this project – it is not a park, only an open space – removal of land from the tax roll is a problem in this area. He spoke of problems with and investigation of the Texas Nature Conservancy. Dianne Wassenich (San Marcos River Foundation) thanked the court for support of the parks bond and for multiplying that money to make green spaces and park land throughout the county. She spoke in support of this greenspace. San Marcos Mayor Susan Narvaiz read from the memorandum of understanding adopted on 5/18/05 between the City of San Marcos, Texas State University and Hays County. She spoke of \$2 million commitment that will be voted on by San Marcos voters. Bill Cunningham spoke in support of this project. Todd Derkacz spoke of parks advisory board support of protecting the aquifer and groundwater in Hays County – this will achieve what was intended for this money. This property is difficult to develop and he feels like greenspace is appropriate for this area. Annette Paulin spoke of connectivity for citizens to participate in passive use of the property – she urged the court to commit to this project. Eric Mendelman spoke in support of this project and the long term preservation of this river – there is cultural value to the river in that it is a gathering place for the community. [Clerk's Note: public participation forms in support of this project were submitted by Gary Amon, Tom Wassenich, Andrew Sansom, and Donna Bellion] [T1-515] Grants Administrator Richard Salmon spoke of this being parks project #11 and he gave a power point presentation. Commissioner Conley spoke of this property, in the past, being considered a hotel/conference center site. Commissioner Molenaar spoke of this being a unique opportunity to educate the young people on our natural habitat and history of the area. Commissioner Ingalsbe spoke in support of this project. Commissioner Carter spoke in support of San Marcos voters being allowed to vote on this project and she feels like it is a perfect place for a park, however, she is concerned about the price of the property (feels like it is over priced). Judge Powers spoke in support of this project. Commissioner Conley spoke of independent appraisals and he stated that we are working with the landowner to bring the price down. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to commit \$700,000 from Hays County Parks bond funds for he San Marcos Springs Recharge Area Project. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

PRESENTATION BY HAYS COUNTY JUSTICES OF THE PEACE TO CLARIFY THEIR REPORTING PROCESSES OF CASE ACTIVITY AND REVENUES [T1-818]

J.P. Pct. 1 Place 2 Margie Hernandez thanked the court for allowing her to keep her employee fulltime for 6 months and part-time for the next 6 months. She spoke of complaints from people in San Marcos who are having to go to Wimberley to pay for their ticket and she spoke of Troopers being able to file their tickets wherever they want. J. P. Pct. 4 Rex Baker spoke of figures provided to the court from the Office of Court Administration. He spoke of monthly meetings held with all Justices of the Peace in the county. He spoke of monthly reports that are sent to the Office of Court Administration by all courts in the State of Texas. He spoke of there being great distinctions between the duties of the Judge and the Clerks. He spoke of significant amount of work being done by the Clerks regarding traffic tickets. Each case is unique. Judge Baker spoke of other types of cases that are handled (evictions, hot checks, small claims, etc.) and he spoke of cases that had not been processed when he first came into office that he had to deal with – the report to the Office of Court Administration is only for new cases and does not reflect the unresolved cases. He spoke of restitution not being county money and he does not recommend the county taking on the fiduciary responsible for restitution – restitution money does not appear on the monthly report (only fines and court costs). Judge Baker suggested looking at the number of cases filed and disposed and do not look at the dollar amount collected during the budget consideration process. He also spoke of jury trials and trials before the court. Judge Powers commended the Justices of the Peace for their work.



22919 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT AND STOP SIGN) FOR MOUNTAIN VIEW ESTATES SUBDIVISION [T1-1392]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a STOP sign on Currie Ranch Road @ Days End Road and set the speed limit at 20 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations of 20MPH speed limit on Currie Ranch Road and a STOP sign on Currie Ranch Road at its intersection with Days End Road. All voting "Aye".**

22920 APPROVE THE LEASE OF ADDITIONAL OFFICE SPACE FOR ADULT PROBATION

[T1-1411] Hays County Adult Probation Director Lynda McCarty-Turley was present to answer any questions. A grant has allowed for the hiring of 3 additional officers for Adult Probation and the county is required to provide office space for this department. Space will become available in the complex they are currently occupying and money is available for the additional expenditure. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the lease of additional office space for Adult Probation as requested. All voting "Aye".**

Clerk's Note: Agenda Item #15 RE: ALLOW UPGRADE OF THE INFRASTRUCTURE COORDINATOR POSITION IN THE ROAD DEPARTMENT was PULLED. No discussion and no action.

22921 APPROVE UTILITY ADJUSTMENT AGREEMENT HC-BOND 20 WITH ENTERPRISE PRODUCTS OPERATING, L.P. FOR THE HAYS COUNTY BOND ROAD PROJECT ON HILLSIDE TERRACE, CR 133 (HAYS COUNTY/TCB/ ENTERPRISE PRODUCTS OPERATING, L.P.) [T1-1434]

A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve Utility Adjustment Agreement HC-Bond 20 with Enterprise Products Operating, L.P. for the Hays County Bond Road Project on Hillside Terrace/CR133 (Hays County/TCB/Enterprise Products Operating LP). All voting "Aye".

22922 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 17 WITH TC&B AND LAN FOR BOND PROGRAM ROADWAY DEVELOPMENT FOR DRY HOLE ROAD (HAYS COUNTY/TC&B/LAN) [T1-1472]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 17 with TC&B and LAN for Bond Program Roadway Development for Dry Hole Road (Hays County/TC&B/LAN). All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 27, 2005.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



OCTOBER 4, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 4TH DAY OF OCTOBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

22923 APPROVE BUDGET AMENDMENT # 05-44

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Budget Amendment #05-44 as proposed by the County Auditor. All voting "Aye".

22924 APPROVE BUDGET AMENDMENT # 06-01

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-01 as proposed by the County Auditor. All voting "Aye".

22925 APPROVE PAYMENT OF COUNTY INVOICES [T1-405]

County Auditor Bill Herzog advised that the \$1,500 invoice for the Calaboose African American allotment is being pulled for payment. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$889,704.73 as presented by the County Auditor and which reflects the pulling of an invoice in the amount of \$1500 for the Calaboose African American allotment out of Commissioner Pct. 1 line item. All voting "Aye".

22926 APPROVE AUGUST 2005 TREASURER'S REPORT

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the August 2005 Treasurer's Report and Investment Report. All voting "Aye".

22927 APPROVE OFFICIAL BOND AND OATH FOR CONSTABLE PCT. 5 MATT MANCILLAS III

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the Official Bond and Oath for Constable Pct. 5 Matt Mancillas III. All voting "Aye".

22928 APPROVE SERVICE CONTRACT WITH DR. MICHAEL KELLEY RELATING TO THE PROVISION OF MEDICAL SERVICES TO THE HAYS COUNTY PERSONAL HEALTH TB AND COMMUNICABLE DISEASE CLINIC AT NO CHARGE TO HAYS COUNTY

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve service contract with Dr. Michael Kelley relating to the provision of medical services to the Hays County Personal Health TB and Communicable Disease Clinic at no charge to Hays County. All voting "Aye".

22929 APPROVE PURCHASE OF A TRAILER FOR THE UTILITY VEHICLE PURCHASED BY THE HAYS COUNTY PARKS DEPARTMENT

On September 20, 2005 the court approved the purchase of a Utility Vehicle for the Parks Dept. At that time there should also have been a request for a trailer to haul the vehicle to designated locations as needed. The cost for the trailer will not exceed \$450 and money is available in the budget for this purchase. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve purchase of a trailer for the Utility Vehicle purchased by the Hays County Parks Department. All voting "Aye".

22930 APPROVE AWARD OF BID FOR "ROAD BUILDING MATERIALS" TO MULTIPLE VENDORS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 262.027 (E)

All vendors that bid will be awarded to provide all road materials needed in various areas by the Road Department for projects to be performed for the next fiscal year. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve award of bid for "Road Building Materials" to multiple vendors pursuant to Texas Local Government Code 262.027(E). All voting "Aye".



22931 APPROVE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR PLUMBING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve specifications for "Annual Contract for Plumbing Services" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22932 APPROVE SPECIFICATIONS FOR "UNIFORM RENTAL FOR HAYS COUNTY EMPLOYEES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve specifications for "Uniform Rental for Hays County Employees" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22933 APPROVE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR A/C AND HEATING REPAIRS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve specifications for "Annual Contract for A/C and Heating Repairs" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22934 APPROVE THE REAPPOINTMENT OF COMMISSIONER INGALSBE AND RATIFY THE REAPPOINTMENT OF JOHN SCHOTT AS OF JULY 2005 TO THE GREATER SAN MARCOS ECONOMIC DEVELOPMENT COUNCIL

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the reappointment of Commissioner Ingalsbe and ratify the reappointment of John Schott as of July 2005 to the Greater San Marcos Economic Development Council. All voting "Aye".

22935 APPROVE RESOLUTION NOMINATING LUANNE CARAWAY TO THE HAYS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve resolution nominating Luanne Caraway to the Hays County Central Appraisal District Board of Directors. All voting "Aye".

22936 AUTHORIZE THE COUNTY JUDGE TO SUBMIT THE FOLLOWING GRANT APPLICATIONS TO MAKE IMPROVEMENTS TO 5-MILE DAM COMPLEX: U.S. SOCCER ASSOCIATION = \$100,000, TPWD/BOAT RAMP GRANT = \$500,000, TPWD/TRAILS GRANT = \$100,000 AND LCRA/PIP GRANT = \$200,000

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to submit the following grant applications to make improvements to 5-Mile Dam Complex: U.S. Soccer Association = \$100,000; TPWD/Boat Ramp Grant = \$500,000; TPWD/Trails Grant = \$100,000; and LCRA/PIP Grant = \$200,000. All voting "Aye".

22937 APPROVE EXTENSION OF BURN BAN ORDERED BY THE COUNTY JUDGE ON SEPTEMBER 28, 2005 UNTIL REVOKED BY THE COUNTY JUDGE OR COMMISSIONERS COURT

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve extension of Burn Ban ordered by the County Judge on September 28, 2005 until revoked by the County Judge or Commissioners Court. All voting "Aye".

22938 APPROVE CONTRACT RENEWAL WITH CHARLES NAGEL RELATING TO THE MANAGEMENT OF THE HAYS COUNTY CIVIC CENTER AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

Commissioner Molenaar requested adding "no removal of dirt from arena unless voted on by the Commissioners Court" to Section K. Commissioner Ingalsbe spoke of deficit which is more than last year. She feels like we need to look at this arrangement and see if it is working and she is concerned about the losses. Commissioner Carter spoke of need for contracts (with users) to come before the court. Commissioner Molenaar spoke of contracts that have come before the court. He spoke of need for rates to come back to the court in the near future. He also spoke of improvements that have been made at the facility. Special Counsel Jacqueline Cullom Murphy spoke of there being a 30 day termination clause in the contract. Commissioner Carter suggested amending the contract on Pg 2 Section 2 under 1a - substitute "\$10,000 per month" with the words "1/2 of net income from events held at the civic center in the next fiscal year" - would be an incentive.



Charles Nagel advised that the Auditor has copies of the signed contracts. County Auditor Bill Herzog spoke of needing a standard rate sheet and contract. [T1-218] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve contract renewal with amendment to Section K under general terms of the agreement by adding "no removal of dirt from the arena unless brought before and voted on by the Commissioners Court". Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Carter voting "No". [T1-393] Commissioner Carter made a motion to amend the contract renewal on page 2 Section 2, 1a: the county shall remit to the operator ½ of the net income from events held at the civic center in 2005-2006 fiscal year rather than \$10,000 per month. Motion died for lack of a second. Commissioner Conley spoke of duties of civic center manager and he feels like things are looking more positive and this court needs to work at a couple of contingency plans for the future to see what we are going to do with this facility.

22939 [PCT. 2 #05-2-065, 4 LOTS] ELLIOTT RANCH PHASE 4 BLOCK C RESUBDIVISION OF LOTS 1-3 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-419]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther spoke of there being no increase in the number of lots - he gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Elliott Ranch Phase 4 Block C Resubdivision of Lots 1-3". All voting "Aye".

22940 [PCT. 4 #05-4-060, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF A 6.94 ACRE PORTION OF LOT 28 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-437]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther spoke of one written objection, however, there are no deed restrictions prohibiting this resubdivision - he gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Rolling Oaks Section 3 Resubdivision of a 6.94 acre portion of Lot 28". All voting "Aye".

22941 [PCT. 4 #05-4-068, 2 LOTS] PHILLIPS ADDITION - APPROVE PRELIMINARY PLAN [T1-465]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Phillips Addition". All voting "Aye".

22942 RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY FOR TWO YEARS FOR SHADOW CREEK PHASE I [T1-477]

Environmental Health Director Allen Walther advised that staff recommends release of construction security and acceptance of maintenance security. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal security for two years for "Shadow Creek Subdivision Phase 1". All voting "Aye".

22943 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON NUTTY BROWN ROAD/CR 163 [30 MPH SPEED LIMIT] [T1-493]

Judge Powers declared the public hearing open. Charles O'Dell spoke of Nutty Brown Road being his only access and he would like for the speed limits to be enforced during this construction process and after. Judge Powers closed the Public hearing. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations of 30 MPH speed limit on Nutty Brown Road (CR163). All voting "Aye".

22944 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT CONCERNING THE PHASE 2 TRANSPORTATION PLAN STUDY AND ALTERNATIVES ANALYSIS [T1-537]

Rich Bailey, Exec. Asst. to Austin City Council Member Brewster McCracken, spoke of numbers given to CAMPO - because of lack of public confidence they are requesting an independent review of the analysis and they have contracted with a firm that is experienced with toll road plans. The cost for a more thorough review will be \$350,000. He spoke of entities that have agreed to contribute toward this review. CAMPO will accept the report and act on the recommendations. Commissioner Ingalsbe voiced her concern about putting money into a study that is a "token study" - she wants the study to be taken seriously. Mr. Bailey advised that there are no toll roads proposed at this time for Hays County but many county residents will be using the toll roads to go to work in the Austin area. Commissioner Carter voiced her concern about representation for Hays County - she feels like this is an Austin problem. Judge Powers spoke of this being a regional problem and he feels like it is important that Hays County have a voice. Commissioner Conley spoke of need for public confidence in the figures being used and he supports this agreement. Mr. Bailey stated that the goal is to improve the mobility situation. Commissioner Molenaar spoke of toll roads that will affect citizens of Hays County - he does not support toll roads but he will support the study. [T1-601] A motion was made by Judge Powers, seconded by Commissioner Conley to participate and contribute a sum of \$10,000 to be taken from the consultant line item/engineering assistance line item and the court furthermore agree to have Judge Powers be the county representative. All voting "Aye".



22945 ACCEPT ROAD CONSTRUCTION / DRAINAGE IMPROVEMENTS AND TWO YEAR MAINTENANCE BOND BY CAPITAL EXCAVATION FOR HEIDENREICH LANE [CR152] [T1-1028]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept road construction drainage improvements and two year maintenance bond by Capital Excavation for Heidenreich Lane (CR152). All voting "Aye".

22946 ESTABLISH NEW POSITION OF INFRASTRUCTURE SERVICES SUPERINTENDENT AT THE HAYS COUNTY ROAD DEPARTMENT [T1-1040]

This position will be formed from available vacant positions and will be funded within the existing Road Dept. budget with an overall savings of \$583.00. Human Resources has reviewed the plan for establishing this position. Commissioner Conley spoke in support of this request. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish new position of Infrastructure Service Superintendent at the Hays County Road Department. All voting "Aye". A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish the new position of Infrastructure Services Superintendent effective November 1, 2005. All voting "Aye".

22947 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A JOINT ELECTION AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO THE NOVEMBER 8, 2005 ELECTION [T1-1089]

Elections Administrator Joyce Cowan spoke of contract in which the county and city will share the cost of the election. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute a joint election agreement with the City of San Marcos relating to the November 8, 2005 Election. All voting "Aye".

22948 ACTION TO NAME A PRIVATE ROAD EASEMENT OFF NORWOOD LOOP IN HURLBUT RANCH "LUKAS TRAIL" [T1-1123]

Environmental Health Director Allen Walther advised that residents on this easement are requesting action so they can be assigned 911 addresses for emergency services. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve naming of a private road easement off Norwood Loop in Hurlbut Ranch "Lukas Trail". All voting "Aye".

Clerk's Note: Agenda Item #27 Re: APPROVE EXPENDITURES OF \$8,000.00 TO INSTALL TEXAS DEPARTMENT OF PUBLIC SAFETY LICENSE AND WEIGHT SCALE ON HWY 21 was PULLED. No discussion and no action taken.

Court convened into closed executive session at 10:20 a.m. and reconvened into open meeting at 10:50 a.m

22949 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL FOR AN UPDATE ON LITIGATION RELATING TO THE HAYS COUNTY BAIL BOND BOARD INCLUDING LYNN AUTRY AND DAN ROBERTS LITIGATION; AND LITIGATION INVOLVING THE SHERIFF'S OFFICE TO INCLUDE POSEY V. PASTRANO AND THOMAS V. URETTE WITH ACTION [T1-1139]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize a contribution to settle the lawsuit brought by Dan Roberts and Lynn Autry against the Hays County Bail Bond Board and the Hays County Sheriff. All voting "Aye".

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 4, 2005.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK and EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



OCTOBER 11, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11TH DAY OF OCTOBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

22950 APPROVE BUDGET AMENDMENT # 06-02

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment #06-02 as proposed by the County Auditor. All voting "Aye".

22951 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley
 All voting "Aye".

22952 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permit #01842 on Bonham Ranch Road issued to Pedernales Electric Coop. and #01844 on Nutty Brown Road issued to Texas Community Propane as submitted by the Road Department. All voting "Aye".

22953 APPROVE FINAL RENOVATION OF COURTROOM #5 IN THE HAYS COUNTY JUSTICE CENTER FOR THE NEW DISTRICT COURT IN AN AMOUNT NOT TO EXCEED \$25,000

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve final renovation of Courtroom #5 in the Hays County Justice Center for the new District Court in an amount not to exceed \$25,000. All voting "Aye".

22954 APPROVE SPECIFICATIONS FOR "ROW FENCING FOR PUMP STATION ROAD" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve specifications for "ROW fencing for Pump Station Road" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22955 APPROVE COUNTY HOLIDAY SCHEDULE FOR 2006

Proposed holidays for calendar year 2006: New Years/Jan 2, MLK Birthday/Jan 16, President's Day/Feb 20, Texas Independence Day/Mar 2, Good Friday/Apr 14, Memorial Day/May 29, Independence Day/Jul 4, Labor Day/Sep 4, Columbus Day/Oct 9, Veterans Day/Nov 10, Thanksgiving Day/Nov 23 & 24, and Christmas/Dec 25 & 26. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the County Holiday Schedule for 2006. All voting "Aye".

22956 [PCT. 4 #05-4-063, 3 LOTS] SPRINGLAKE RESUBDIVISION OF LOT 98 - APPROVE PRELIMINARY PLAN [T1-25]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Springlake Resubdivision of Lot 98". All voting "Aye".

22957 [PCT. 4 #05-4-068, 2 LOTS] PHILLIPS ADDITION - APPROVE FINAL PLAT [T1-33]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Phillips Addition". All voting "Aye".



22958 [PCT. 4 #05-4-013] RUTHERFORD WEST SECTION ONE - ACCEPT CONSTRUCTION FISCAL SURETY [T1-40]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept construction fiscal surety for "Rutherford West Section One". All voting "Aye".

22959 [PCT. 4 #03-4-034] SIERRA WEST SECTION 4B LOT 17- APPROVE FOUR (4) FOOT REDUCTION OF DRAINAGE EASEMENT [T1-50]

Commissioner Molenaar advised that the reduction of the easement should be four feet instead of three feet. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve a four foot reduction of drainage easement in "Sierra West Section 4B Lot 17". All voting "Aye".

22960 SELECT AN ENGINEERING FIRM TO CONDUCT A SITE ANALYSIS AND TRAFFIC STUDY RELATING TO THE PROPOSED HAYS COUNTY OFFICE COMPLEX [T1-97]

Commissioner Ingalsbe spoke of action taken by the court on August 30, 2005. Only 2 proposals were received (Carter & Burgess and Baker-Aicklen) out of 27 requests that were sent out and the committee recommends the selection of Carter & Burgess and to authorize Commissioner Ingalsbe to negotiate and bring back a contract to the court for consideration. Commissioner Carter spoke of advertising this proposal rather than sending it to only 27 firms. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize Commissioner Ingalsbe to negotiate with Carter & Burgess Inc. for a site analysis and traffic study relating to the proposed Hays County Office Complex and bring a contract back to the court for consideration. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22961 APPROVE WORK AUTHORIZATION #24 FOR PLANNING SERVICES RELATED TO REVISION OF HAYS COUNTY'S PASS-THROUGH FINANCING PROGRAM DEVELOPMENT WITH THE TEXAS TRANSPORTATION COMMISSION AND TO DESIGNATE COMMISSIONER WILL CONLEY TO WORK WITH TC&B IN THE DEVELOPMENT OF THE AGREEMENT [T1-149]

Commissioner Conley spoke of meeting that was held and recommendation to revise our agreement. Commissioner Carter felt like a workshop is needed in which all members of the court participate. Judge Powers spoke of issues that need to be addressed in a revised agreement. Charles O'Dell (Hays CAN) recommended a workshop. Commissioner Molenaar spoke of this not being anything new and different - same roads as in the original agreement. The revision will be brought back to the court for consideration. A motion was made by Commissioner Conley, seconded by Judge Powers to approve Work Authorization #24 for planning services related to revision of Hays County's Pass-Through Financing Program Development with the Texas Transportation Commission and to designate Commissioner Will Conley to work with TC&B in the development of the agreement. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22962 APPROVE INTERLOCAL A AGREEMENT WITH THE CITY OF SAN MARCOS RELATED TO POSEY ROAD [T1-320]

Commissioner Ingalsbe was concerned about cost of utility adjustment - \$100,000 is budgeted and the cost estimate indicates a \$119,198 county responsibility. County Auditor Bill Herzog spoke of costs going up on all the bond projects. Work is being done to try and keep costs down on all bond projects. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve an Interlocal Agreement with the City of San Marcos related to the Posey Road improvement project. All voting "Aye".

22963 ACCEPT RESIGNATION OF DAVID DRANE AND APPOINTMENT OF VERNON M. JORDAN TO THE NORTH HAYS COUNTY ESD #1 [T1-376]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept resignation of David Drane and approve appointment of Vernon M. Jordan to the North Hays County ESD#1. All voting "Aye".

22964 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$400,000 TO THE COMMUNITY HEALTH SERVICES SECTION OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR TITLE V, TITLE X AND TITLE XX FUNDS [T1-383]

Three staff members will be added and paid 100% by the grant - they include one LVN, one Accountant and one RN. Funds for professional services will be used to contract with a local doctor. All new staff and contracted personnel will sign a document stating that if grant funds are no longer available, then their position is terminated. Health Dept. Director Nick Icosipentarios explained that this will enhance programs we already have and we will be able to reach out to more people. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to submit a grant application for up to \$400,000 to the Community Health Services Section of the Texas Department of State Health Services for Title V, Title X and Title XX funds. All voting "Aye".



22965 ADOPT A FEE SCHEDULE FOR THE HAYS COUNTY CIVIC CENTER [T1-445]

Civic Center Manager Charles Nagel explained the fee schedule and changes that were made. He spoke of extra work that might be needed and would require hiring (and charging for) additional personnel. The Youth Livestock Association & 4H will continue to use the facility at no charge. Discussion was had regarding disposal of trash for events. Commissioner Molenaar spoke of research he did regarding revenue and losses at the Civic Center. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt fee schedule for the Hays County Civic Center with understanding that the Youth Livestock Association & 4H will continue to use the facility at no charge, and furthermore any deviations in the schedule are to be brought before the court for consideration. All voting "Aye".**

2005 - 2006 Hays County Civic Center Pricing Matrix

Item Daily Rate	1-5 days	6-10 days	11+ days	
Arena (M - Th)	\$ 250.00	\$ 225.00	\$ 200.00	Includes use of wing, meeting rooms, tractor, tables and chairs
Arena (F - Su)	\$ 725.00	\$ 675.00	\$ 650.00	Includes use of wing, meeting rooms, tractor, tables and chairs
Wing (M - Th)	\$ 175.00	\$ 150.00	\$ 125.00	Wing Only
Wing (F - Su)	\$ 250.00	\$ 225.00	\$ 200.00	Wing Only
Meeting Rooms	\$ 50.00	\$ 40.00	\$ 30.00	
Hook-ups	\$ 15.00	\$ 15.00	\$ 15.00	
Stalls	\$ 15.00	\$ 15.00	\$ 15.00	
Tables	\$ 5.00	\$ 5.00	\$ 5.00	
Chairs	\$ 1.00	\$ 1.00	\$ 1.00	
Concession Stand	\$ 50.00	\$ 50.00	\$ 50.00	
Cleanup Fee	\$ 25.00	\$ 25.00	\$ 25.00	
Field Rental	\$ 150.00	\$ 125.00	\$ 100.00	

Item Hourly Rate	1	2-4	5	
Arena Hourly Rental Fee / Horse	\$ 10.00	\$ 10.00	\$ 10.00	Only 50% of the lights will be turned on for less than 7 horses
Meeting Room	\$ 10.00	\$ 10.00	\$ 10.00	
HCCC Personnel	\$ 15.00	\$ 15.00	\$ 15.00	

- Prices quoted do not include costs to retro the arena for a particular client.

Court was adjourned.

I, **LEE CARLISLE, 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 11, 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF OCTOBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22966 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 22 - 28, 2005 AS "RED RIBBON WEEK" IN HAYS COUNTY

Sue Cohen (Hays-Caldwell Council on Alcohol & Drug Abuse), along with several students from Hernandez Intermediate School (6th graders), presented members of the court with t-shirts and ribbons. She invited everyone to the events being held. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a proclamation declaring the week of October 22 - 28, 2005 as "Red Ribbon Week" in Hays County. All voting "Aye".

22967 ADOPT A PROCLAMATION DECLARING NOVEMBER 2005 AS "NATIONAL HOSPICE MONTH" IN HAYS COUNTY

Linda Lopez and Lisa Adams appeared representing CTMC and speaking in support of hospice. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a proclamation declaring November 2005 as "National Hospice Month" in Hays County. All voting "Aye".

22968 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 523,201.93 as presented by the County Auditor. All voting "Aye".

22969 APPROVE SPECIFICATIONS FOR "BOTTLED WATER FOR HAYS COUNTY OFFICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve specifications for "bottled water for Hays County offices" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22970 APPROVE AMENDMENT TO GRANT APPLICATION FOR UP TO \$400,000 TO THE COMMUNITY HEALTH SERVICES SECTION OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO INCLUDE TITLE V AND EXCLUDE TITLE'S X & XX

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Amendment to Grant Application for up to \$400,000 to the Community Health Services Section of the Texas Dept. of State Health Services to include Title V and exclude Title's X and XX. All voting "Aye".

22971 ACCEPT PERMANENT PEACE OFFICER LICENSE AND TCLEOSE CERTIFICATION FROM HAYS COUNTY CONSTABLE PCT. 3 DARRELL W. AYRES, IN COMPLIANCE WITH CHAPTER 1701 OF THE OCCUPATIONS CODE AND THE LOCAL GOVERNMENT CODE 86.0021

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept Permanent Peace Officer License and TCLEOSE Certification from Hays County Constable Pct. 3 Darrell W. Ayres, in compliance with Chapter 1701 of the Occupations Code and the Local Government Code 86.0021. All voting "Aye".

22972 [PCT. 4 #05-4-061, 3 LOTS] ROLLING OAKS SECTION 4 RESUBDIVISION OF LOTS 110 & 111 - APPROVE PRELIMINARY PLAN [T1-162]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Rolling Oaks Section 4 Resubdivision of Lots 110 & 111". All voting "Aye".



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22973 [PCT. 4 #05-4-069] OAK HOLLOW REPLAT OF LOT 2 - APPROVE PRELIMINARY PLAN

[T1-170] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Oak Hollow Replat of Lot 2". All voting "Aye".

22974 APPROVE HIRING OF HALF-TIME EMPLOYEE FOR THE HAYS COUNTY PARKS DEPARTMENT, (PREVIOUSLY APPROVED IN BUDGET TO BE EFFECTIVE APRIL 1, 2006) EFFECTIVE IMMEDIATELY FROM SAVINGS INSIDE THE PARKS DEPARTMENT BUDGET FROM ELIMINATION OF OVERTIME EXPENSES [T1-179]

Human Resources Compensation Analyst Shari Miller spoke of Grade 911 being the lowest grade in our pay schedule (\$10.32 per hour). Commissioner Conley felt like the salary for this position is too high for the job being done – he would like to see an \$8.00 per hour rate. Shari Miller advised that the current pay structure does not allow a salary reduction below the current minimum. Additional funds are not needed because there will be available funds in the staff salaries line item on elimination of current overtime expenses. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve hiring of half-time employee for the Hays County Parks Department (previously approved in budget to be effective April 1, 2006) effective immediately from savings in the Parks Department budget from elimination of overtime expenses. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Conley voting "No".

INTRODUCTION OF NEW 428TH JUDICIAL DISTRICT JUDGE BILL HENRY

District Judge Charles Ramsay introduced the new 428th Judicial District Judge Bill Henry and gave a brief personal history regarding Judge Henry. District Judge Bill Henry gave his appreciation to the court for creation of this new position. He spoke of work he has already done since being on the bench for two weeks. He spoke in support of the district court staff that has helped him tremendously and who are doing an outstanding job.

Court was adjourned.

I, LEE CARLISLE, 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, 2005.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF OCTOBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

22975 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$856,943.83 as presented by the County Auditor. All voting "Aye".

22976 APPROVE BUDGET AMENDMENT 06-03

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-03 as proposed by the County Auditor. All voting "Aye".

22977 APPROVE UTILITY PERMIT #01845

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01845 on Trautwein Road issued to Pedernales Electric Coop. All voting "Aye".

22978 APPROVE SPECIFICATIONS FOR "POLICE MOTORCYCLE" FOR HAYS COUNTY SHERIFF'S DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Police Motorcycle" for Hays County Sheriff's Department and authorize purchasing to solicit for bid and advertise. All voting "Aye".

22979 ACCEPT INTERNAL EXAMINATION REPORT FOR THE JUSTICE OF THE PEACE, PCT. 2 OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept internal examination report for the Justice of the Peace Precinct 2 office. All voting "Aye".

22980 APPROVE DONATION OF UP TO 15 OBSOLETE RADIO UNITS TO THE LAGRANGE VOLUNTEER FIRE DEPARTMENT AND WHARTON COUNTY CONSTABLE'S OFFICE

With the upgrade of Hays County law enforcement and emergency services to the new LCRA radio system, our older radios are no longer being utilized. The radios in question are obsolete and will not be authorized for use in the next 2 years. LaGrange and Wharton County have not yet transitioned over to the new system which is mandated by the Federal Communication System. They are asking for our old radios until they make the final transition in the next 2 years. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve donation of up to 15 obsolete radio units to the Lagrange Volunteer Fire Department and Wharton County Constable's office. All voting "Aye".

22981 APPROVE CONTRACT AMENDMENT WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR COOPERATIVE AGREEMENT WORK PLAN FOR PUBLIC HEALTH PREPAREDNESS AND EMERGENCY RESPONSE FOR BIOTERRORISM

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract amendment with the Department of State Health Services for Cooperative Agreement Work Plan for public health preparedness and emergency response for bioterrorism. All voting "Aye".



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22982 APPROVE ADDITIONAL EXPENDITURE OF \$380.21 FOR FENCING PROJECT AT THE CEMETERY PROPERTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve additional expenditure of \$380.21 for fencing project at the cemetery property. All voting "Aye".

22983 AUTHORIZE CHANGE IN "PURCHASING AGENT" TITLE TO "PURCHASING MANAGER"

A change is being requested to change the title of the position to prevent a misconception of the duties as described in LGC 262.011 and to correctly reflect the current duties and responsibilities of the position in the Auditor's office. This change in title will not alter the duties or salary of the position. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize change in "Purchasing Agent" title to "Purchasing Manager". All voting "Aye".

22984 APPROVE LEASE AGREEMENT FOR ADDITIONAL SPACE TO BE USED BY ADULT PROBATION AT 700 NORTH LBJ AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve lease agreement for additional space to be used by Adult Probation at 700 North LBJ and authorize the County Judge to execute same. All voting "Aye".

22985 APPROVE PURCHASE OF ADDITIONAL MATS AND COOLING SYSTEM FOR THE HAYS COUNTY CIVIC CENTER [T1-28]

Commissioner Ingalsbe spoke in support of mats that would control dust in the facility – total cost \$16,336.50. Civic Center Manager Charles Nagel spoke of 8 cooling systems that are needed - price is \$19,200. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve an amount up to \$35,136 for mats and cooling system for the Hays County Civic Center to be paid out of Tobacco Settlement Funds. All voting "Aye".

22986 WAIVE COUNTY DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY PROJECT (WOODCREEK-UNIT 1, LOT 16) [T1-185]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to waive county development fees for the Wimberley Valley Habitat for Humanity Project (Woodcreek Unit 1 Lot 16). All voting "Aye".

22987 [PCT. 4 #05-4-070, 254 LOTS] BUSH RANCH PHASE I - APPROVE PRELIMINARY PLAN

[T1-194] Environmental Health Director Allen Walther advised that this is the first phase of a multiphase development – he gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan of "Bush Ranch Phase 1". All voting "Aye".

22988 CALL FOR A PUBLIC HEARING ON NOVEMBER 8, 2005 TO ESTABLISH TRAFFIC REGULATIONS (YIELD SIGN) ON THE NORTH SIDE OF WILSON CREEK BRIDGE ON GREEN ACRES DRIVE (CR 279) [T1-232]

Presently vehicles are causing a hazard with both directions of traffic trying to cross Wilson Creek bridge simultaneously – proposed action will allow all southbound vehicles on Green Acres Drive to yield to northbound traffic. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on November 8, 2005 to consider establishing a yield sign on the north side of Wilson Creek Bridge on Green Acres Drive (CR279). All voting "Aye".

22989 ACCEPT RESIGNATION OF JANNA ASHFORD AND APPOINT SHEILA K. CHANDLER TO THE BOARD OF THE NORTHEAST HAYS COUNTY EMERGENCY SERVICE DISTRICT #2 [T1-241]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept resignation of Janna Ashford and appoint Sheila K. Chandler to the Board of the Northeast Hays County Emergency Service District #2. All voting "Aye".

22990 ACTION TO MOVE FORWARD WITH AN INTERNAL AUDIT OF PAWS, INC. [T1-255]

Commissioner Ingalsbe suggested an internal audit of PAWS before considering an increase in funding. Patti Rudick, PAWS Executive Director, stated that they are willing to allow the county to audit their books. She stated that their budget needs to increase because their costs have increased – this is a contract for services rendered, not a social service. Commissioner Ingalsbe stated that she will gather information about other services they may be available. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to move forward with an internal audit of PAWS Inc. All voting "Aye".



22991 APPROVE EXPENDITURE OF \$7,700 TO INSTALL TEXAS DEPARTMENT OF PUBLIC SAFETY LICENSE AND WEIGHT SCALE ON HIGHWAY 21 [T1-319]

Commissioner Molenaar advised that there is a new weigh station location on SH21 on the Caldwell County side and we will be reimbursed because most of the cases will be filed in Hays County. He is also working on a location on Hwy 290. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve an expenditure not to exceed \$7,700 to install Texas Department of Public Safety License and Weight Scale on Highway 21 to be paid out of contingency funds. All voting "Aye".**

PRESENTATION OF THE HAYS-TRINITY GROUNDWATER CONSERVATION DISTRICT GROUNDWATER MANAGEMENT PLAN [T1-416]

Andrew Backus, President of the HTGCD Board, gave a power point presentation regarding the Hays-Trinity Groundwater Conservation District. He spoke of changes in enabling legislation, water availability studies, short term study/GW Modeling Aid, and groundwater availability considerations in lot sizing. They would like to work with the county regarding the OSSF table being used – water needs to be a consideration. Chapter 36.0015 says: "Groundwater Conservation Districts created as provided by this chapter are the state's preferred method of groundwater management". He spoke of qualifications and experiences of current board members. Mr. Backus gave a summary of what the district does not regulate and stated that the district has over 5,000 wells and they regulate less than 2% of those. The major springs in the HTGCD are Dead Man's Hole, Blue Hole, Jacob's Well, Rooster Springs, Walnut Springs, Capt. Springs, and Ben McCullough. Doug Weirman, Vice President of HTGCD Board, spoke of ground water availability model being used. Region L (Wimberley/Woodcreek area) has had a water deficit the last two years. Andrew Backus spoke of not having enough funding to do more studies. He went over potential management implications. A discussion was had regarding use of free water (groundwater) and surface water (high cost). They currently do not have taxing authority. [T1-1455] Charles O'Dell, President of Hays CAN, spoke of his involvement in the HTGCD - the district covers half of Hays County and is a county asset. He spoke of the board members being well qualified – they provide a public service and they do not get paid for their service. He does not believe that surface water is the solution. He encouraged the court to work with the board members. Discussion was had regarding Dripping Springs Water Corp. and what they are charging their customers (using LCRA surface water and groundwater).

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS CONDEMNATION ACTION AGAINST KAREN FORD RELATING TO RIGHT-OF-WAY ALONG NUTTY BROWN ROAD [T1-1665]

Charles O'Dell (Hays CAN) read excerpts from Attorney Generals opinion JM100 and JC0233 and he spoke of executive sessions being a very limited privilege to receive and ask information from legal counsel. Karen Ford provided background information to members of the court and she spoke of damage to her property (loss of vegetative buffer) and neighbor receiving compensation for loss of substantial native vegetative buffer. She spoke of offers that were made to property owners in the area and the amount they received through condemnation, which was less. She feels like she should not have been punished for not accepting the original offer. Mr. Serur spoke of inconsistencies in the process. Karen Ford spoke of time and money that has been spent on their case. Court convened into closed executive session at 11:20 a.m. and reconvened into open meeting at 11:40 a.m. [T1-2014] Condemnation Attorney Ellie Dietz spoke of Texas Property Code 21.011 regarding appraisals. She spoke of appeal process and in this particular case the time has expired for filing an appeal, therefore, Commissioners Court has nothing before them to make a further award in this matter. Special Counsel Jacqueline Cullom Murphy advised that this is the wrong forum to present their contest to. Karen Ford spoke of not appealing this case because of the cost to them and she feels like the commissioners court could make a decision on this case. No action was taken.

Court was adjourned.

I, LEE CARLISLE, 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 25, 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





NOVEMBER 1, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 1ST DAY OF NOVEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

22992 ADOPT A PROCLAMATION DECLARING NOVEMBER 6-12, 2005 AS "NATIONAL NURSE PRACTITIONER WEEK"

Personal Health Director Nick Iossipentarios introduced two Nurse Practitioners, Sofong Wong and Ms. Gray, that work in the Hays County Health Department. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring November 6-12, 2005 as "National Nurse Practitioner Week". All voting "Aye".

22993 ADOPT A PROCLAMATION DECLARING NOVEMBER 2005 AS HOME HEALTH MONTH IN HAYS COUNTY

CTMC RN Marilyn O'Bryant spoke in support of this proclamation. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring November 2005 as "Home Health Month" in Hays County. All voting "Aye".

22994 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 405,696.17 as presented by the County Auditor. All voting "Aye".

22995 APPROVE BUDGET AMENDMENT 06-04

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget amendment #06-04 as proposed by the County Auditor. All voting "Aye".

22996 APPROVE UTILITY PERMITS #01846-01850

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Utility Permits #01846 on CR133/Hillside Terrace issued to Goforth Water, #01847 on CR133/Hillside Terrace issued to Enterprise Products, #01848 on CR133/Hillside Terrace to PEC Inc., #01849 on CR205/Dacy Lane issued to City of Kyle, and #01850 on CR270/Posey Road issued to PEC Inc. as submitted by the Road Department. All voting "Aye".

22997 APPROVE SPECIFICATIONS FOR RFP FOR PROFESSIONAL ASSISTANCE TO EXPLORE OPPORTUNITIES FOR FEDERAL PARTICIPATION FUNDS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve specifications for RFP for professional assistance to explore opportunities for federal participation funds and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".

22998 APPROVE AWARD OF BID #2006-B01/IMPROVEMENTS TO HILLSIDE TERRACE/ROAD BOND PROGRAM TO CAPITAL EXCAVATION IN THE AMOUNT OF \$1,781,939.40

Two bids were received: Capital Excavation Company (\$1,781,939.40) and RGM Constructors LP (\$2,529,494.03). After tabulation and review of the bids received, it was recommended that project be awarded to low bidder Capital Excavation Company. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe and approve award of bid #2006-B01/Improvements to Hillside Terrace/Road Bond Program to Capital Excavation in the amount of \$1,781,939.40. All voting "Aye".



22999 APPROVE AWARD OF BID #2006-B06 FOR PLUMBING SERVICES TO HOT ROD MECHANICALS

Three bids were received: Hod Rod Mechanical (Austin), Texas State Plumbing (San Marcos), and Southwest Plumbing (Martindale). After review of pricing, required insurance and references, it is recommended that contract be awarded to Hot Rod Mechanical for lowest and best bid. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve award of Bid #2006-B06 for plumbing services to Hot Rod Mechanicals. All voting "Aye".

23000 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA PLANNING COUNCIL OF GOVT. (CAPCOG) – SOLID WASTE GRANT PROGRAM FOR UP TO \$34,160

Grant funds will be used to pay ½ of the salary and benefits of a second code enforcement officer in Environmental Health for FY2005-2006. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve resolution authorizing the County Judge to submit a grant application to the Capital Area Planning Council of Govt. (CAPCOG) – Solid Waste Grant Program for up to \$34,160. All voting "Aye".

23001 APPROVE CANCELLATION OF COMMISSIONERS COURT MEETING ON NOVEMBER 29, 2005

Due to the Thanksgiving Holiday weekend, there will not be sufficient time to prepare an agenda for the Nov. 29th meeting. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve cancellation of Commissioners Court meeting on November 29, 2005. All voting "Aye".

23002 APPROVE APPOINTMENT OF SHARI MILLER AS ACTING HUMAN RESOURCES DIRECTOR WITH DUTIES INCLUDING OVERSIGHT OF PAYROLL STATUS CHANGES, REVIEW AND APPROVAL OF HR EMPLOYEE TIMESHEETS AND ASSIGNMENTS, REVIEW AND DEVELOPMENT OF HR POLICY CHANGES, PREPARATION OF COMMISSIONER COURT AGENDA ITEMS RELATED TO HR, AND MONITORING AND APPROVAL OF THE HR BUDGET

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve appointment of Shari Miller as Acting Human Resources Director with duties including oversight of payroll status changes, review and approval of HR employee timesheets and assignments, review and development of HR policy changes, preparation of Commissioner Court agenda items related to HR, and monitoring and approval of the HR budget. All voting "Aye".

23003 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR A TOTAL \$228,182 AND TO EXECUTE CONTRACT

The intent of this subgrant is to aid in improving and enhancing our capacity to respond to and recover from acts of terrorism and natural disasters. Fire Marshal/EMC Mark Chambers spoke of this funding being for radios throughout the county – this will put one radio in every fire truck in Hays County. There are 9 volunteer fire departments in Hays County – 2 Fire Departments (Kyle FD & South Hays FD) already have these radios and 7 will need radios. There is a monthly user fee for this equipment and the fire departments will have to pay this fee. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept grant from the State Homeland Security Program (SHSP) for a total \$228,182 and to execute contract. All voting "Aye".

23004 [PCT. 2 #03-2-051] HAYS-967 PHASE 1 – APPROVE RELEASE OF LETTER OF CREDIT POSTED FOR FISCAL SURETY AND ACCEPTANCE OF CASH-IN-KIND [T1-243]

Environmental Health Director Allen Walther explained that developer is requesting release of the letter of credit posted and acceptance of cash-in-kind. The cash will be deposited in an interest bearing account and the County will keep the interest for the time that cash bond is held by the county. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve release of Letter of Credit posted for fiscal surety and acceptance of cash-in-kind. All voting "Aye".

23005 ACCEPT ROAD CONSTRUCTION, RELEASE MAINTENANCE BOND AND ACCEPT ROADS INTO THE COUNTY MAINTENANCE SYSTEM IN BELTERRA SUBDIVISION PHASE 1 SECTIONS 3A AND 8 [T1-255]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction, release of maintenance bond and acceptance of roads into the county maintenance system. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction, release maintenance bond and accept roads into the county maintenance system in "Belterra Phase 1 Sections 3A and 8". All voting "Aye".



NOVEMBER 1, 2005

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23006 CALL FOR A PUBLIC HEARING ON NOVEMBER 15, 2005 TO ESTABLISH TRAFFIC REGULATIONS IN THE ESTATES OF SAN MARCOS SUBDIVISION [T1-268]

Road Supt/Engineer Jerry Borcharding advised that 25MPH speed limit signs are posted and STOP signs, however, these traffic regulations have never been established. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on November 15, 2005 to establish traffic regulations in the "Estates of San Marcos Subdivision". All voting "Aye".

23007 CALL FOR A PUBLIC HEARING ON NOV. 15, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT-25 MPH) FOR EULALAH LANE [T1-283]

Commissioner Carter spoke of need for official traffic regulations on Eulalah Lane – speed limits have not been established. A motion was made by Commissioner Carter, seconded by Commissioner Conley to call for a public hearing on November 15, 2005 to consider establishing traffic regulations (speed limit - 25 MPH) for Eulalah Lane. All voting "Aye".

23008 APPOINT COMMISSIONER INGALSBE TO ORGANIZE THE 3 PERSON DELEGATION TO REPRESENT HAYS COUNTY ON THE CARTPO PROJECT EVALUATION SUBCOMMITTEE ON NOV. 4, 2005, AND COMMISSIONER CARTER TO GIVE THE PRESENTATION, ON THE SAME DATE, OF THE CARTPO PROJECT APPLICATIONS SUBMITTED FROM HAYS COUNTY PER THE RESOLUTION OF SEPT. 20, 2005 BY HAYS COUNTY COMMISSIONER COURT AND 3 OTHER GOVERNMENTAL ENTITIES [T1-295]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to appoint Commissioner Ingalsbe to organize the 3 person delegation to represent Hays County on the CARTPO Project Evaluation Subcommittee on November 4, 2005 and Commissioner Carter to give the presentation, on the same date, of the CARTPO Project applications submitted from Hays County per the resolution of September 20, 2005 by Hays County Commissioner Court and 3 other governmental entities. All voting "Aye".

23009 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS LITIGATION MATTERS RELATING TO THE HAYS COUNTY JUVENILE DETENTION FACILITY AND DINOSAUR VALLEY CONSTRUCTION, INC. WITH ACTION IN OPEN COURT [T1-308]

Court convened into closed session at 9:20 a.m. and reconvened into open meeting at 10:05 a.m. Commissioner Carter spoke of need for more facts for her to support this action. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize outside legal counsel to negotiate with Dinosaur Valley Construction Inc. regarding remedial measures needed at the Hays County Juvenile Detention Facility. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 1, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8th DAY OF NOVEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23010 ADOPT A RESOLUTION DECLARING TUESDAY, NOVEMBER 15, 2005 AS "TEXAS RECYCLES DAY"

Commissioner Carter spoke of recycling being done in Comal County. She spoke in favor of recycling in Hays County. Jerry Pinnix, Recycling Coordinator for Hays County, spoke of wanting to recycle used clothing to be donated to Goodwill – collection boxes will be provided at the county recycling sites in Wimberley and Driftwood.. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a resolution declaring November 15, 2005 as "Texas Recycles Day". All voting "Aye".

23011 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$404,559.65 as presented by the County Auditor. All voting "Aye".

23012 APPROVE UTILITY PERMITS #01851 & #01852

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Permit #01851 on Scarlet Ridge issued to McCall Homes Inc. and Utility Permit #01852 on CR200/Deer Creek Circle issued to Deer Creek Water Co. All voting "Aye".

23013 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA PLANNING COUNCIL OF GOVT. (CAPCOG) – SOLID WASTE GRANT PROGRAM FOR UP TO \$34,000

The goal of this application is to obtain the necessary equipment to participate in a regional recycling program for glass with Blanco County and Johnson City. Blanco County is applying to CAPCOG for a glass pulverizer and Johnson City already has the necessary equipment to participate. This is the only way to get enough volume to make the project feasible. Grant funds will be used by the county to purchase a diesel pickup and two 12-foot dump trailers. The county will station one trailer at the Wimberley Transfer Station and the other at the Citizens Collection Station in Driftwood. All glass will be accepted – no sorting of material – and turned into glass cullet to be utilized by Blanco County (it will be mixed with their hot mix for road repairs). A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve resolution authorizing the County Judge to submit a grant application to the Capital Area Planning Council of Govt. (CAPCOG) Solid Waste Grant Program for up to \$34,000. All voting "Aye".

23014 APPROVE SUBAWARD AGREEMENT BETWEEN HAYS COUNTY AND TEXAS STATE UNIVERSITY – SAN MARCOS FOR THE ALERRT PROGRAM FOR \$66,511.00

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Sub-award Agreement between Hays County and Texas State University – San Marcos for the ALERRT Program for \$66,511.00. All voting "Aye".

23015 AWARD BID #2006-B03 FOR A/C AND HEATING SERVICES TO HOT ROD MECHANICAL

Bids were received from Apex Mechanical (Wimberley), Hot Rod Mechanical (Austin), Tomco Aire Service (San Marcos), Tejas Refrigeration (Dripping Springs), San Marcos Air Conditioning (San Marcos), and C. A. Woods Co. (San Marcos). After review of pricing, required insurance, and references, Purchasing recommends awarding the contract to Hot Rod Mechanical for lowest and best bid. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to award bid #2006-B03 contract for A/C and heating services to Hot Rod Mechanical. All voting "Aye".



23016 AWARD BID# 2006-B05 FOR ROW FENCING FOR PUMP STATION ROAD IN THE AMOUNT OF \$26,160.11 TO VIKING FENCE

Five bids were received: Viking Fence = \$26,160.11, Wimberley Fence = \$38,316.75, Roadway Specialist = \$51,629.00, Myers Concrete = \$ 97,420.40, and Lawrence Excavations = \$ 182,613.00. After reviewing of pricing, required insurance, and references, Purchasing recommends awarding the contract to Viking Fence. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to award Bid #2006-B05 for right-of-way fencing for Pump Station Road in the amount of \$26,160.11 to Viking Fence. All voting "Aye".

23017 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS: A YIELD SIGN ON THE NORTH SIDE OF THE WILSON CREEK BRIDGE ON GREEN ACRES DRIVE [CR 279] [T1-164]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. County Road Supt/Engineer Jerry Borcharding spoke of this allowing safer traffic over a narrow bridge – all southbound vehicles on Green Acres Drive will yield to northbound traffic at the Wilson Creek bridge. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulation of a Yield sign on the north side of the Wilson Creek Bridge on Green Acres Drive (CR279). All voting "Aye".

23018 APPROVE APPOINTMENT OF FRANK V. PUCKETT, E. CARSON CAREY, AND ANTHONY PALERMO TO THE EMERGENCY SERVICES DISTRICT #7 TO FILL UNEXPIRED TERMS OF SCOTT BROWN, PHIL EDINGTON, AND MIKE BOYLE

[T1-180] Commissioner Conley advised that the posted agenda shows this as Emergency Services District #3, however, it should be Emergency Services District #7. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve appointment of Frank V. Puckett, E. Carson Carey, and Anthony Palermo to the Emergency Services District #7 to fill unexpired terms replacing Scott Brown, Phil Edington, and Mike Boyle. All voting "Aye".

Clerk's Note: Agenda Item # 10 RE: AUTHORIZE OVERTIME PAY FOR HOURS WORKED DURING HURRICANE RITA was PULLED. No discussion and no action taken.

23019 APPROVE A CONTRACT WITH NAISMITH ENGINEERING, INC. FOR REVISION OF HAYS COUNTY'S SUBDIVISION REGULATIONS, UP TO AND INCLUDING, IMPLEMENTATION OF THE REGIONAL WATER QUALITY PROTECTION PLAN

[T1-210] David Baker spoke in support of the proposal being considered – he encouraged funding of the full scope of the proposal. Joe Day spoke of his involvement in the regional water quality protection plan – he supports this contract but he would like for stakeholders to be involved early on in the process. Doug Wierman (Hays Trinity Groundwater Conservation District) read a resolution adopted by the District. Specific schedule needs to be in the proposal and it is vague on deliverables and he asked that it be posted on the county web page. Terry Tull spoke in support of the proposal – he asked that the county work with other jurisdictions in the region. Tom Brown (Naismith Engineering Inc.) spoke of model used to create the plan. He gave a powerpoint presentation: Phase 1 will develop goals, objectives and policies; Phase 2 will involve developing technical design criteria and develop revised regulations and administrative procedures necessary to implement revisions. The Court will create a steering committee to represent stakeholders starting in Phase 1 and they will work toward a consensus of the steering committee. By-laws will be created for the committee and a realistic time frame for completion of tasks will be set. Mr. Brown felt like it should not take more than 8 months to complete the tasks. Each member of the court will appoint a person to the steering committee (5 members) and a stakeholder committee that could be from 18 to 24 members. [T1-860] A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve a contract with Naismith Engineering Inc. for revision of Hays County's Subdivision Regulations, up to and including implementation of the Regional Water Quality Protection Plan with stipulations that the court come back with a time line and appoint the steering committee. All voting "Aye".

PRESENTATION BY BURKE SUNDAY OF THE COST/CLAIMS HISTORY OF OUR SELF FUNDED PLAN FOR FY2005 [T1-910]

Burke Sunday provided a financial analysis of the 2004-2005 plan year and the 2003-2004 plan year. He spoke of drop in number of employees from 2003-2004 (699) to 2004-2005 (641) plan year largely due to adult probation dropping out. Percentage of In-Network claims increased from 84.66% to 89.50%. Mr. Sunday spoke of increase in pharmacy claims and increase in pharmacy costs. He is concerned about the per employee per month pharmacy cost of \$71.93. He spoke of promoting usage of information available on the cigna website. He spoke of increases in the dental plan – there is only one group of dentists in San Marcos that participate in the Cigna plan. Burke Sunday spoke of GASB45 coming up in 2006 which will require you to look at retiree benefits and liabilities. [See Local Government Code 175] Commissioner Carter spoke of TAC looking into this issue and will provide assistance to counties when the time comes.



EXECUTIVE SESSION PURSUANT TO SECTION 511.074, TEXAS GOVERNMENT CODE, TO DISCUSS THE APPOINTMENT OF A HUMAN RESOURCE DIRECTOR. ACTION MAY FOLLOW IN OPEN COURT

Court recessed into closed session at 11:10 a.m. and reconvened into open meeting at 11:20a.m. Judge Powers announced that no action will be taken.

WORKSHOP TO DISCUSS HOUSING OF ANIMALS IN HAYS COUNTY IN ACCORDANCE WITH THE HAYS COUNTY ANIMAL CONTROL ORDINANCE TO INCLUDE A PRESENTATION BY MONTGOMERY COUNTY, TEXAS CONSTABLE TIM HOLIFIELD ABOUT CURRENT SHELTERING OPERATION IN MONTGOMERY COUNTY AND POSSIBLE OPTIONS FOR HAYS COUNTY [T1-1733]

Montgomery County Constable Tim Holifield spoke of history of animal control in Montgomery County – he became involved when he was a newly elected Constable and received complaints regarding animal control. He spoke of money being charged to the county and individuals for animals brought into the animal shelter. He gave a presentation regarding the animal shelter in Montgomery County. Current budget is \$468,000 – average cost per animal is \$31.75 – 11,200 animals are processed per year. There is approximately \$100,000 in revenues from fees. He gave organizational chart for staff (24 employees). He spoke of public website with pictures and information regarding all animals in the shelter. He spoke of program they have with vets for spaying/neutering animals which generates some revenue for the facility. Animals are kept one week before being euthanized. Commissioner Conley advised that we are currently being charged approx \$100+ per animal. Constable Holifield spoke of rescue groups that pick up some of the animals – they neuter/spay animals for free for some groups/people. He felt like Hays County would only need a 5,000 sq ft. facility – suggested cinderblock with a metal or composition roof and advised that the #1 issue is keeping disease down. It is required by law to have a quarantined area, behind locked door, for bite cases. They only charge for rabies shot & neuter/spay when animals are adopted. He spoke of micro-chipping animals for identification. Constable Holifield spoke of being able to house animals longer if you had volunteers and advertising. Montgomery County does not have a registration program. Commissioner Ingalsbe advised that the City of San Marcos is interested in a partnership with the county to expand their facility.

ADJOURNMENT

I, LEE CARLISLE, 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 NOVEMBER 8, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



NOVEMBER 15, 2005

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15th DAY OF NOVEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Commissioner Molenaar presented a 20 year service pin to County Auditor Bill Herzog, a 20 year service pin to Resource Management Director Jerry Pinnix, and a 20 year service pin to Environmental Health Director Allen Walther. Building Maintenance Coordinator Ron Knott presented a 20 year service pin to Bertha Pina and a 10 year service pin to Daniel Villegas. County Clerk Lee Carlisle presented a 5 year service pin to Deputy (Courts Division) Karol Boggus, a 20 years service pin to Deputy (Records Division) Terry Kleen, a 20 years service pin to Deputy (Vital Stats Division) Patricia Lackey, and a 35 year plaque to Chief Deputy Linda Fritsche. County Extension Agent Susan Schram presented a 10 year service pin to 4-H Extension Agent Richard Parish. District Attorney's Office Manager Carolyn Brown presented a 15 year service pin to Emily Sierra (she worked for elections dept. for 11 years).

23020 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,230,983.89 as presented by the County Auditor. All voting "Aye".

23021 APPROVE BUDGET AMENDMENT # 06-05

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-05 as proposed by the County Auditor. All voting "Aye".

23022 APPROVE UTILITY PERMITS #01853 & 01854

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01853 on CR164/Sawyer Ranch Road issued to CMA Engineering Inc. and #01854 on CR157/Goforth Road issued to Goforth Venture LP as submitted by the Road Department. All voting "Aye".

23023 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH GARY JOB CORPS FOR A WORK-BASED LEARNING PROGRAM

This will be a six (6) week unpaid internship program – three areas will be offered for training of Gary Job Corp students: Auto-Shop, Building Maintenance, and the Jail. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into an interlocal agreement with Gary Job Corps for a work-based learning program. All voting "Aye".

23024 APPROVE AWARD OF BID #2006-B06 FOR BOTTLED WATER FOR HAYS COUNTY OFFICES TO DS WATERS/DBA SPARKLETTS

Bids were received from D S Waters/dba Sparkletts and Hill Country Springs. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve and award bid #2006-B06 for bottled water for Hays County offices to D S Waters/DBA Sparkletts. All voting "Aye".



23025 AUTHORIZE PURCHASE OF 3 WORKSTATIONS FOR THE HAYS COUNTY CLERK'S OFFICE (COURTS DIVISION)

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize purchase of three (3) workstations in the County Clerk's office (Courts Division). All voting "Aye".

23026 APPROVE CANCELLATION OF COMMISSIONERS COURT ON DECEMBER 27, 2005 AND JANUARY 2, 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve cancellation of Commissioners Court on December 27, 2005 and January 2, 2006. All voting "Aye".

23027 APPROVE HIRING OF DEPUTY CONSTABLE BLAINE E. HAMILTON IN HAYS COUNTY CONSTABLE PCT. 4 OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve hiring of Deputy Constable Blaine E. Hamilton in Hays County Constable Pct. 4 Office. All voting "Aye".

23028 APPROVE PAYMENT OF INVOICES FOR THE HAYS COUNTY SHERIFF'S OFFICE WHERE NO PURCHASE ORDER WAS OBTAINED

Chief Deputy Sam Williams spoke of video equipment that was purchased for review of new system. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of invoices for the Hays County Sheriff's office where no purchase order was obtained. All voting "Aye".

23028 APPROVE COUNTY PARTICIPATION IN TEXAS RECYCLES DAY BY BRINGING USED CLOTHING TO BE RECYCLED TO GOODWILL ON NOVEMBER 15, 2005

Resource Management Director Jerry Pinnix spoke of collection of clothes and plans to collect small household appliances and techno trash in the future. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve county participation in Texas Recycles Day by bringing used clothing to be recycled to Goodwill on November 15, 2005. All voting "Aye".

23029 [PCT. 4 #05-4-063, 3 LOTS] SPRINGLAKE RESUBDIVISION OF LOT 98 - APPROVE FINAL PLAT [T1-253]

Environmental Health Director Allen Walther gave staff recommendation for final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Springlake Resubdivision of Lot 98". All voting "Aye".

23030 [PCT. 4 #05-4-074] LA VENTANA PHASE I - WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT COMBINING LOTS H15 AND H16 [T1-265]

Environmental Health Director Allen Walther spoke of combining two lots to create a 2.53 acre lot. He gave staff recommendation waiving the public hearing and approving the final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive public hearing and approve final plat combining Lots H15 and H16 La Ventana Phase I. All voting "Aye".

23031 [PCT. 4 #05-4-069, 3 LOTS] OAK HOLLOW REPLAT OF LOT 2 (2A, 2B, 2C) - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-278]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Oaks Hollow Replat of Lot 2 (Lots 2A, 2B, 2C). All voting "Aye".

23032 [PCT. 4 #05-4-061, 3 LOTS] ROLLING OAKS SECTION FOUR RESUBDIVISION OF LOTS 110 & 111 (LOTS 111A, 110A, 110B) - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-293]

Judge Powers declared the public hearing open. Rusty Wallace voiced his opposition to the resubdivision - he is concerned about water availability. Judge Powers closed the public hearing. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Rolling Oaks Section 4 Resubdivision of Lots 110 & 110". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".



23033 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT-25 MPH SIGNS) FOR EULALAH LANE [T1-380]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation to establish a speed limit of 25 MPH for Eulalah Lane. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations of 25MPH speed limit for Eulalah Lane. All voting "Aye".**

23034 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT-25 MPH & 7 STOP SIGNS) IN ESTATES OF SAN MARCOS SUBDIVISION [T1-393]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to set speed limit at 25 MPH and establish 7 STOP signs. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations of 25MPH speed limit and STOP signs on Mountain High Drive @ West McCarty Drive, on Cross Road @ Mountain High Drive, on Kays Cove @ Mountain High Drive, on Martins Crest @ Mountain High Drive, on Annes Trail @ Mountain High Drive, on Valley Circle @ Annes Trail, and on Cross Road @ Martins Crest in the Estates of San Marcos Subdivision. All voting "Aye".**

23035 CALL FOR A PUBLIC HEARING ON DECEMBER 6, 2005 TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGN) ON CLEAR LAKE DRIVE [T1-408]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on December 6, 2005 to consider establishing traffic regulations (STOP signs) on Clear Lake Drive. All voting "Aye".

23036 CALL FOR A PUBLIC HEARING ON DECEMBER 6, 2005 TO ESTABLISH TRAFFIC REGULATIONS ON THE WEST SIDE OF A NARROW BRIDGE ON MONTELL ROAD (CR 339) [T1-420]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on December 6, 2005 to consider establishing traffic regulations on the west side of a narrow bridge on Montell Road / CR 339. All voting "Aye".

23037 CALL FOR A PUBLIC HEARING ON DECEMBER 6, 2005 TO ESTABLISH TRAFFIC REGULATIONS (2-WAY STOP) AT THE INTERSECTION OF SPRINGLAKE DRIVE AND SPRINGLAKE CIRCLE IN SPRING LAKE SUBDIVISION [T1-427]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on December 6, 2005 to consider establishing traffic regulations (2 Way STOP) at the intersection of Springlake Drive and Springlake Circle in "Springlake Subdivision". All voting "Aye".

23038 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS FOR COUNTY MAINTENANCE, AND CALL FOR A PUBLIC HEARING ON DECEMBER 6, 2005 TO ESTABLISH TRAFFIC REGULATIONS FOR THE WOODLANDS SUBDIVISION [T1-435]

County Road Supt/Engineer Jerry Borcharding advised that there are some repairs that need to be made. The bonds for this subdivision expired on December 4, 1999 and the process for county acceptance was not completed. This road [Woodlands Trail] has been maintained by the county. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements for county maintenance and call for a public hearing on December 6, 2005 to establish traffic regulations for "The Woodlands" subdivision. All voting "Aye".**

23039 ADOPT RESOLUTION CASTING VOTES FOR HAYS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS [T1-492]

Brad Bailey spoke of number of votes [875] to put a member on the CAD board – some jurisdictions do not have enough votes to put a representative on the board, therefore, we can use our extra votes [500] to help them get a member on the board. Daniel Guerrero represents the City of San Marcos and Melissa Young represents the Wimberley ISD. This will help balance the board with members throughout the county. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt resolution casting votes for Hays County Appraisal District Board of Directors with votes as follows: 875 votes for Luanne Caraway, 416 votes for Daniel Guerrero, and 84 votes for Melissa Young. All voting "Aye".**



23040 APPROVE UTILITY ADJUSTMENT AGREEMENT HC-BOND-21 ALONG THE WIMBERLEY BY-PASS WITH PEDERNALES ELECTRIC COOPERATIVE (HAYS COUNTY/TCB/PEC) [T1-611]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve utility adjustment agreement HC-Bond-21 along the Wimberley By-Pass with Pedernales Electric Cooperative (Hays County/TCB/PEC). All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 15, 2005.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21ST DAY OF NOVEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
 DEBBIE GONZALES INGALSBE
 LEE CARLISLE

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

23041 CANVASS ELECTION RESULTS FOR THE CONSTITUTIONAL AMENDMENT ELECTION HELD NOVEMBER 8, 2005.

Elections Administrator Joyce Cowan presented the vote totals for the November 8th Constitutional Amendment Election. She advised that only two votes are required by Commissioners Court to canvass the election results. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to accept and canvass election results for the Constitutional Amendment Election held November 8, 2005. All present voting "Aye".

23042 CANVASS ELECTION RESULTS FOR THE LOCAL OPTION ELECTION HELD IN THE CITY OF WOODCREEK

Elections Administrator Joyce Cowan presented the vote totals for the City City of Woodcreek Local Option Election. This was a paper ballot with the proposition "the legal sale of all alcoholic beverages for off-premise consumption only" – the vote was 312 FOR and 202 AGAINST. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to accept and canvass election results for the City of Woodcreek Local Option Election to legalize the sale of all alcoholic beverages for off-premise consumption only, held November 8, 2005. All present voting "Aye".

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 NOVEMBER 21, 2005.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22ND DAY OF NOVEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF \$100,000 CHECK TO HAYS COUNTY WATER CONSERVATION IMPROVEMENT DISTRICT #1 AND #2, FROM COUNTY PARK BOND FUNDS FOR NEIGHBORHOOD PARK/TRAILS NEAR DRIPPING SPRINGS

Charles O'Dell, President of Hays CAN, spoke in opposition to this subsidy for a developer (Belterra subdivision) out of county bond money. He feels like it is unnecessary. Grants Administrator Richard Salmon spoke of this being Project #10 and has been approved by the Commissioners Court. A grant has already been received from the Texas Parks & Wildlife Dept. Commissioner Molenaar presented a \$100,000.00 check to Charles Bujan for the Hays County Water Conservation Improvement Districts #1 & #2 from park bond funds for neighborhood park/trails near Dripping Springs.

PRESENTATION BY HAYS COUNTY EXTENSION OFFICE ON THE MASTER GARDENER PROGRAM, MASTER NATURALIST PROGRAM, AND OAK WILT PROGRAM

Brian Davis, Ag & Natural Resource Agent, spoke of the Hays County Master Gardener Program, Master Naturalist Program, and Oak Wilt Program. He spoke of the volunteer efforts and training that has taken place. He spoke of educating citizens about oak wilt. Lacy Oaks, Mexican White Oak, and Burr Oak are the most resistant to oak wilt. Members of the court gave their appreciation to Mr. Davis and the volunteers for providing their services to the citizens of Hays County.

23043 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$1,101,496.61 as presented by the County Auditor. All voting "Aye".

23044 APPROVE UTILITY PERMITS #01855-01858

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permit #01855 on CR266/Old Bastrop Hwy. Issued to Carter & Burgess Inc., #01856 on Bluff Trail & Cross Circle issued to Cox Plumbing Company, #01857 on CR205/Dacy Lane issued to Pedernales Electric Coop., and #01858 on CR119/Old Goforth Rd. issued to Goforth Water Supply. All voting "Aye".

23045 APPROVE AWARD OF BID #2006-B02 FOR POLICE MOTORCYCLE TO RENEGADE HARLEY DAVIDSON IN THE AMOUNT OF \$16,266.00

Bids were received from Renegade Harley Davidson and Austin Harley-Davidson/Buell. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve award of Bid #2006-B02 for police motorcycle to Renegade Harley Davidson in the amount of \$16,266.00. All voting "Aye".

23046 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$19,000 GRANT FROM TEXAS DEPARTMENT OF HOMELAND SECURITY FOR THE COUNTY'S COMMUNITY EMERGENCY RESPONSE TEAM (CERT) AND TO EXECUTE CONTRACT

The objective of a CERT is to organize and provide trained volunteers to assist first responders in helping their communities prepare for emergencies, providing assistance in emergencies, organizing spontaneous volunteers who have not had training, and to assist in the aftermath of emergencies. The Hays County CERT is a 501c(2) organization and is involved in local fundraisers as well as submitting applications to other entities for grant funds. No match required for this grant. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept \$19,000 Grant from the Texas Department of Homeland Security for the County's Community Emergency Response Team (CERT) and to execute contract. All voting "Aye".



23047 APPROVE PURCHASE OF A MICROWAVE OVEN FOR THE JUSTICE CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve purchase of a microwave oven for the Justice Center. All voting "Aye".

23048 APPROVE CONTINUANCE OF EMERGENCY ORDER DECLARING A BURN BAN, ISSUED BY THE COUNTY JUDGE ON NOVEMBER 16, 2005, UNTIL RESCINDED BY THE COUNTY JUDGE OR COMMISSIONERS COURT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve continuance of Emergency Order Declaring a Burn Ban issued by the County Judge on November 16, 2005 until rescinded by the County Judge or Commissioners Court. All voting "Aye".

23049 [PCT. 4 #05-4-061, 7 LOTS] KUYKENDALL SUBDIVISION - APPROVE PRELIMINARY PLAN [T-249]

Environmental Health Director Allen Walther spoke of detailed drainage analysis and water availability analysis that was done and he gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Kuykendall Subdivision". All voting "Aye".

23050 GRANT A WAIVER/VARIANCE TO SUBDIVISION AND PERMIT REQUIREMENTS FOR A .87 AC PARCEL OFF FM 2001 OWNED BY MOISES LOPEZ [T-267]

Environmental Health Director Allen Walther advised that 3 parcels were created in 1985 by Glenn Wagner when he conveyed adjoining property to family members. This property was later foreclosed on and sold via a constable's deed and the current owner is Moises Lopez. Allen Walther advised that he is unable to grant an administrative waiver because the property is accessed by an easement instead of a public roadway. He gave staff recommendation to grant a platting waiver/variance. Commissioner Carter gave a history of this property. She spoke of Village Homes selling property without platting. Allen Walther spoke of the Local Government Code addressing exemptions on property with public access, not those with access by easement and he feels that no one that has purchased or acquired the property since 1985 are responsible for the failure to plat the division. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to grant a waiver/variance to platting to Moises Lopez for an 0.87 acre parcel out of the Jesse Eaves Survey No. 5 located off FM2001 and instruct staff to issue a permit. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23051 CALL FOR A PUBLIC HEARING ON DECEMBER 6, 2005 TO ESTABLISH TRAFFIC REGULATIONS (30 MPH SPEED LIMIT) ON OLD GOFORTH RD, CR 119 [T-475]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on December 6, 2005 to consider establishing traffic regulations on Old Goforth Road (CR119) - 30 mph speed limit. All voting "Aye".

23052 CALL FOR A PUBLIC HEARING ON DECEMBER 6, 2005 TO ESTABLISH TRAFFIC REGULATIONS (25 MPH SPEED LIMIT) ON LONGHORN TRAIL, CR 246 [T-490]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on December 6, 2005 to consider establishing traffic regulations on Longhorn Trail (CR246) - 25 mph speed limit. All voting "Aye".

23053 APPROVE REORGANIZATION OF INFORMATION TECHNOLOGY DEPARTMENT, INCLUDING THE ELIMINATION OF STAFF ASSISTANT POSITION AND REASSIGNMENT OF DUTIES OF EXISTING COMPUTER SUPPORT SPECIALIST POSITION EFFECTIVE DECEMBER 1, 2005 [T-511]

IT Director Jeff McGill spoke of setting up a help desk service in which a technician would assist people who call in. This will eliminate the need for a staff assistant position. He spoke of remote access that will be available. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve reorganization of Information Technology Department, including the elimination of staff assistant position and reassignment of duties of existing computer support specialist position effective December 1, 2005. All voting "Aye".

23054 AUTHORIZE ADDITIONAL FUNDS FOR THE ELECTIONS BUILDING PROJECT AND AMEND THE BUDGET ACCORDINGLY [T-679]

Maintenance Supervisor Ron Knott spoke of upgrading the building, adding a dock, and additional electrical work. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize additional funds for the elections building project and amend the budget accordingly out of tobacco funds not to exceed \$2,000. All voting "Aye".



Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 22 . 2005.



A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 6TH DAY OF DECEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23055 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$142,185.05 as presented by the County Auditor. All voting "Aye".

23056 APPROVE BUDGET AMENDMENT # 06-06

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-06 as proposed by the County Auditor. All voting "Aye".

23057 APPROVE UTILITY PERMIT#01859

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit# 01859 on CR266/Old Bastrop Highway issued to Bluebonnet Electric Coop. as submitted by the County Road Department. All voting "Aye".

23058 APPROVE AMENDMENT TO CURRENT DEPOSITORY CONTRACT WITH AMERICAN NATIONAL BANK

This amendment would allow our depository bank to pledge letters of credit as collateral for our funds within specific limitations. This would also change the safekeeping bank of pledged securities to be any third party bank instead of only the Federal Reserve Bank. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve amendment to the current depository contract with the American National Bank. All voting "Aye".

23059 AUTHORIZE EXPENDITURE NOT TO EXCEED \$5,400 FROM TOBACCO SETTLEMENT FUND FOR PERSONAL HEALTH DEPARTMENT POWER SUPPLY EQUIPMENT

Heath Dept. request is for \$5,365.55 to purchase uninterrupted power supply equipment to solve computer data loss & damage of data processing equipment due to power surges/outages. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize expenditure not to exceed \$5,400 from Tobacco Settlement Fund for Personal Health Department Power Supply Equipment. All voting "Aye".

23060 APPROVE CONTRACT RENEWAL LICENSE/SUPPORT AGREEMENT WITH SYSTEMS DESIGNS, INC., FOR PC-ACE PRO32 FOR THE HAYS COUNTY HEALTH DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal license/support agreement with Systems Designs, Inc. for PC-ACE PRO32 for the Hays County Health Department. All voting "Aye".



23061 APPROVE AWARD OF BID #2006 FOR A/C AND HEATING REPAIRS TO THE NEXT LOWEST BIDDER, TOMCO AIRE SERVICE DUE TO THE FACT THAT HOT ROD MECHANICAL WANTS TO OPT OUT OF THEIR CONTRACT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of Bid #2006 for A/C and Heating repairs to the next lowest bidder, TOMCO Aire Service due to the fact that Hot Rod Mechanical wants to opt out of their contract. All voting "Aye".

23062 APPROVE AWARD OF BID #2006-B04 FOR PLUMBING SERVICES TO THE NEXT LOWEST BIDDER, TEXAS STATE PLUMBING DUE TO THE FACT THAT HOT ROD MECHANICAL WANTS TO OPT OUT OF THEIR CONTRACT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of Bid #2006-B04 for plumbing services to the next lowest bidder, Texas State Plumbing, due to the fact that Hot Rod Mechanical wants to opt out of their contract. All voting "Aye".

23063 APPROVE TEXAS VINE (VICTIMS INFO & NOTIFICATION EVERYDAY) 2006 ANNUAL MAINTENANCE CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL TO CONTINUE THE HAYS COUNTY VINE PROGRAM

The VINE program is a statewide automated system to provide crime victims with accurate information and timely notifications of county jail inmate status and court events. Grant funds for the Texas Attorney General's office provide 100% funding for our program. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Texas VINE (Victims Info & Notification Everyday) 2006 Annual Maintenance Contract with the Office of the Attorney General to continue the Hays County Vine Program. All voting "Aye".

23064 AUTHORIZE THE COUNTY JUDGE TO SEND A LETTER REGARDING FILING OF TAX LIENS WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS DUE TO NEW REQUIREMENTS IN HB2438

Tax Assessor-Collector Luanne Caraway spoke of HB2438 changing the requirements for filing a tax lien on mobile homes. She spoke of problem with filing the liens and loss of money for the county and she is requesting that the court send a letter to the Executive Director of TDHCA voicing our concerns. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to write a letter to the Executive Director of TDHCA voicing the county's concerns regarding the filing of tax liens with the Texas Department of Housing and Community Affairs due to new requirements in House Bill 2438. All voting "Aye".

Clerk's Note: Agenda Item #5 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE CITIZEN CORP EMERGENCY PREPAREDNESS (CERT) AGREEMENT WITH THE OFFICE OF THE GOVERNOR, DIVISION EMERGENCY MANAGEMENT IN THE AMOUNT OF \$247,182 was pulled. No discussion and no action taken.

23065 [PCT. 3 #05-3-080] SUMMER MOUNTAIN RANCH SECTION I - WAIVE PUBLIC HEARING REQUIREMENT AND APPROVE FINAL PLAT COMBINING LOTS 65 AND 66 CREATING LOT 65R [T1-120]

Environmental Health Director Allen Walther gave staff recommendation for waiver of public hearing and approval of final plat. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive the public hearing requirement and approve final plat combining Lots 65 and 66 [creating Lot 65R] of Summer Mountain Ranch Section 1". All voting "Aye".

23066 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (30 MPH SPEED LIMIT) ON OLD GOFORTH RD, CR 119 [T1-140]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 30 MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish a 30 MPH speed limit on Old Goforth Road/CR119. All voting "Aye".

23067 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (25 MPH SPEED LIMIT) ON LONGHORN TRAIL, CR 246 [T1-151]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a 25MPH speed limit on Longhorn Trail. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulation of 25 mph speed limit on Longhorn Trail (CR246). All voting "Aye".



23068 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGN) ON CLEAR LAKE DRIVE [T1-163]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a STOP sign on Clear Lake Drive at its intersection with Thompson Ranch Road. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish a STOP sign on Clear Lake Drive at its intersection with Thompson Ranch Road. All voting "Aye".**

23069 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (YIELD SIGN) ON THE WEST SIDE OF A NARROW BRIDGE ON MONTELL ROAD, CR 339

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that this action will allow all eastbound vehicles on Montel Road to yield to westbound traffic at a narrow bridge about 2000 ft. east of Angostura Lane (CR344) near address 1463 Montell Road. Presently vehicles are causing a hazard with both directions of traffic trying to cross the bridge simultaneously. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish a Yield sign on the west side of a narrow bridge on Montell Road (CR339) as recommended by the County Road Department. All voting "Aye".**

23070 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON SPRINGLAKE DRIVE IN SPRING LAKE SUBDIVISION [T1-190]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended establishing a 25 MPH speed limit and a STOP sign for southbound traffic on Spring Lake Drive at Spring Lake Circle in Spring Lake Subdivision. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations of 25 MPH speed limit and a STOP sign for southbound traffic on Spring Lake Drive at Spring Lake Circle in Spring Lake Subdivision. All voting "Aye".**

23071 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS FOR THE WOODLANDS SUBDIVISION [T1-201]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended STOP signs and a 25MPH speed limit. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of STOP signs on Woodlands Trail at intersection with Lime Kiln Road and a 25 MPH speed limit as recommended by the Road Department. All voting "Aye".**

23072 ACTION TO REFUND DEVELOPMENT PERMITTING FEES FOR THE ALLIE WRIGHT HOME RECONSTRUCTION [T1-213]

Environmental Health Director Allen Walther spoke of 90 year old Allie Wright's home that burned and is being reconstructed by volunteers – similar to habitat for humanity. The development permitting fees have been paid and a refund is being requested so that the money can be spent for purchase of appliances. He gave staff recommendation to refund these development permitting fees. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve refund of development permitting fees for the Allie Wright Home reconstruction. All voting "Aye".**

23073 ADOPT AN ORDER PROHIBITING SALE AND USE OF CERTAIN RESTRICTED FIREWORKS (SKYROCKETS WITH STICKS, AND MISSILES WITH FINS) IN UNINCORPORATED AREAS OF HAYS COUNTY FROM DECEMBER 6, 2005 UNTIL THE COMMISSIONERS COURT FINDS THAT THE PERIOD OF ENHANCED, HAZARDOUS, OR ANTICIPATED ENHANCED FIRE DANGER NO LONGER EXISTS

[T1-248] Fire Marshal Mark Chambers spoke of drought index in Hays county (extreme fire danger) and he recommended the prohibition of these fireworks – all other fireworks are allowed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt an Order Prohibiting the sale and use of certain restricted fireworks [skyrockets with sticks and missiles with fins] in unincorporated areas of Hays County from December 6, 2005 until the Commissioners Court finds that the period of enhanced, hazardous, or anticipated enhanced fire danger no longer exists. All voting "Aye".**



23074 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY RELATING TO FIRE MARSHAL SERVICES

[T1-294] Commissioner Conley spoke of working on this interlocal agreement – has been passed by the Village of Wimberley. Fire Marshal Mark Chambers advised that they are currently performing these services in all areas of the county except the City of San Marcos. It was the Village of Wimberley that requested this interlocal agreement. There was concern for the necessity for this agreement and whether it would be more binding on the county.). Special Counsel Jacqueline Cullom Murphy spoke of language on page 2 of the agreement that protects the county. Mark Chambers advised that he has no problem with having an interlocal agreement because he will do what is required of him by law (LGC 352) no matter what area of the county is involved. Commissioner Conley spoke in support of this agreement – it is important that these type of services (emergency services) are documented. **A motion was made by Commissioner Conley to authorize the County Judge to execute an interlocal agreement with the Village of Wimberley relating to Fire Marshal services. Motion died for lack of a second.**

23075 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CARTER-BURGESS RELATING TO TRAFFIC ANALYSIS AND SITE DEVELOPMENT STUDIES ON FOUR POSSIBLE LOCATIONS FOR THE PROPOSED HAYS COUNTY OFFICE COMPLEX [T1-744]

Commissioner Ingalsbe spoke of committee review and the 4 sites that were recommended. She spoke of studies that need to be performed (traffic study and parking impacts) = \$7,400, site development restraints \$8,000, the old hospital site will need additional study \$19,000 to perform all recommended studies. Time line for completion is the week of January 23, 2006. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute a professional services agreement with Carter-Burgess relating the traffic analysis and site development studies on four possible locations for the proposed Hays County Office Complex not to exceed \$19,000. All voting "Aye".**

Clerk's Note: Agenda Item # 23 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING: PARCEL 4, SAWYER RANCH ROAD, GARY W. RAESZ AND LYNN RAESZ, FEE OWNERS was PULLED.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A DIRECTOR OF HUMAN RESOURCES

The court convened into closed executive session to discuss and deliberate the appointment of a Director of Human Resources. Upon completion of the closed session, the court reconvened into open meeting. County Judge Jim Powers announced that no action will be taken.

Court was adjourned.

I, LEE CARLISLE, 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 DECEMBER 6 . 2005.



Lee Carlisle
**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



DECEMBER 13, 2005

VOLUME T PAGE 301

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 13TH DAY OF DECEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

23076 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$4,486,886.10 as presented by the County Auditor. All voting "Aye".

23077 APPROVE UTILITY PERMITS #01860-01862

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permits #01860 on CR157/Goforth Road issued to City of Kyle, #01861 on CR157/Goforth Road issued to City of Kyle, and #01862 on Redwood Road issued to F & S Development as submitted by the County Road Department. All voting "Aye".

23078 APPROVE VEHICLE PURCHASE FOR ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) OFFICER, DAVID BURNS

County will purchase the vehicle (apprx.\$25,000) and grant will reimburse the invoice in full. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase for Advanced Law Enforcement Rapid Response Training (ALERRT) Officer David Burns. All voting "Aye".

23079 APPROVE RENEWAL OF BID CONTRACT FOR "PRESCRIPTION DRUGS FOR INDIGENTS" AS PROVIDED FOR IN ORIGINAL CONTRACT WITH HT HEALTH CONCEPTS, INC. DBA/THORPE LANE PHARMACY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve renewal of bid contract for "Prescription Drugs for Indigents" as provided for in original contract with H T Health Concepts, Inc. dba Thorpe Lane Pharmacy. All voting "Aye".

23080 APPROVE CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL TO REDIRECT AND PROCESS PRE-1994 CHILD SUPPORT PAYMENTS IN ORDERS ESTABLISHED PRIOR TO JANUARY 1, 1994 FROM THE LOCAL REGISTRY TO THE STATE DISBURSEMENT UNIT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract with the Office of the Attorney General to redirect and process pre-1994 Child Support payments in Orders established prior to January 1, 1994 from the local registry to the State Disbursement Unit. All voting "Aye".

23081 [PCT. 4 #05-4-061, 7 LOTS] KUYKENDALL SUBDIVISION - APPROVE FINAL PLAT [T1-26]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Kuykendall Subdivision". All voting "Aye".

23082 [PCT. 4 #05-4-082, 1 LOT] LA VENTANA, PHASE 7 - WAIVE PUBLIC HEARING REQUIREMENT AND APPROVE FINAL PLAT COMBINING LOTS 602, 603, 604, AND 605 CREATING LOT 602-A [T1-38]

Environmental Health Director Allen Walther spoke of combining 4 lots into 1 - he gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive the public hearing requirement and approve final plat combining Lots 602-605 and creating Lot 602-A La Ventana Phase 7. All voting "Aye".



23083 ALLOW CONSTABLE, PCT. 1 TO START NEW DEPUTY POSITION IN JANUARY 2006 INSTEAD OF APRIL 2006 [T1-50]

Commissioner Ingalsbe spoke of revenues being generated and request by Tax Attorney to have Pct. 1 serve papers in tax suits. Constable Pct. 1 Lupe Cruz stated that they would like to bailiff the commissioners' court. Deputy Constable Ray Helm spoke of parking citations to be issued around the courthouse and he gave figures for revenues being generated and fees that will be increasing January 1, 2006. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to allow Constable Pct. 1 to start new Deputy position January 1, 2006 instead of April 2, 2006 to be paid out of contingencies. All voting "Aye".**

23084 APPROVE NEW FAMILY VIOLENCE FEE AND DESIGNATE CHILD ABUSE FUND RECIPIENT AS CASA OF CENTRAL TEXAS, INC. [T1-149]

District Clerk Cecelia Adair spoke of new legislation that mandates a "family protection fee" in an amount not to exceed \$30. There is an AG's opinion being requested at this time regarding paying out of this fee. The recommended amount is \$30.00 (\$15 goes to the State) contingent on the outcome of the AG's opinion. In addition, a new fee was set (\$100) for collection in certain criminal cases upon conviction to fund child abuse programs in the county. The statute requires that an organization be designated as the fund recipient and CASA of Central Texas Inc. has requested to be considered the recipient of this fund. Norma Blackwell, Executive Director of CASA of Central Texas, Inc., spoke of services provided by CASA. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve new family violence fee in the amount of \$30.00, contingent on outcome of an AG's opinion, and furthermore designate the new child abuse fund recipient as CASA of Central Texas Inc. All voting "Aye".**

23085 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 3 FOR REDWOOD ROAD (HAYS COUNTY/TC&B/URS) [T1-316]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization No. 5 to Work Authorization No. 3 for Redwood Road (Hays County/TC&B/URS). All voting "Aye".

23086 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 6 TO WORK AUTHORIZATION NO. 12 FOR GEOTECHNICAL SERVICES - CONSTRUCTION MATERIAL TESTING - HILLSIDE TERRACE & POSEY ROAD (HAYS COUNTY/TC&B/FUGRO) [T1-346]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization No. 6 to Work Authorization No. 12 for Geotechnical Services - construction material testing - Hillside Terrace & Posey Road (Hays County/TC&B/FUGRO). All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A DIRECTOR OF HUMAN RESOURCES [T1-360]

Court convened into closed executive session and upon completion reconvened into open meeting. No action was taken.

Court was adjourned.

I, LEE CARLISLE, 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 DECEMBER 13, 2005.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



DECEMBER 20, 2005

VOLUME T PAGE 303

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 20TH DAY OF DECEMBER A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY RETIREMENT AWARD TO THOMAS F. MEADOWS JR.

County Auditor Bill Herzog presented a 15 year service pin and a retirement plaque to Assistant County Auditor Thomas F. Meadows Jr.

23087 ADOPT A PROCLAMATION RECOGNIZING THE WIMBERLEY HIGH SCHOOL "TEXANS" FOOTBALL TEAM'S 3A DIVISION 1 STATE CHAMPIONSHIP

Commissioner Conley spoke of being proud of this football team and their supporters. Judge Powers thanked Head Coach Weldon Nelms for his great leadership. Coach Nelms was also presented with a plaque from the Hays County Precinct 3 office. A motion was made by Judge Powers, seconded by Commissioner Conley to adopt a Proclamation recognizing the Wimberley High School "Texans" football team's 3A Division State Championship. All voting "Aye".

23088 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$706,218.06 as presented by the County Auditor. All voting "Aye".

23089 APPROVE BUDGET AMENDMENT # 06-07

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-07 as proposed by the County Auditor. All voting "Aye".

23090 APPROVE SEPTEMBER 2005 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the September 2005 Treasurer's Report and Investment Report. All voting "Aye".

23091 ACCEPT THE INTERNAL EXAMINATION REPORT FOR THE DISTRICT CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept the internal examination report for the District Clerk's Office. All voting "Aye".

23092 AUTHORIZE BLOCKING-OFF OF PARKING SPACES ON THE SAN ANTONIO ST. AND LBJ ST. ON JANUARY 30, 2005 BETWEEN THE HOURS OF 7:00 AM AND 3:00 PM FOR THE ANNUAL SAN ANTONIO STOCK SHOW AND RODEO TRAIL RIDERS STOP IN SAN MARCOS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize blocking off of parking spaces on the San Antonio Street and LBJ Street sides of the courthouse on January 30, 2005 between the hours of 7:00 a.m. and 3:00 p.m. for the annual San Antonio Stock Show and Rodeo Trail Riders stop in San Marcos. All voting "Aye".

23093 [PCT. 4 #05-4-025] HIGHPOINTE PHASE 1 SECTION 1 - APPROVE REVISED FINAL PLAT [T1-154]

Environmental Health Director Allen Walther advised that easements were unintentionally omitted from the final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve the revised final plat of "Highpointe Phase 1 Section 1". All voting "Aye".



23094 ACTION TO SET PETIT AND GRAND JUROR REIMBURSEMENT [T1-167]

District Clerk Cecelia Adair spoke of Senate Bill 1704 amending the Government Code by raising the minimum reimbursement after the first day of service as juror to \$40 per day with no maximum. Hays County currently pays its jurors at the rate of \$6 per day for voir dire (first day) and \$15 per day for service as a member of the jury and grand jurors are paid \$10 per day of service. SB1704 also requires a new criminal fee be collected and sent to the State Comptroller for deposit in the jury service fund which will be used to reimburse counties at the rate of \$34 per day. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to set the first day, or fraction of the first day, served as a petit juror at the rate of \$6.00 and grand jurors at the rate of \$10 and a fee of \$40 for each day, or fraction of each day, served as a petit or grand juror after the first day. All voting "Aye".**

23095 AUTHORIZE THE PURCHASE OF 2.71 ACRES FROM THE MEYER AND WRAY FAMILIES ALONG BEBACK INN ROAD TO BE USED AS PUBLIC RIGHT-OF-WAY IN ORDER TO ENHANCE TRAFFIC SAFETY [T1-301]

Commissioner Ingalsbe explained that the county has been working to improve the safety of Beback Inn Road. Property owners have been contacted and have agreed to sell the 2.71 acres of property needed for additional right-of-way and the costs were included in the FY2006 Road Department budget (\$12,500 for r-o-w plus fencing costs (apprx. \$3,000) and renter's loss (estimated to be well under \$1,000). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the purchase of 2.71 acres from the Meyer and Wray families along Beback Inn Road to be used as public right-of-way in order to enhance traffic safety. All voting "Aye".**

23096 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 23 FOR CONSTRUCTION PHASE SERVICES - FIELD SERVICES - HILLSIDE TERRACE & POSEY ROAD (HAYS COUNTY/TC&B/URS) [T1-352]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization No. 2 to Work Authorization No. 23 for construction phase services/field services on Hillside Terrace and Posey Road (Hays County/TC&B/URS). All voting "Aye".

23097 APPROVE AN INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND THAT WILL AUTHORIZE THE ROAD DEPARTMENT TO RECONSTRUCT THAT PORTION OF COTTON GIN ROAD THAT LIES WITHIN THE CITY LIMITS OF UHLAND [T1-402]

Diana Woods, City Administrator for City of Umland, spoke of county having the authority to work within the city limits and she spoke of this road connecting to State Highway 21 and being an important connector road. Acting Umland Mayor Daniel Heideman spoke in support of this interlocal agreement. Road Supt/Eng Jerry Borcharding advised that the road does need to be reconstructed - the portion of the road in the city will cost approximately \$60,000 for materials which will come out of funds for Precinct 2. Special Counsel Jacqueline Cullom Murphy spoke of statutes and confusion. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve an interlocal agreement with the City of Umland that will authorize the Road Department to reconstruct that portion of Cotton Gin Road that lies within the city limits of Umland. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley and Judge Powers voting "Aye". Commissioner Molenaar voting "No".**

23098 APPROVE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT - HAZARD MITIGATION GRANT PROGRAM FOR UP TO \$600,000 TO ADDRESS HEALTH AND SAFETY ISSUES RELATED TO FLASHFLOODS AND LOW-WATER CROSSINGS IN THE COUNTY [T1-598]

The grant and matching funds will be used to install a rain monitoring system along the Blanco and San Marcos rivers which will connect to an early warning system at many low water crossings throughout the county. The system can be used in conjunction with the County Sheriff's Reverse 911 Notification System currently being tested and scheduled to be online soon. With the Reverse 911 System you can notify up to 1,000 residents at a time in any given area you select. **A motion was made by Judge Powers, seconded by Commissioner Conley to approve a grant application to the Texas Department of Emergency Management - Hazard Mitigation Grant Program for up to \$600,000 to address health and safety issues related to flashfloods and low-water crossing in the county. All voting "Aye".**



23099 DECLARE AN EMERGENCY AND AMEND THE BUDGET FOR THE PURPOSE OF REMODELING THE HAYS COUNTY COURT HOLDING CELLS TO MEET NEW MAXIMUM SECURITY DESIGN STANDARDS AS OUTLINED IN § 259.100 AND FURTHER AUTHORIZE EXPENDITURES NOT TO EXCEED \$50,000 [T1-682]

Chief Deputy Sheriff Sam Williams advised that the Texas Commission on Jail Standards conducted an inspection of the holding cells located at the Hays County Justice Center and they do not meet state mandated minimum standards and therefore Hays County is not authorized to utilize those areas as court holding cells. He suggested utilizing the experience and expertise of our in-house maintenance staff under the direction of Cliff McGaugh to modify the existing cells. The estimated cost for this project is \$48,832.38 **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to declare an emergency and amend the budget for the purpose of remodeling the Hays County Court holding cells to meet new maximum security design standards as outlined in Section 259.100 Rules of the Texas Commission on Jail Standards and furthermore authorize expenditures not to exceed \$50,000.00. All voting "Aye".** [Budget Amendment No. 06-07-A = \$50,000]

Court was adjourned.

I, LEE CARLISLE, 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 DECEMBER 20, 2005.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 10th DAY OF JANUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23100 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley To approve payment of county invoices in the following amounts as presented by the County Auditor: December 27, 2005 = \$472,079.48, January 3, 2006 = \$448,083.27, and January 10, 2006 = \$391,187.59. All voting "Aye".

23101 APPROVE BUDGET AMENDMENT # 06-08

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #06-08 as proposed by the County Auditor. All voting "Aye".

23102 ACCEPT THE INTERNAL EXAMINATION REPORT FOR THE SHERIFF'S JAIL COMMISSARY

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept the internal examination report for the Sheriff's Jail Commissary. All voting "Aye".

23103 APPROVE INCREASE IN TITLE V GRANT FUNDS BY \$12,451.00 FOR FAMILY PRACTICE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve increase in Title V Grant funds by \$12,451.00 for Family Practice and authorize the County Judge to execute agreement. All voting "Aye".

23104 APPROVE AGREEMENT WITH JUSTICE BENEFITS, INC. FOR FEDERAL FUNDS-NATIONAL LUNCH PROGRAM AND TITLE IV REIMBURSEMENT FOR HAYS COUNTY JUVENILE PROBATION AND JUVENILE DETENTION CENTER AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve agreement with Justice Benefits, Inc. for Federal Funds - National Lunch Program and Title IV reimbursement for Hays County Juvenile Probation and Juvenile Detention Center and authorize the County Judge to execute same. All voting "Aye".

23105 APPROVE RENEWAL OF "ANNUAL STRIPING CONTRACT" WITH UNITED RENTALS HIGHWAY TECHNOLOGIES, L.P. FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve renewal of "Annual Striping Contract" with United Rentals Highway Technologies, L.P. for one additional year as provided in the original contract. All voting "Aye".

23106 AUTHORIZE REIMBURSEMENT OF EXPENSES TO ELEANOR GARY, RN, NPN, FOR CONTINUING EDUCATION CHILDBIRTH EDUCATOR'S COURSE IN NASHVILLE, TN ON 11-16-2005

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize reimbursement of expenses to Eleanor Gary, RN, NPN, for continuing education Childbirth Educator's Course in Nashville, TN on November 16, 2005. All voting "Aye".



- 23106 RATIFY DISASTER DECLARATION ENACTED BY HAYS COUNTY JUDGE JIM POWERS PURSUANT TO SECTION 418.108, TEXAS GOVERNMENT CODE RELATING TO THE DANGEROUS CONDITIONS THAT EXIST DUE TO LACK OF PRECIPITATION AND HIGH WINDS [T1-31]**

Emergency Management Coordinator recommends keeping this declaration ongoing. Commissioner Conley spoke in support of continuation of this declaration. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to ratify the Disaster Declaration enacted by Hays county Judge Jim Powers pursuant to Section 418.108 Texas Government Code relating to the dangerous conditions that exist due to lack of precipitation and high winds. All voting "Aye".

Clerk's Note: Agenda Item #9 RE: CONSIDER A VARIANCE TO MAXIMUM GRADE IN THE RANCHES AT HAMILTON POOL SUBDIVISION was PULLED. No one appeared representing this request and staff recommended no action.

- 23107 CALL FOR A PUBLIC HEARING ON JANUARY 24, 2006 TO ESTABLISH TRAFFIC REGULATIONS (20 MPH SCHOOL ZONE) ON BEBEE RD, CR 122**

The proposed traffic regulation is a 20 MPH school zone for Science Hall Elementary School on Bebee Road/CR122 east of Dacy Lane/CR205 and on Dacy Lane/CR205 south of Bebee Road/CR122. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on January 24, 2006 to consider establishing traffic regulations of 20 MPH school zone on Bebee Road (CR122). All voting "Aye".

- 23108 CALL FOR A PUBLIC HEARING ON JANUARY 24, 2006 TO ESTABLISH TRAFFIC REGULATIONS (20 MPH SCHOOL ZONE) ON DACY LANE, CR 205 [T1-100]**

The proposed traffic regulation is a 20 MPH school zone for Chapa Middle School on Dacy Lane/CR205 just north of Bebee Lane/CR122. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on January 24, 2006 to consider establishing traffic regulations of 20 MPH school zone on Dacy Lane (CR205). All voting "Aye".

- 23109 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT WITH THE LYNDON BAINES JOHNSON MUSEUM OF SAN MARCOS, INC [T1-107]**

Commissioner Conley spoke of previous short-term agreement with LBJ Museum association and it is time for the court to make a long-term agreement. Ed Mihalkanin spoke of the current lease agreement – they have been able to complete restoration of the building (\$400,000+ has been spent for this renovation) and the Museum Board has unanimously approved the proposed lease agreement. This is a 50 years lease – terminating on December 31, 2055. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a lease agreement with the Lyndon Baines Johnson Museum of San Marcos, Inc. relating to the property located at 131 N. Guadalupe Street in San Marcos, Texas. All voting "Aye".

- 23110 ADOPT A PROCLAMATION DECLARING JANUARY 16, 2005 AS DR. MARTIN LUTHER KING JR. DAY IN HAYS COUNTY [T1-170]**

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a proclamation declaring January 16, 2005 as "Dr. Martin Luther King Jr. Day" in Hays County. All voting "Aye".

- 23111 ACTION SUPPORTING A CONTRIBUTION OF \$1 MILLION RELATING TO THE CONSTRUCTION OF AN OVERPASS ON YARRINGTON ROAD CONTINGENT ON OBTAINING MORE INFORMATION REGARDING THE TIRZ [T1-237]**

Commissioner Ingalsbe spoke of previous request from the City of San Marcos for the court to consider waiving the 60 statutory notice required for the creation of a Tax Increment Reinvestment Zone (bound by Post Road on the East, Blanco River on the West, and Old Stagcoach Road on the South). That action was approved and allowed the City of San Marcos to begin working out the details of the proposed TIRZ. The City is now asking the court to consider financial participation on the extension and construction of Yarrington Road into a railroad overpass. The proposed overpass will be paid at 100% by the developer (Carma Texas) up front, with the city and county paying for portions of the cost. The county would not be participating in the TIRZ, but enter into an agreement with the city of San Marcos to pay them for a portion that may be approved. The total cost of the overpass is estimated to be \$7,005,505 (includes construction cost, ROW acquisition, utility relocation, preliminary engineering for the bridge, and geotech, soils testing, and environmental monitoring). Developer, Carma Texas, is prepared to contribute up to \$1,000,000 toward the cost of the railroad overpass – this amount exceeds the estimated \$800,000 cost for an at-grade crossing at the Yarrington/railroad intersection. Commissioner Ingalsbe spoke of development /construction of our new 43 acre park expansion and the importance of the overpass as a safety issue for the many people that will be using this roadway when utilizing the soccer fields and recreational areas. It will provide a safety measure that currently does not exist in this area. Financial terms of the agreement currently state that the county will limit payments to 50% of the new ad valorem tax revenues generated by the development each year – term of the agreement is seven (7) years.



Dan O'Leary, San Marcos City Manager, spoke of his project being different – it would open up a lot of the area (not in the city of San Marcos) and is in the probable location of the loop around San Marcos (Loop 110). The new development will be donating a location for a K-5 school for Hays CISD and a fire station. This project consist of 575 acres between Yarrington Road and Old Stagecoach Road. Commissioner Ingalsbe spoke of her support because of the safety measure. Commissioner Conley spoke in support of this project – it will impact the overall community. This will be a 5-lane overpass to accommodate future growth. San Marcos Mayor Susan Narvaiz spoke in support of this project. County Auditor Bill Herzog asked about a payout extension of 2 more years to save money. Dan O'Leary spoke of increasing the time for the payout will cost the city more in interest. Commissioner Molenaar asked for an actual breakdown on the district itself and a map showing the boundaries of the zone. [T1-595] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to support a contribution of \$1 million relating to the construction of an overpass on Yarrington Road contingent on obtaining more information regarding the TIRZ. All voting "Aye".**

Clerk's Note: Agenda Item #16 RE: AUTHORIZE THE HAYS COUNTY TRANSFER STATION TO ACCEPT HOUSEHOLD TRASH AND WAIVE DISPOSAL FEE FROM PAID CUSTOMERS OF IESI DISPOSAL, NOT CURRENTLY RECEIVING TRASH COLLECTION, OR CUSTOMERS WHO HAVE SIGNED UP FOR SERVICE WITH TEXAS DISPOSAL SYSTEMS IN THE WIMBERLEY AREA was PULLED. No discussion and no action taken.

23112 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A DIRECTOR OF HUMAN RESOURCES WITH ACTION

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to hire Dee Dee Baen as Hays County Director of Human Resources effective February 1, 2006. All voting "Aye".

COURT WAS ADJOURNED.

I, LEE CARLISLE, 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 JANUARY 10, 2006.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JANUARY 17, 2006

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17th DAY OF JANUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED HAYS COUNTY EMPLOYEES

District Judge Bill Henry introduced Ruby Castilleja as his court reporter. Commissioner Molenaar introduced Frankie Fasel as his office administrator.

23113 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,178,706.03 as presented by the County Auditor. All voting "Aye".

23114 APPROVE BUDGET AMENDMENT # 06-09

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-09 as proposed by the County Auditor. All voting "Aye".

23115 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT APPLICATION FROM THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE FOR \$67,381

This grant program will assist the county in the implementation of the provisions of the Fair Defense Act and the improvement of the indigent criminal defense services in this county. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a Grant Application from the Texas Judicial Council - Task Force on indigent defense for \$67,381.00. All voting "Aye".

23116 [PCT. 3# 5-3-075, 5 LOTS] RESUBDIVISION OF THE RANCH AT WIMBERLEY LOTS 1B AND 4 * APPROVE PRELIMINARY PLAT AND CALL FOR A PUBLIC HEARING ON FEBRUARY 7, 2006 [T1-64]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. Creates Lots 4A, 4B, 4C, 4D, and 4E. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan and call for a public hearing on February 7, 2006 for "Ranch at Wimberley Resubdivision of Lots 1B and 4". All voting "Aye".

23117 CONSIDER A VARIANCE TO MAXIMUM GRADE IN THE RANCHES AT HAMILTON POOL SUBDIVISION [T1-77]

Environmental Health Director Allen Walther spoke of request for variance to maximum grade. [T1-149] Aaron Grogan explained the variance request on a private road - the terrain is fairly rough and the homesites are fairly large (ranchettes). He provided a diagram showing the difference in cuts that would have to be made. Road Supt/Engineer Jerry Borcharding spoke of 11% grade and concerns regarding exceeding that grade - if approved he would like the following: the engineer to certify that the road is safe, that no other subdivision of the lots along this stretch of road be allowed, and that the subdivision covenants clearly state that the road will never be maintained by the county so that homeowners will be fully informed. A motion was made by Commissioner Molenaar, seconded by Judge Powers to grant a variance to maximum grade in the Ranches at Hamilton Pool Subdivision with stipulation that there be no further division of land along the roadway, make it clear to homeowners that the county will never take this road into the county maintenance system (to be included in plat notes on the recorded plat and in the covenants), and the engineer must certify that this is a safe road. Commissioner Molenaar, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter voting "No".



23118 APPROVE POUNDHOUSE HILLS SECTION II REVISED FINAL PLAT [T1-94]

Environmental Health Director Allen Walther spoke of note in preliminary plan that was left off the final plat and has now been included. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Poundhouse Hills Section II Revised". All voting "Aye".

23119 APPROVE EXCHANGE OF LETTER OF CREDIT FOR A BOND AND DISBURSEMENT CONTROL AGREEMENT RELATING TO THE DEVELOPMENT OF THE PRESERVE PHASE II AT LA VENTANA DEVELOPMENT IN DRIFTWOOD, TEXAS [T1-107]

Environmental Health Director Allen Walther spoke in favor of this action and gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve exchange of Letter of Credit for a Bond and Disbursement Control Agreement relating to the development of The Preserve Phase II at La Ventana development in Driftwood. All voting "Aye".

23120 CALL FOR A PUBLIC HEARING ON JANUARY 31, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN HAYS COUNTRY ACRES SUBDIVISION [T1-409]

The recommended traffic regulation is for a STOP sign on Deerfield Road at its intersection with Fawn Meadow Drive and a STOP sign on Whispering Valley at its intersection with Deerfield Road and set a speed limit of 30 MPH within the subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on January 31, 2006 to consider establishing traffic regulations in Hays Country Acres Subdivision. All voting "Aye".

23121 CALL FOR A PUBLIC HEARING ON JANUARY 31, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN SILVERADO SUBDIVISION SECTION 1 [T1-414]

The recommended traffic regulation is a STOP sign on Spur Drive at Donna Lane and on Donna Lane at Beauchamp Road and set the speed limit at 30 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on January 31, 2006 to consider establishing traffic regulations in "Silverado Subdivision Section 1". All voting "Aye".

23122 CALL FOR A PUBLIC HEARING ON JANUARY 31, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN SHADY VALLEY SUBDIVISION PHASE 2 SECTION 3 [T1-420]

The recommended traffic regulation is a STOP sign on Fox Hound Cove at Beauchamp Road and on Doodle Bug Cove at Beauchamp Road and set the speed limit at 25 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on January 31, 2006 to consider establishing traffic regulations in "Shady Valley Subdivision Phase 2 Section 3". All voting "Aye".

Clerk's Note: Agenda Item #12 RE: ALLOW THE ROAD DEPARTMENT TO PURCHASE 2 NEXTEL RADIO UNITS, WITH SERVICE was PULLED. No discussion and no action taken.

ACTION POSTPONED RE: SUPPLEMENTAL WORK AUTHORIZATION NO. 7 TO WORK AUTHORIZATION NO. 1 FOR ROAD BOND PROGRAM MANAGEMENT (HAYS COUNTY/TCB) [T1-430]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization No. 7 to Work Authorization No. 1 for Road Bond Program Management (Hays County/TCB). Motion was withdrawn Commissioner Molenaar would like more explanation of money being spent – he is concerned about overages/shortfalls – he would like an itemization of expenses.

Clerk's Note: Agenda Item #14 RE: APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 16 FOR ROW ACQUISITION SERVICES – SAWYER RANCH ROAD (HAYS COUNTY/TCB/LAN) was PULLED.

Clerk's Note: Agenda Item #15 RE: APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 9 FOR CONSTRUCTION PHASE SERVICES – NUTTY BROWN ROAD (HAYS COUNTY/TCB/HNTB) was PULLED.

Clerk's Note: Agenda Item #16 RE: ADOPT THE EARLY VOTING SCHEDULE FOR THE MARCH 7, 2006, PRIMARY ELECTIONS was PULLED. No discussion and no action taken.



**DISCUSSION REGARDING INCREASE IN THE HOMESTEAD EXEMPTION FOR
HAYS COUNTY HOMEOWNERS [T1-551]**

Commissioner Carter spoke of her concerns. Tax Assessor-Collector Luanne Caraway spoke of possible increase in over 65 exemption amount or a homestead exemption for everyone – once you freeze taxes (homestead cap) you cannot take it away. There are currently 23,899 homestead exemptions and 5,004 over 65 exemptions – there may be an increase in homestead exemptions in the future. She spoke of exemptions given by other entities (city & school). A tax freeze only applies to over 65 and disabled individuals. Commissioner Molenaar spoke of need to get a petition and let it be voted on by the citizens. It will put a burden on other taxpayers. [T1-839] Sherri Bilson suggested a citizens committee and having a workshop to receive information and work out details. [T1-926] Jim Green spoke in opposition to more exemptions and he urged the court to not allow more properties to be removed from the tax roll (housing projects, etc.). He supports increasing our tax base and he would like for someone from the court to ask the CAD for a complete list of properties recently taken off the tax roll. Commissioner Conley spoke of economic growth vs. residential growth. Commissioner Carter spoke of density creating the need for more services.

**23123 APPROVE CONTRACT WITH MICROWORKS, INC. DBA 4INMATES.COM AND THE
HAYS COUNTY SHERIFF'S OFFICE FOR INMATE ELECTRONIC MAIL SERVICE**

[T1-1178] Chief Deputy Sheriff Sam Williams spoke of a service to the county at no cost to the county – Microworks Inc. will provide hardware, software, etc. to allow our facility to receive email for people incarcerated in the jail. This service will reduce the amount of mail received at the jail and the possibility of contraband being sent to inmates. They will be able to scan the email (trans-literate) for codes, and references to weapons, etc. The people sending the email and inmates will pay a fee for this service and the county will receive some revenue. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve contract with Microworks Inc., dba 4inmates.com and the Hays County Sheriff's office for inmate electronic mail service. All voting "Aye".**

Court was adjourned.

**I, LEE CARLISLE, 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 JANUARY 17, 2006.**



**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th DAY OF JANUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Jack Hugman spoke of tax cap for seniors and disabled that he requested several years ago. He has obtained information about other counties and cities that have adopted the freeze. He asked the court to adopt the freeze.

23124 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$277,805.17 as presented by the County Auditor. All voting "Aye".

23125 APPROVE BUDGET AMENDMENT # 06-10

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-10 as proposed by the County Auditor. All voting "Aye".

23126 APPROVE UTILITY PERMIT #01863

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01863 on Cypress Road issued to the City of Kyle as submitted by the Road Department. All voting "Aye".

23127 APPROVE RENEWAL OF CONTRACT FOR "CEMETERY MAINTENANCE" WITH MAINTENANCE MANAGEMENT FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve renewal of contract for "Cemetery Maintenance" with Maintenance Management for one additional year as provided in the original contract. All voting "Aye".

23128 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR THE HAYS COUNTY VOCA PROGRAM FOR UP TO \$150,000

Federal law mandates the Victims Assistance Program. Hays County has been using grant funds, county match funds and volunteers to operate each year for the past 11 years. The number of felony jury trials has tripled in the last two years due to the addition of a judicial district courtroom and a new district judge and consequently, the caseload of the county's victims assistance program has tripled too. The grant will be adding 2 assistant coordinators and the county will be adding a receptionist. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve resolution authorizing the County Judge to submit a grant application to the Office of the Governor - Criminal Justice Division for the Hays County VOCA Program for up to \$150,000.00. All voting "Aye".**



23129 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION FOR THE HAYS COUNTY VAWA PROGRAM FOR \$141,000

Federal law mandates the Violence Against Women Act Program. Hays County has received grant funds to operate our program for the past 9 years. The grant will be used to pay the salary and benefits of 2 attorneys and the county will match with the salary and benefits of one additional investigator and one receptionist. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve resolution authorizing the County Judge to submit a grant application to the Office of the Governor – Criminal Justice Division for the Hays County VAWA Program for \$141,000.00. All voting "Aye".

23130 APPROVE CONTRACT RENEWAL WITH CAPCOG FOR FY2005 SOLID WASTE EQUIPMENT AND SERVICES RECYCLE REDUCTION GRANT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract renewal with CAPCOG for FY2005 Solid Waste Equipment and Services Recycle Reduction Grant. All voting "Aye".

23131 APPROVE CONTRACT RENEWAL WITH CAPCOG FOR FY2005 SOLID WASTE EQUIPMENT AND SERVICES CODE ENFORCEMENT OFFICER GRANT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve contract renewal with CAPCOG for FY2005 Solid Waste Equipment and Services Code Enforcement Officer Grant. All voting "Aye".

23132 APPROVE AMENDMENT TO APPENDIX I SUBDIVISION FEE SCHEDULE DUE TO POSTAGE INCREASE

Environmental Health Director Allen Walther advised that postage will be set at the actual cost so it does not have to be changed every time the postage rates change. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Amendment to Appendix I Subdivision Fee Schedule due to postage increase (set at actual cost) to be effective immediately. All voting "Aye".

23133 [#05-2-073, 1 LOT] GOFORTH HILLS RESUBDIVISION OF LOT 29 – APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING [2/7/06] [T1-82]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval and call for a public hearing on February 7, 2006. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan for "Goforth Hills Resubdivision of Lot 29" and call for a public hearing on February 7, 2006. All voting "Aye".

23134 [#05-4-016, 109 LOTS] BELTERRA PHASE 3 SECTION 11A – APPROVE FINAL PLAT AND ACCEPT FISCAL SECURITY [T1-94]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and acceptance of fiscal security. Subdivision Bond #08765866 = \$1,815,500.00 was filed with the County Clerk. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept fiscal security for "Belterra Phase 3 Section 11A". All voting "Aye".

23135 [#06-4-001, 938 LOTS] BELTERRA PHASE 4 – APPROVE PRELIMINARY PLAN [T1-121]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Belterra Phase 4". All voting "Aye".

23136 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (20 MPH SCHOOL ZONE) ON DACY LANE [CR205] AND BEBEE RD [CR 122] AT SCIENCE HALL ELEMENTARY SCHOOL [T1-131]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding advised that this was requested by the school district. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to establish traffic regulation of 20 MPH school zone speed limit on Dacy Lane [CR205] and Bebee Road [CR122] at Science Hall Elementary School. All voting "Aye".

23137 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (20 MPH SCHOOL ZONE) ON DACY LANE [CR 205] AT CHAPA MIDDLE SCHOOL [T1-145]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of 20 MPH school zone speed limit on Dacy Lane [CR205] at Chapa Middle School. All voting "Aye".

**PUBIC COMMENT**

Andrew Backus (Hays Trinity Groundwater Conservation District) stated that they passed the drought resolution and he read it aloud. They are asking people to be more aware and conserve water. We are not in a dire situation at this time but if the drought continues it will become a problem.

23138 ADOPT THE EARLY VOTING SCHEDULE FOR THE MARCH 7, 2006 PRIMARY ELECTIONS [T1-223]

Elections Administrator Joyce Cowan provided a copy of the proposed locations for early voting for the Democratic and Republican Primary Elections to be held March 7, 2006. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt the early voting schedule for the March 7, 2006 Primary Elections. All voting "Aye".

23139 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO A RAILROAD OVERPASS ON YARRINGTON ROAD AS PREVIOUSLY AUTHORIZED BY THE COMMISSIONERS COURT ON JANUARY 10, 2006 [T1-258]

Commissioner Ingalsbe reiterated that this bridge will be a significant infrastructure in a rapidly growing area. She recommends participating at 50%. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement with the City of San Marcos relating to a railroad overpass on Yarrington Road as previously authorized by the Commissioners Court on January 10, 2006. All voting "Aye".

23140 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF SAN MARCOS AND THE NATURE CONSERVANCY RELATING TO THE ACQUISITION OF APPROXIMATELY 250.7 ACRES OF LAND IN HAYS COUNTY, TEXAS LOCATED ADJACENT TO SPRING LAKE HILLS AND THE TEXAS RIVERS CENTER [T1-290]

Commissioner Conley spoke of Nature Conservancy purchasing the property. Mayor Susan Narvaiz spoke of agreement with city and the nature conservancy (they will front the funds by May 2006) which will allow another 2 years to raise the funds needed to pay them back. This park will primarily be primitive camping, hiking, biking, etc. (will be used by boy/girl scouts). Commissioner Conley spoke of support of this project – it will be obtained at less than the appraised value. Mayor Narvaiz spoke of funds being used are funds that were approved by voters for parks. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an agreement with the City of San Marcos and the Nature Conservancy relating to the acquisition of approximately 250.7 acres of land in Hays County, Texas located adjacent to Spring Lake Hills and the Texas Rivers Center. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Carter voting "No".

EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION RELATING TO AN ECONOMIC DEVELOPMENT INITIATIVE INVOLVING A HOTEL/CONFERENCE CENTER IN SAN MARCOS, TEXAS. ACTION MAY FOLLOW IN OPEN COURT [T1-503]

The court convened into closed executive session at 9:45 a.m. and reconvened into open meeting at 10:05 a.m. Judge Powers advised that no action will be taken regarding the executive session.

Court was adjourned.

I, LEE CARLISLE, 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 JANUARY 24, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



JANUARY 31, 2006

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 31st DAY OF JANUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY RETIREMENT AWARD TO PATRICIA J. LACKEY

County Clerk Lee Carlisle presented a Retirement Plaque to Patricia J. Lackey after 20 years of service in the County Clerk's Office.

23141 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$762,635.03 as presented by the County Auditor. All voting "Aye".

23142 APPROVE UTILITY PERMITS

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Permit #01864 on Canna Lilly Circle issued to Aqua Source and #01865 on CR131/Windy Hill Road issued to Verizon as submitted by the Road Department. All voting "Aye".

23143 APPROVE RENEWAL CONTRACT WITH TOP VENDOR FOR IMPLEMENTATION OF COUNTY PARKS MASTER PLAN

This performance contract is with Margaret Winks, dba Cornucopia Consulting in the amount of \$10,000. Interest earned on the park bonds will be sufficient to fund this contract and is an eligible use of park bonds. At present, we have 2 more park projects that will probably be presented to the court soon. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve renewal contract with top vendor for implementation of county parks master plan. All voting "Aye".

23144 APPROVE TRANSFER OF VEHICLE FROM THE HAYS COUNTY SHERIFF'S DEPARTMENT TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Unit #721 is to be transferred from the Sheriff's Office inventory to Hays County Personal Health Dept. - it is a 1997 Crown Victoria with 131,250 miles. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve transfer of vehicle from the Hays County Sheriff's Department to the Hays County Personal Health Department. All voting "Aye".

23145 APPROVE SPECIFICATIONS FOR "CONCRETE CREW(S) FOR PROVIDING CONCRETE WORK FOR HAYS COUNTY ROAD DEPARTMENT" ON AN AS-NEEDED BASIS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve specifications for "concrete crew(s) for providing concrete work for Hays County Road Department" on an as-needed basis and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23146 APPROVE RENEWAL OF CONTRACT FOR "HAULING SERVICES" WITH PNEU-ROCK TRANSPORTATION, INC. FOR ONE MORE YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to renew contract for "hauling services" with Pneu-Rock Transportation Inc. for one more year as provided in the original contract. All voting "Aye".



23147 APPROVE REAPPOINTMENTS OF CAROL KAY CONWAY GREAVES AND JAMES HUCKABY TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #8

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to reappoint Carol Kay Conway Greaves and James Huckaby to the Hays County Emergency Services District #8. All voting "Aye".

23148 APPROVE REAPPOINTMENTS OF BETH SMITH, MARK SCHULTZ, AND LYLE BOLLINGER TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #6

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve reappointment of Beth Smith, Mark Schultz, and Lyle Bollinger to the Hays County Emergency Services District #6. All voting "Aye".

23149 APPROVE REAPPOINTMENT OF JON THOMPSON AND JAMES SPENCER TO THE NORTH HAYS COUNTY ESD#1

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve reappointment of Jon Thompson and James Spencer to the North Hays County Emergency Services District #1. All voting "Aye".

23150 APPROVE REAPPOINTMENT OF WILLIAM HOPKINS AND ROBERT HAYDON TO THE NORTHWEST ESD#5

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to reappoint William Hopkins and Robert Haydon to the Northwest Emergency Services District #5. All voting "Aye".

23151 APPROVE CANCELLATION OF COMMISSIONERS COURT ON TUESDAY, MARCH 7, 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve cancellation of Commissioners' Court on Tuesday, March 7, 2006. All voting "Aye".

23152 GRANT A VARIANCE TO THE MAXIMUM SHARED ACCESS DRIVEWAY LENGTH OFF CO RD 113 TO PROPERTY OWNED BY THOMAS BAKER [T1-61]

Environmental Health Director Allen Walther advised that the owner (Thomas Baker) of this 165 acre parcel would like to convey separate tracts to his children, but since he is creating access to them, he must plat. The configuration of the parent tract dictates the length of the shared access driveway. Staff recommends approval of variance to maximum SAD length to Tomas Baker for property located off County Road 113. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to grant a variance to the maximum shared access driveway length off CR 113 to Thomas Baker. All voting "Aye".

23153 [PCT. 4 #05-4-079, 167 LOTS] HIGHPOINTE PHASE 2 - APPROVE PRELIMINARY PLAN

[T1-75] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan of "Highpointe Phase 2". All voting "Aye".

23154 CALL FOR A PUBLIC HEARING ON FEBRUARY 14, 2006 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS IN COTTONWOOD HOLLOW SUBDIVISION, SECTION 2 [T1-85]

The proposed regulations are: a STOP sign on Cottonwood Drive at Cotton Gin Road, a STOP sign on Sycamore Circle at Cottonwood Drive, a STOP sign on Willow Court at Cottonwood Drive, and set the speed limit at 30 MPH. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to call for a public hearing on February 14, 2006 to consider establishing traffic regulations in Cottonwood Hollow Subdivision Section 2. All voting "Aye".

23155 CALL FOR A PUBLIC HEARING ON FEBRUARY 14, 2006 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS AT THE INTERSECTION OF MT. SHARP ROAD AND JACOBS WELL ROAD [T1-92]

The proposed regulations are to establish a 3-Way STOP at the intersection of Mt. Sharp Road and Jacobs Well Road. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on February 14, 2006 to consider establishing traffic regulations at the intersection of Mt. Sharp Road and Jacobs Well Road. All voting "Aye".



23156 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HAYS COUNTRY ACRES SUBDIVISION

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a STOP sign on Deer Field at Fawn Meadow Drive, STOP sign on Whispering Valley at Deerfield Road, and set the speed limit at 30MPH. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations of STOP sign on Deerfield Road at Fawn Meadow Drive, STOP sign on Whispering Valley at Deerfield Road, and set the speed limit in Hays Country Acres at 30 MPH. All voting "Aye".**

23157 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE COUNTY ROW, AND ESTABLISH TRAFFIC REGULATIONS IN SHADY VALLEY SUBDIVISION SECTION II AND SECTION III [T1-114]

Judge Powers called the public open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance bond, acceptance of road & drainage improvements, and establishing traffic regulations in Shady Valley Subdivision Sections II & III. Roads: Fox Hound Cove (300 ft), Doodle Bug Cove (479 ft), and a segment of Beauchamp Road (4,681 ft). **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all road and drainage improvements in Shady Valley Subdivision Sections II & III and establish the following traffic regulations: STOP sign on Fox Hound Cove at Beauchamp Road and on Doodle Bug Cove at Beauchamp Road, and set the speed limit at 30 MPH. All voting "Aye".**

23158 RELEASE THE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE COUNTY ROW, AND ESTABLISH TRAFFIC REGULATIONS IN SILVERADO SUBDIVISION, SECTION I [T1-139]

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for STOP signs and speed limit. Roads: Spur Drive (977 ft), Donna Lane (3,623 ft), and a segment of Beauchamp Road (700 ft). **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release the maintenance bond, accept for maintenance all road and drainage improvements within the county right-of-way, and establish traffic regulations of STOP signs on Spur Drive at Donna Lane and on Donna Lane at Beachamp Road and set the speed limit at 30 MPH on all roads in the Silverado Subdivision Section 1. All voting "Aye".**

23159 ALLOW THE ROAD DEPARTMENT TO PURCHASE 2 NEXTEL RADIO UNITS, WITH SERVICE [T1-156]

Road Supt/Engineer Jerry Borcharding spoke of need for 2 additional radio units. One unit will be for an inspector position and the other for a Pct. 3 crew member. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to allow the Road Department to purchase 2 Nextel Radio Units with service. All voting "Aye".**

23160 APPROVE AN EXPENDITURE OF UP TO \$2,000 FOR HAZARDOUS MATERIALS TESTING AND DISPOSAL [T1-169]

Commissioner Molenaar spoke of three 55 gallon drums that were dropped off at the county yard which must be treated as hazardous waste for disposal and be tested before it can be disposed of. This expenditure will be paid out of contingency funds. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an expenditure of up to \$2,000 for hazardous materials testing and disposal. All voting "Aye".**

DISCUSSION TO AUTHORIZE HAYS COUNTY TO BECOME AN ASSOCIATE MEMBER OF THE SAN MARCOS MANUFACTURERS ASSOCIATION AND APPOINT A MEMBER OF THE COMMISSIONERS COURT AS THE DESIGNATED REPRESENTATIVE [T1-200]

Commissioner Conley spoke of request from the San Marcos Manufacturers Association for someone from the Commissioners Court to be an associate member and he volunteered to be that member. Commissioner Carter felt like if he wants to serve on this, he should do it on his own – she feels like it would be a conflict of interest for a member of the court to serve as a representative of the county. Commissioner Conley did not see a conflict of interest since members of the court have served on social service boards that receive money from the court. Charles O'Dell (Hays CAN) agreed that members of the court should be intone with various entities in the county but this kind of official relationship makes him nervous. Commissioner Molenaar questioned the reason for being a member of this association – he does not feel like it would be a conflict of interest. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize Hays County to become an associate member of the San Marcos Manufacturers Association and appoint Will Conley, a member of the Commissioners Court, as the designated representative. Motion was withdrawn.**



23161 ADOPT A RESOLUTION APPROVING AND CONFIRMING MEMBERS OF THE BOARD OF DIRECTORS AND APPROVING AMENDMENT TO BYLAWS OF THE HAYS MEMORIAL FACILITIES DEVELOPMENT CORPORATION [T1-384]

Commissioner Ingalsbe spoke of purpose of the corporation. There is no financial obligation to Hays County. The Board of Directors will be the following with terms to expire January 1, 2007: Marcos Hernandez, Tom Haley, Patty Sullivan, William M. Johnson, Blas Tenorio, Noble Haden, Ollie Giles, and Mary Salinas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Resolution approving and confirming members of the Board of Directors and approving Amendment to By Laws of the Hays Memorial Facilities Development Corporation. All voting "Aye".**

23162 ACTION REGARDING AN INCREASE OF FUNDING TO PAWS, INC. AND APPOINT A TASK FORCE/COMMITTEE TO REVIEW FUTURE NEEDS [T1-420]

Commissioner Ingalsbe advised that she needs the courts input regarding funding of PAWS. She spoke of need for a task force/committee to review future needs. Commissioner Molenaar spoke of recommendations. Brad Bailey spoke of participation by the various cities in the county. PAWS Director Patti Rudick spoke of reason for difference in numbers provided by the Sheriff's Dept. and P.A.W.S. - 23 puppies were born from animals brought in by Hays County. She spoke in support of a task force and supports the need for a county shelter in collaboration with PAWS. Commissioner Ingalsbe spoke of funding request for \$200,000.00 and where the money will come from. Commissioner Carter spoke of growth in the county creating an increase in the amount of animals. County Auditor Bill Herzog spoke of need to assess the fees when owners pick up the animals and enforcement of fines. Commissioner Molenaar spoke of not picking up animals in cities if we don't have an interlocal agreement and he suggested holding a meeting next week (with cities and PAWS) and the following week with the JP's. He suggested adding more funds for PAWS and meet with the cities for participation. Discussion was had regarding signs and enforcement and cost per animal. Action will limit animals to 104 per month. [T1-1150] **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to appoint a task force/committee to be composed of Marisol Villarreal-Alonzo (Auditors office), Richard Salmon (Grants Administrator), Kim Christenson (Sheriffs Dept), and Patti Rudick (PAWS) to review future needs with workshops to be held with the cities and JP's over the next two weeks and fund an additional \$26,400 to PAWS Inc. out of contingency funds. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Conley voting "No".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEXAS GOVERNMENT CODE, TO RECEIVE INFORMATION RELATING TO AN ECONOMIC DEVELOPMENT INITIATIVE INVOLVING A MOVIE STUDIO IN THE BUDA / NEIDERWALD AREA. ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session and reconvened into open meeting. No action was taken.

23163 WORKSHOP TO DISCUSS THE HAYS COUNTY ROAD BOND PROGRAM AND RECEIVE AN UPDATE FROM BOND PROGRAM MANAGER WITH ACTION [T1-1237]

Turner Collie & Braden gave a Road Bond Status powerpoint presentation. County roads and state roads were identified. Phase I was a Needs Assessment Review, Phase II was a Field Inventory Review (March 2002), Phase III was Preliminary Engineering, Phase IV was Engineering Assessments. He went through costs that were not initially identified (ie utilities and RR modifications, etc.) Right-of-Way costs were originally estimated at \$4,000 per acre and actual average was \$16,000 per acre. Construction costs have also increased over the past four years and the number of bidders have decreased. Commissioner Carter spoke of traffic counts being higher on SH21 and US290. Commissioner Conley spoke of SH21 project being considered for a pass-through financing agreement with the State. Commissioner Carter spoke of finishing the county roads and forget about funding the loops - add SH21 back onto the list of State roads. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to fund \$600,000 for construction of Mt. Gainor project to be done in-house by the Road Department. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 JANUARY 31, 2006.



Lee Carlisle
**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**



FEBRUARY 7, 2006

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7th DAY OF FEBRUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED COUNTY EMPLOYEES

Judge Powers introduced DeeDee Baen, the new Human Resources Director. Deputy Constable Pct. 1 Ray Helm introduced new employee Brenda Gonzales (Office Administrator).

PUBLIC COMMENT

Jack Hugman spoke of the county having not acted on the tax freeze for seniors & disabled – he feels like constituents are in favor of it. Jack Hollon (Hays Trinity Groundwater Conservation District) provided the court with a spreadsheet that was developed at a recent workshop on permit applications in Region L showing water pumped in past years or requested for future use. The board of HTGCD recommends a workshop with the county to discuss water issues.

23164 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$386,823.44 as presented by the County Auditor. All voting "Aye".

23165 APPROVE BUDGET AMENDMENT # 06-11

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-11 as proposed by the County Auditor. All voting "Aye".

23166 APPROVE UTILITY PERMITS #01866-01869

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01866 on CR205/Dacy Ln issued to City of Kyle, #01867 on Dove Ln issued to Verizon, #01868 on Quail Cove issued to Verizon, and #01869 on Red Bird Trail issued to Verizon. All voting "Aye".

23167 AUTHORIZE THE COUNTY JUDGE TO ACCEPT SUPPLEMENTAL GRANT AWARD IN THE AMOUNT OF \$9,939 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AND TO EXECUTE REQUIRED DOCUMENTS

Hays County was awarded \$33,129 by the Office of the Governor – Criminal Justice Division – Juvenile Accountability Block Program and an additional supplemental award of \$9,939 is being offered to Hays County at this time. The grant funds are used to pay the salary and benefits of one of the drill instructors for the "Day Boot Camp" at Hays CISD. This has been a highly successful program. An additional amount of \$677 is required to match the \$9,939.00 grant. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept supplemental grant award in the amount of \$9,939 from the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program and to execute the required documents. All voting "Aye".

23168 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN APPLICATION FOR A \$29,198 GRANT FROM DIVISION OF EMERGENCY MANAGEMENT, OFFICE OF THE GOVERNOR

Judge Powers advised that this was mistakenly put on the agenda as accepting the grant when it should have stated submitting a grant application. The grant and county funds pay the salary and benefits of Mark Chambers, County Fire Marshal & Emergency Management Coordinator. No match required. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit an application for a \$29,198 Grant from the Division of Emergency Management, Office of the Governor. All voting "Aye".



23169 APPROVE REAPPOINTMENT OF LEA ANN KENWORTHY TO THE SOUTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #3

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve reappointment of Lea Ann Kenworthy to the South Hays County Emergency Services District #3. All voting "Aye".

23170 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AMENDED CONTRACT FOR AN ADDITIONAL \$28,729 FROM THE LOCAL PUBLIC HEALTH (TRIPLE O) FUNDS, TEXAS DEPARTMENT OF HEALTH

Action amends the conditions of Document No. 7460022415 2006-01, Amendment is to extend end term from 02-28-06 to 08-31-06 and budget \$28,724 funds for additional 6 months. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept Amended Contract for an additional \$28,729 from the Local Public Health (Triple O) funds, Texas Department of Health. All voting "Aye".

23171 APPROVE A PROFESSIONAL SERVICES AGREEMENT BETWEEN JUSTICE BENEFITS, INC., AND THE HAYS COUNTY SHERIFF'S OFFICE TO PREPARE DATA FOR FEDERAL FINANCIAL PARTICIPATION (FFP)

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a professional services agreement between Justice Benefits Inc. and the Hays County Sheriff's office to prepare data for Federal Financial Participation (FFP). All voting "Aye".

23172 [PCT. 3 #05-3-075, 5 LOTS] THE RANCH AT WIMBERLEY REPLAT OF LOTS 1B AND 4 PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-193]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "The Ranch at Wimberley Replat of Lots 1B and 4". All voting "Aye".

23173 [PCT. 4 #05-4-061] KUYKENDALL SUBDIVISION - ACCEPT CONSTRUCTION FISCAL SECURITY [T1-208]

Environmental Health Director Allen Walther advised that this was not accepted at final plat approval – he gave staff recommendation to accept the construction fiscal security for "Kuykendall Subdivision". A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept construction fiscal security for "Kuykendall Subdivision". All voting "Aye".

23174 [PCT. 4 #06-4-004] LA VENTANA PHASE I REPLAT OF LOTS H34 AND H35 - WAIVE PUBLIC HEARING REQUIREMENT AND FINAL PLAT APPROVAL [COMBINING LOTS H34 AND H35 CREATING LOT H35A] [T1-220]

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat and waiver of public hearing requirement. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and waive public hearing requirement for "La Ventana Phase I Replat of Lots H34 & H35". All voting "Aye".

23175 APPROVE APPOINTMENT OF LOUIS WAYNE CLAMPITT TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL UNEXPIRED TERM OF GIL PEYTON [T1-237]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve appointment of Louis Wayne Clampitt to the Hays County Historical Commission to fill unexpired term of Gil Peyton. All voting "Aye".

23176 APPOINT ROBERT RAY ANDERSON TO THE SOUTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #3 [T1-244]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to appoint Robert Ray Anderson to the South Hays County Emergency Services District #3. All voting "Aye".

23177 APPROVE THE APPOINTMENT OF CELEDONIO MENDOZA JR. TO REPLACE RALPH RICE ON THE HAYS COUNTY ESD #2 [T1-250]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the appointment of Celedonio Mendoza Jr. to replace Ralph Rice on the Hays County ESD #2. All voting "Aye".



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23178 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 7 TO WORK AUTHORIZATION NO. 1 FOR ROAD BOND PROGRAM MANAGEMENT (HAYS COUNTY/TCB) [T1-261]

A motion was made by Judge Powers, seconded by Commissioner Conley to approve Supplemental Work Authorization No. 7 to Work Authorization No. 1 for Road Bond Program Management (Hays County/TCB). All voting "Aye".

23179 APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 9 FOR CONSTRUCTION PHASE SERVICES - NUTTY BROWN ROAD (HAYS COUNTY/TCB/HNTB) [T1-270]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Supplemental Work Authorization No. 4 to Work Authorization No. 9 for Construction Phase Services - Nutty Brown Road (Hays County/TCB/HNTB). All voting "Aye".

DISCUSSION REGARDING AUTHORIZING THE COUNTY JUDGE TO EXECUTE A TAX ABATEMENT AGREEMENT WITH STUDIO ESTATES (MR. DAVID CUDDY) RELATING TO THE CONSTRUCTION OF A MULTI-USE PRODUCTION FILM STUDIO AND ENTERTAINMENT TECHNOLOGY COMPLEX IN THE BUDA/NEIDERWALD AREA [T1-280]

Charles O'Dell (Hays CAN) spoke in opposition to allowing a tax abatement to commercial businesses. Andy Barrett appeared representing Mr. Cuddy. Mr. Barrett spoke of this being an entertainment complex (film production) and he explained how it will impact the county. Commissioner Ingalsbe spoke of not being provided with a phase in plan and our policy is that the business must create at least 5 jobs (only 4 jobs are being created). No action taken this date - will be put back on the agenda when more information is provided.

23180 AUTHORIZE USE OF RECORDS PRESERVATION FUNDS TO PRESERVE RECORDS IN THE DISTRICT CLERKS OFFICE [T1-473]

District Clerk Cecelia Adair spoke of need for money to preserve documents in her office. County Clerk Lee Carlisle spoke in support of authorizing use of these funds for the District Clerk's office. A committee is needed to work out needs for records management countywide. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize an amount not to exceed \$46,500.00 from the Records Preservation Fund to be used to preserve records in the District Clerks office. All voting "Aye".

23181 DISCUSSION AND ACTION REGARDING FUNDING OF ANIMAL CONTROL AND THE RELATIONSHIP OF HAYS COUNTY ANIMAL CONTROL TO THE VARIOUS HAYS COUNTY CITIES [T1-665]

The Mayor of Kyle, the Mayor of Niederwald, and the City Administrator of Umland were present as well as representatives from PAWS. Brad Bailey gave a history of animal control funding. \$4 per capita was determined to be the amount to be contributed by cities not already contracting with PAWS (excluded the City of San Marcos because they have their own animal control and shelter). He spoke of cities that have provided funding to Hays County - Kyle & Buda have their own contracts with PAWS. The City Administrator of Umland stated that they are interested in participating in animal control. Discussion was had regarding charging \$2.50 per capita (cost to house the animals). Jacqueline Cullom Murphy advised that we have no obligation to provide animal control in cities without a contract. Kyle Mayor Mike Gonzales spoke of their concerns - they pay PAWS \$35,000 per year and they are considering alternatives. Commissioner Molenaar spoke of need to consider a county facility. [T1-1080] A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to discontinue animal control services in all incorporated city limits except for Umland, Dripping Springs, Niederwald, Village of Bear Creek, and Hays City and to negotiate a contract with the other cities to pick up their animals at a rate of \$4.00 per capita, effective immediately. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Conley voting "No".

Court was adjourned.

I, LEE CARLISLE, 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 7, 2006.


 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th DAY OF FEBRUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23182 ADOPT A PROCLAMATION SALUTING THE WOMEN ENTREPRENEURS OF HAYS COUNTY AND PROCLAIMING THE WEEK OF FEBRUARY 19, 2006 AS "WOMEN ENTREPRENEURS WEEK IN HAYS COUNTY"

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation saluting the Women Entrepreneurs of Hays County and proclaiming the week of February 19, 2006 as "Women Entrepreneurs Week in Hays County". All voting "Aye".

23183 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$1,403,808.80 as presented by the County Auditor. All voting "Aye".

23184 APPROVE BUDGET AMENDMENT # 06-12

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-12 as proposed by the County Auditor. All voting "Aye".

23185 APPROVE SPECIFICATIONS FOR "REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SURVEYING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for "Request for Qualifications for Professional Surveying Services" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23186 APPROVE SPECIFICATIONS FOR MOWING AND GROUNDS MAINTENANCE FOR DUDLEY JOHNSON/RANDALL VETTER PARK/KYLE LOG CABIN AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for mowing and grounds maintenance for Dudley Johnson/Randall Vetter Park/Kyle Log Cabin and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23187 ACCEPT THE 2005 ANNUAL RACIAL PROFILING REPORT FOR HAYS COUNTY CONSTABLE PRECINCT 3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept the 2005 Annual Racial Profiling Report for Hays County Constable Precinct 3. All voting "Aye".

23188 APPROVE OUT OF STATE TRAVEL FOR SHERIFF'S DEPUTY RODNEY GRESSETT FOR S.W.A.T. TRAINING IN TUCSON, ARIZONA

This is the only training of this caliber held in the continental US and addresses a tactical entry technique now adopted by the Hays County SWAT Team and endorsed by the Texas Tactical Peace Officers Association as well as the National Tactical Officers Association. The knowledge and training will also assist in liability reduction in conduction high-risk entries during critical incidents. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve out of state travel for Sheriff's Deputy Rodney Gressett for S.W.A.T. training in Tucson Arizona. All voting "Aye".**



- 23189 APPROVE THE EXEMPTION OF COURT COSTS PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE, SECTION 6.001 TO ALLOW THE DISTRICT ATTORNEY'S OFFICE TO SEEK AN INJUNCTION AGAINST MR. & MRS. JOHN MINING TO PREVENT THEM FROM CONVEYING PROPERTY UPON WHICH THE COUNTY HOLDS AN INTEREST IN THE FORM OF A DEED OF TRUST AS SURETY FOR BAIL BONDS ISSUED**

Special Counsel Jacqueline Cullom Murphy explained the request to waive the court costs for action being filed by the District Attorney's office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the exemption of court costs pursuant to Texas Civil Practice & Remedies Code Section 6.001 to allow the District Attorney's office to seek an injunction against Mr. & Mrs. John Mining to prevent them from conveying property upon which the county holds an interest in the form of a Deed of Trust as Surety for bail bonds issued. All voting "Aye".

- 23190 APPROVE CONTINUATION OF THE HAYS COUNTY BURN BAN**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve continuation of the Hays County Burn Ban. All voting "Aye".

- 23191 RELEASE OF THE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY R-O-W, AND PUBLIC HEARING, WITH ACTION TO ESTABLISHING TRAFFIC REGULATIONS FOR COTTONWOOD HOLLOW SUBDIVISION, SECTION 2 [T1-75]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept for maintenance all road and drainage improvements within county right-of-way in the "Cottonwood Hollow Subdivision Section 2" and furthermore to establish traffic regulations as follows: 30 mph speed limit and establish a STOP sign on Destiny Drive at Cotton Gin Road, a STOP sign on Savannah Circle at Destiny Drive, and a STOP sign on Dunlap Circle at Destiny Drive. The Roads in the subdivision are: Destiny Drive, Dunlap Circle, and Savannah Circle. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to release of the maintenance bond, accept for maintenance all road and drainage improvements within county r-o-w, and public hearing, with action to establishing traffic regulations for Cottonwood Hollow Subdivision Section 2. All voting "Aye".

- 23192 ACCEPT THE CERTIFICATE OF COMPLETION AND ACCEPT MAINTENANCE BONDS FOR CENTERPOINT ROAD AND MCCARTY LANE AND AUTHORIZE THE FINAL PAYMENT AND RELEASE OF RETAINAGE. ADDITIONALLY, THIS ACTION WILL AUTHORIZE COMMISSIONER INGALSBE TO FURNISH TO THE CONTRACTOR A CERTIFICATE OF ACCEPTANCE FOR THE CENTERPOINT AND MCCARTY LANE BOND PROJECTS [T1-92]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept the Certificate of Completion and accept Maintenance Bonds for Centerpoint Road and McCarty Lane and authorize the final payment and release of retainage, and furthermore authorize Commissioner Ingalsbe to furnish to the contract a Certificate of Acceptance for the Centerpoint and McCarty Lane bond projects. All voting "Aye".

- 23193 ACCEPT ROADS IN CIRCLE N SUBDIVISION FOR COUNTY MAINTENANCE [T1-104]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept roads in the "Circle N Subdivision" for county maintenance. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept roads in "Circle N" subdivision for county maintenance. All voting "Aye".

- 23194 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MT. SHARP RD AND JACOBS WELL ROAD [T1-112]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation for a 3-Way STOP at the intersection of Jacobs Well Road and Mt. Sharp Road. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish a 3-Way STOP at the intersection of Jacobs Well Road and Mt. Sharp Road. All voting "Aye".

Clerk's Note: Agenda Item #14 Re: DISCUSSION AND POSSIBLE ACTION REGARDING ALLOWING AN EMPLOYEE TO TAKE HIS COUNTY VEHICLE HOME OVERNIGHT WAS PULLED. No discussion and no action taken.



PRESENTATION BY THE GUADALUPE BLANCO RIVER AUTHORITY AND PBS&J OF THE RESULTS OF THE NORTH EAST HAYS COUNTY WASTEWATER NEEDS ASSESSMENTS CONSIDER ADOPTION OF A REGIONAL COMPACT RELATING TO WASTEWATER MANAGEMENT [T1-125]

Charles O'dell (Hays CAN) spoke of his concerns about backup presented for this item. He asked the court to not take action today on this item. Randy Worden (GBRA Executive Manager of Business Development & Resource Management) gave a presentation regarding wastewater management and spoke of study that was done. He spoke of the recommended regional water quality protection plan. He spoke of other entities that have been contacted to enter into the regional compact. Environmental Health Director Allen Walther spoke of permits that are being obtained straight from TCEQ by small facilities and he spoke of efforts to have a higher quality of effluent. Court members wanted more time to look at the report and compact before taking action.

PRESENTATION BY VICTOR UVALLE, JR. FROM THE TEXAS ASSOCIATION OF COUNTIES ON OUR WORKERS' COMPENSATION CLAIMS [T1-565]

Victor Uvalle Jr. went over the county financial figures for the past five years. The County has saved over \$800,000 in cost over the last 3 years because of county safety efforts. He spoke of working with the county human resources department to provide safety training, etc. He asked for continued support from the county.

Court was adjourned.

I, LEE CARLISLE, 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, 2006.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st DAY OF FEBRUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23195 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$743,474.76 as presented by the County Auditor. All voting "Aye".

23196 APPROVE BUDGET AMENDMENT # 06-13

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment #06-13 as proposed by the County Auditor. All voting "Aye".

23197 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permit #01870 on CR239/Tiger Lane issued to Verizon and #01871 on Myers Road issued to Goforth Water Supply Corp. All voting "Aye".

23198 PURSUANT TO LOCAL GOVERNMENT CODE CHAPTER 84.021, ACCEPT DISTRICT COURT ORDER APPOINTING MARISOL VILLARREAL-ALONZO AS ASSISTANT COUNTY AUDITOR

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept District Court Order appointment Marisol Villarreal-Alonzo as Assistant County Auditor pursuant to Local Government Code Chapter 84.021. All voting "Aye".

23199 APPROVE REVISION SETTING REIMBURSEMENT TO PETIT AND GRAND JURORS

A revision is need for reimbursement to Petit Jurors and Grand Jurors as follows. For Petit Jurors: \$6.00 to be paid to potential jurors for voir dire, \$15.00 to be paid for the first day, or fraction of the first day, served as a petit juror and \$40.00 for each day, or fraction of each day, served as a petit juror after the first day. For Grand Jurors: \$6.00 for voir dire, \$10.00 for the first day of service and \$40.00 for the second day and each day there after in the term. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve revision setting reimbursement to Petit and Grand Jurors as submitted by District Clerk/Jury Manager Cecelia Adair. All voting "Aye".

23200 APPROVE REAPPOINTMENT OF CARL SCUDDER AND H.E. GUMBERT TO FIRE DISTRICT BOARD IN WIMBERLEY [HAYS COUNTY ESD#4]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve reappointment of Carl Scudder and H. E. Gumbert to the Hays County ESD#4. All voting "Aye".

23201 ACCEPT ANNUAL RACIAL PROFILING REPORT FOR HAYS COUNTY SHERIFF'S DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the Annual Racial Profiling Report for the Hays County Sheriff's Department. All voting "Aye".



23202 [PCT. 2 #05-2-004, 5 LOTS] INDIAN HILLS SUBDIVISION, REPLAT OF LOTS 11, 12, AND 13 - APPROVE VARIANCE TO MAXIMUM SHARED ACCESS DRIVEWAY LENGTH, CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-24]

Environmental Health Director Allen Walther gave staff recommendation to grant variance to maximum SAD length, call for public hearing, and approve preliminary plan. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a variance to maximum shared access driveway length, call for a public hearing on March 14, 2006 and approve preliminary plan for "Indian Hills Replat of Lots 11, 12, & 13". All voting "Aye".

23203 [PCT. 3 #05-3-083, 2 LOTS] BASS SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-46]

Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plan. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Bass Subdivision". All voting "Aye".

23204 [PCT. 3 #05-3-085] WIMBERLEY HEIGHTS RANCHES RESUBDIVISION OF LOT 16, CREATING 16A AND 16B - APPROVE PRELIMINARY PLAN [T1-62]

Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plan. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Wimberley Heights Ranches Resubdivision of Lot 16". All voting "Aye".

23205 RELEASE CONSTRUCTION SECURITY AND ACCEPT THE MAINTENANCE BOND FOR BELTERRA SUBDIVISION, PHASE II, SECTION 9B [T1-74]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction, release construction security, and accept the maintenance bond for "Belterra Subdivision Phase II Section 9B". All voting "Aye".

23206 ALLOW AN EMPLOYEE TO CONTINUE TO TAKE HIS COUNTY VEHICLE HOME OVERNIGHT ONCE HE MOVES 1.5 MILES OUTSIDE OF HAYS COUNTY [T1-96]

Road Supt./Engineer Jerry Borcharding requested that the court allow Robert Molina to continue to take his county vehicle home overnight once he moves outside of Hays County. Mr. Molina is on-call 24 hours each day and is frequently called out to perform duties. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to allow a employee to continue to take his county vehicle home overnight once he moves 1.5 miles outside of Hays County. All voting "Aye".

23207 ACTION TO HIRE BYRN & ASSOCIATES TO PERFORM SURVEY WORK ON MCCARTY LANE [T1-116]

Road Supt./Engineer Jerry Borcharding spoke of this action being needed in order to evaluate the feasibility of widening McCarty Lane from IH35 to CR266. The data collected will be used in the subsequent design process. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to hire Byrn & Associates to perform survey work on McCarty Lane. All voting "Aye".

23208 ACTION TO RETAIN HAYS COUNTY ABSTRACT COMPANY AND ATTORNEY GENE MAJORS TO EFFECTUATE THE PURCHASE OF RIGHT-OF-WAY ALONG BEBACK INN ROAD [T1-127]

The court voted to purchase right-of-way along BeBack Inn Road for public safety reasons on December 20, 225. There are three grantors who reside in different cities which has made it difficult to have the deed executed. The three owners also want to have the money exchanged and deed execute simultaneously and this will require the services of a title company. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to retain Hays County Abstract Company and Attorney Gene Majors to effectuate the purchase of right-of-way along Beback Inn Road. All voting "Aye".



23209 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TAX ABATEMENT BETWEEN HAYS COUNTY AND CFAN COMPANY FOR A MANUFACTURING FACILITY EXPANSION IN THE SAN MARCOS REINVESTMENT ZONE #2 [T1-141]

CRAN is a manufacturing company located on 52 acres on IH35 that manufactures fan blades for airplane engines – It has been in operation since 1993 and is the City of San Marcos' forth largest manufacturing company. Mr. Baeumel, President of CFAN, appeared before the Court. CFAN has 270 employees at this time and is currently expanding and will eventually have up to 500 employees. The City of San Marcos approved a seven year 100% abatement and then a three year 50% abatement. Expansion is for 100,000 sq. feet and the abatement will only be on the new expansion. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute a tax abatement between Hays County and CFAN Company for a manufacturing facility expansion in the San Marcos Reinvestment Zone #2 for seven years at 100%. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 21, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF FEBRUARY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23210 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$238,449.10 as presented by the County Auditor. All voting "Aye".

23211 APPROVE BUDGET AMENDMENT # 06-14

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-14 as proposed by the County Auditor. All voting "Aye".

23212 APPROVE REVISION OF COMMISSIONERS COURT MINUTES FROM JANUARY 31, 2006 TO REFLECT THE CORRECT ROAD NAMES AND LENGTHS IN SILVERADO SUBDIVISION SECTION I

This action will revised the minutes of January 31, 2006 regarding the "Silverado Section 1" subdivision. Construction plans labeled roads and measurements differently than the approved final plat. Roads include: Silver Spur Drive (1024 ft), Miss Donna Lane (3,658 ft.) and a segment of Beauchamp Road (1,326 ft.). A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve revision of Commissioners' Court Minutes from January 31, 2006 to reflect the correct road names and lengths in "Silverado Subdivision Section 1". All voting "Aye".

23213 APPROVE AGREEMENT WITH LANDATA TECHNOLOGIES, INC. FOR IMAGING SERVICES TO BE PROVIDED TO THE DISTRICT CLERK AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SAME

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Agreement with Landata Technologies Inc. for imaging services to be provided to the District Clerk and authorize the County Judge to execute the same. All voting "Aye".

23214 APPROVE AGREEMENT WITH IMAGE MICROGRAPHICS, INC., FOR IMAGING SERVICES TO BE PROVIDED TO THE DISTRICT CLERK AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SAME

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Agreement with Image Micrographics, Inc. for imaging services to be provided to the District Clerk and authorize the County Judge to execute the same. All voting "Aye".

23215 APPROVE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR CARPET AND FLOOR CARE FOR HAYS COUNTY OFFICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for "Annual Contract for Carpet and Floor Care for Hays County Offices" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



23216 APPROVE AWARD OF BID #2006-B08 CONCRETE CREW(S) FOR PERFORMING CONCRETE PROJECTS FOR THE ROAD DEPARTMENT TO MYERS CONSTRUCTION

Purchasing received only one bid – other vendors could not provide workers compensation insurance. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of bid #2006-B08 Concrete Crew(s) for Performing Concrete Projects for the Road Department to Myers Construction. All voting "Aye".

23217 AUTHORIZE EXPENDITURE OF \$1,400 FROM TOBACCO SETTLEMENT FUND FOR HEALTH DEPT. REPLACEMENT COMPUTER

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize expenditure of \$1,400 from Tobacco Settlement Fund for Health Department replacement computer. All voting "Aye".

23218 [PCT. 4 #05-4-084] LA VENTANA PHASE 6 – WAIVE PUBLIC HEARING REQUIREMENT AND APPROVE FINAL PLAT COMBINING LOTS 515 AND 516 CREATING LOT 515R [T1-27]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive public hearing requirement and approve final plat of "La Ventana Phase 6" (combining Lots 515 & 516 to create Lot 515R). All voting "Aye".

23219 [PCT. 4 #05-4-027, 8 LOTS] THE OAKS @ GATLIN CREEK SECTION TWO – PRELIMINARY PLAN APPROVAL [T1-39]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "The Oaks @ Gatlin Creek Section 2". All voting "Aye".

23220 CALL FOR A PUBLIC HEARING ON MARCH 14, 2006 TO ESTABLISH TRAFFIC REGULATIONS (NARROW ROAD-YIELD TO ONCOMING TRAFFIC) ON OLD STAGECOACH ROAD [T1-50]

A "historic" tree between Center Street in Kyle and FM150 causes Old Stagecoach Road to narrow. A YIELD sign is being recommended to provide for safer passage of cars converging from different directions. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on March 14, 2006 to establish traffic regulations (narrow road – yield to oncoming traffic) on Old Stagecoach Road. All voting "Aye".

23221 CALL FOR A PUBLIC HEARING ON MARCH 14, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION [T1-57]

The Road Department is proposing a speed limit of 35 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on March 14, 2006 to establish traffic regulations in "Hill Country Ranches" subdivision. All voting "Aye".

23222 CALL FOR A PUBLIC HEARING ON MARCH 14, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN WHITE RABBIT SUBDIVISION [T1-63]

The Road Department is proposing a speed limit of 35 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on March 14, 2006 to establish traffic regulations in "White Rabbit" subdivision. All voting "Aye".

23223 CALL FOR A PUBLIC HEARING ON MARCH 14, 2006 TO ESTABLISH TRAFFIC REGULATIONS FOR BELTERRA SUBDIVISION, PHASE II, SECTION 9B [T1-70]

The Road Dept. is proposing STOP signs and a speed limit of 25 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations for "Belterra Subdivision Phase II Section 9B". All voting "Aye".

CLERKS NOTE: AGENDA ITEM #15 RE: APPROVE THE APPOINTMENTS OF THE FOLLOWING INDIVIDUALS TO THE COMPENSATION COMMITTEE: JUDGE HOWARD WARNER, JERRY BORCHERDING, ALLEN WALTHER, SAM WILLIAMS, AND RICHARD SALMON. ADDITIONALLY APPROVE APPOINTMENT OF SHARI MILLER, DEE DEE BAEN, BILL HERZOG, AND BRITNEY RICHEY TO THE COMPENSATION STEERING COMMITTEE was PULLED. NO DISCUSSION AND NO ACTION TAKEN.



- 23224 APPROVE THE APPOINTMENTS OF THE FOLLOWING INDIVIDUALS TO THE COLLECTION DEPARTMENT STUDY COMMITTEE: CECELIA ADAIR, CHAIR; LEE CARLISLE, WILL CONLEY, LAMONT RAMAGE, REX BAKER, BILL HERZOG, RENE GARNER, AND LUPE CRUZ [T1-78]**

SB1863 mandates that counties with a population over 50,000 develop and implement a program that is designed to improve in-house collections through applications of best practices; and is designed to improve collection of balances more than 60 days past due. The Office of Court Administration scheduled implementation date for Hays County is April 1, 2007. A committee to study the feasibility of a county run collection department is needed to prepare a recommendation for commissioners' court. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve appointment of the following individuals to the Collection Department Study Committee: Cecelia Adair, Chair; Lee Carlisle, Will Conley, Lamont Ramage, Rex Baker, Bill Herzog, Rene Garner, and Lupe Cruz. All voting "Aye".**

- 23225 APPROVE TRANSFER OF 1997 CROWN VICTORIA FROM CONSTABLE PCT. 1 TO CONSTABLE PCT. 3 [T1-89]**

This vehicle will be used by two Reserve Deputies to serve civil process and warrants. This is a vehicle that is scheduled to go to auction unless the transfer is approved. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve transfer of 1997 Crown Victoria from Constable Pct. 1 to Constable Pct. 3. All voting "Aye".**

- 23226 ADOPT A RESOLUTION REGARDING THE PURCHASE OF A PORTABLE BUILDING BY CSCD FOR THE DAY TREATMENT PROGRAM AND ALLOW THE PLACEMENT OF THIS BUILDING AT THE HAYS COUNTY SHERIFF'S OFFICE [T1-106]**

The Community Supervision and Corrections Department (CSCD) would like to purchase a portable building to expand their Day Treatment Program. They are asking that the county absorb the cost of utilities and the noon meals for those inmates ordered to attend the Day Treatment Program by the court. Currently the inmates are transported to Lockhart to comply with the court ordered program. The building will belong to the State. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Resolution regarding the purchase of a portable building by CSCD for the Day Treatment Program and allow the placement of this building at the Hays County Sheriff's Office. All voting "Aye".**

- 23227 APPROVE WAIVER OF DEVELOPMENT FEES FOR CAMP BEN MCCULLOUGH PARK IMPROVEMENTS [T1-125]**

Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve waiver of development fees for Camp Ben McCullough Park Improvements. All voting "Aye".**

- 23228 APPROVE WAIVER OF DEVELOPMENT FEES FOR THE HILL COUNTRY RECREATION ASSOCIATION [T1-132]**

Environmental Health Director Allen Walther gave staff recommendation for approval. This is a non-profit community youth sports association. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve waiver of development fees for the Hill Country Recreation Association. All voting "Aye".**

- 23229 APPROVE \$100,000 IN PARK BOND INTEREST INCOME FOR THE WIMBERLEY BYPASS TRAILS PROJECT [T1-139]**

Charles O'Dell (President of Hays CAN) voiced his concern about what he considers a lack of planning on this project. Grants Administrator Richard Salmon gave a brief presentation regarding this project. Village of Wimberley Mayor Steve Klepfar spoke of plans for the city to maintain the park trails. Commissioner Conley and Commissioner Molenaar spoke in support of this park project. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve \$100,000 in Park Bond Interest Income for the Wimberley Bypass Trails Project. All voting "Aye".**



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**23230 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE INTER-JURISDICTIONAL
MUTUAL AID AGREEMENT [T1-316]**

Juliet Brown (CAPCOG) advised that the regional response plan has been revised to allow flexibility for both parties and addresses other mutual aid agreements that are already in place. The agreement replaces all other agreements. This agreement covers the 10 county CAPCOG region but allows others counties to enter into the agreement. The Regional Response Plan is not ready to approve at this time. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to execute the Inter-jurisdictional Mutual Aid Agreement. All voting "Aye".**


Court was adjourned.

I, LEE CARLISLE, 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 28, 2006**.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF MARCH A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

April Duley spoke of Huntington Estates drainage problems. She asked the court to place this item on the next court agenda. Road Supt/Engineer Jerry Borcharding advised that Wilshire Homes has agreed to make repairs on 3 driveways that are causing the problem, however, there is still an issue with the internal drainage in the subdivision.

23231 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$577,293.74 (3/7/06 disbursement) and \$1,309,345.14 (3/14/06 disbursement). All voting "Aye".

23232 APPROVE BUDGET AMENDMENT # 06-15

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-15 as proposed by the County Auditor. All voting "Aye".

23233 APPROVE AWARD OF BID #2006-B09 FOR MOWING AND GROUND MAINTENANCE FOR THE DUDLEY JOHNSON PARK/KYLE LOG CABIN TO MAINTENANCE MANAGEMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve award of Bid #2006-B09 for mowing and ground maintenance for the Dudley Johnson Park/Kyle Log Cabin to maintenance management. All voting "Aye".

23234 APPROVE SPECIFICATIONS FOR "ROAD IMPROVEMENTS FOR POSEY ROAD" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Road Improvements for Posey Road" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23235 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$33,130 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM

Grant and matching funds will be used by the Hays County Juvenile Probation to continue to pay the salary and benefits of the 2nd drill instructor for the "Day Boot Camp" at Hays CISD. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Resolution authorizing the County Judge to submit a grant application for \$33,130 to the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program. All voting "Aye".

23236 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR UP TO \$8,500

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Bulletproof Vest Partnership Program of the U. S. Office of Justice Programs for up to \$8,500.00. All voting "Aye".



23237 APPROVE PURCHASE OF 3 NEW NEXTEL PHONES (PREVIOUSLY BUDGETED) FOR THE HAYS COUNTY SHERIFF'S DEPARTMENT FOR NEW POSITIONS SET TO START ON APRIL 1, 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the purchase of 3 new Nextel phones (previously budgeted) for the Hays County Sheriff's Department for new positions set to start on April 1, 2006. All voting "Aye".

23238 [PCT. 2 #05-2-004, 5 LOTS] INDIAN HILLS SUBDIVISION, REPLAT OF LOTS 11, 12, AND 13 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-71]

Judge Powers declared the public hearing open. NO public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Indian Hills Replat of Lots 11, 12 & 13". All voting "Aye".

23239 [PCT. 3 #05-3-083, 2 LOTS] BASS SUBDIVISION - APPROVE FINAL PLAT [T1-85]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Bass Subdivision". All voting "Aye".

23240 [PCT. 3 #05-3-086, 2 LOTS] STEVENS SUBDIVISION - APPROVE PRELIMINARY PLAN

[T1-94] Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Stevens Subdivision". All voting "Aye".

23241 SUMMER MOUNTAIN RANCH LOT 54 & 55 - RELEASE OF UTILITY EASEMENT

[T1-104] Environmental Health Director Allen Walther gave staff recommendation for release of 10' utility easement located along the entire length between the common side boundary line of Lots 54 and 55. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to release the 10 foot utility easement on common lot line of "Summer Mountain Ranch Lots 54 & 55". All voting "Aye".

23242 PCT. 3#05-3-085, 2 LOTS] WIMBERLEY HEIGHTS RANCHES RESUBDIVISION OF LOT 16 CREATING 16A AND 16B - APPROVE FINAL PLAT

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Wimberley Heights Ranches Resubdivision of Lot 16". All voting "Aye".

23243 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA PHASE 2 SECTION 5B [T1-127]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements, release the construction bond, and accept maintenance bond for two years for "Belterra Phase 2 Section 5B". All voting "Aye".

23244 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA PHASE 2 SECTION 5C [T1-138]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements, release the construction bond, and accept maintenance bond for two years for "Belterra Phase 2 Section 5C". All voting "Aye".

23245 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA PHASE 2 SECTION 5D [T1-148]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for Belterra Phase 2 Section 5D". All voting "Aye".



23246 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA PHASE 2 SECTION 4 [T1-158]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two year for "Belterra Phase 2 Section 4". All voting "Aye".

PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON HUNTER RIDGE ROAD [T1-170]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommend 30MPH speed limit. This item was pulled because it was incorrectly posted as a public hearing instead of call for a public hearing.

23247 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES (A.K.A. WHITE RABBIT) SUBDIVISION [T1-198]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 35mph. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulation of 35 MPH speed limit in Hill Country Ranches (AKA White Rabbit) Subdivision. All voting "Aye".

23248 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS FOR BELTERRA PHASE II SECTION 9B

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave his recommendations. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish traffic regulations in Belterra Phase II Section 9B as follows: 25 MPH speed limit; a STOP sign on Trinity Hills Drive at Torrington Drive, on Torrington Drive at Trinity Hills, on Chancery Court at Trinity Hills Drive, and on Graften Lane at Torrington Drive. All voting "Aye".

23249 CALL FOR A PUBLIC HEARING ON MARCH 28, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON MT. OLIVE SCHOOL ROAD, CR 245 [T1-223]

Proposed regulation is to establish a STOP sign on Mt. Olive School Road (CR245) which will have southbound traffic to stop at intersection with Mt. Sharp Road (CR220). A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on March 28, 2006 to establish traffic regulations on Mt. Olive School Road (CR245). All voting "Aye".

23250 CALL FOR A PUBLIC HEARING ON MARCH 28, 2006 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF WINDY HILLS RD. AND MARTIN RD., CR 188 [T1-231]

Proposed regulation is to establish a 3-way STOP at the intersection of Windy Hills Road and Martin Road (CR188). A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on March 28, 2006 to establish traffic regulations at the intersection of Windy Hills Road and Martin Road (CR188). All voting "Aye".

23251 CALL FOR A PUBLIC HEARING ON MARCH 28, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON ECHO BLUFF IN FRIENDSHIP RANCH SUBDIVISION [T1-239]

Proposed regulation is to establish a STOP sign on Echo Bluff which will have southbound traffic stop at the intersection with Nutty Brown Road (CR163). A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on March 28, 2006 to establish traffic regulations on Echo Bluff in Friendship Ranch Subdivision. All voting "Aye".

23252 APPROVE APPOINTMENT OF SHARON FAULK TO REPLACE JESSE LOGAN ON THE NORTHEAST HAYS COUNTY ESD # 2 [T1-248]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve appointment of Sharon Faulk to replace Jesse Logan on the Northeast Hays County ESD#2. All voting "Aye".



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23253 APPROVE APPOINTMENT OF JANE MILLS TO THE HAYS COUNTY CHILD PROTECTIVE SERVICES BOARD [T1-256]

A motion was made by Judge Powers, seconded by Commissioner Carter to approve appointment of Jane Mills to the Hays County Child Protective Service Board. All voting "Aye".

23254 APPROVE THE POSITION AND GRADE FOR CHIEF ENVIRONMENTAL ENFORCEMENT INVESTIGATOR [T1-267]

Environmental Health Director Allen Walther spoke of new environmental (code) enforcement officer. The proposed action will expand the duties of the current officer to train and supervise the new EEO and be responsible for reporting requirements associated with the new grant. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve the position and grade for Chief Environmental Enforcement Investigator effective April 1, 2006. All voting "Aye".

23255 ACTION TO HIRE HALFF & ASSOCIATES FOR THE PRELIMINARY INVESTIGATION INTO THE FEASIBILITY OF BUILDING A BRIDGE ACROSS BARTON CREEK ON MCGREGOR LANE IN PCT. 4 [T1-293]

Road Supt/Engineer Jerry Borcharding advised that monies are presently in the FY06 budget for the investigation. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to hire Halff & Associates for the preliminary investigation into the feasibility of building a bridge across Barton Creek on McGregor Lane in Precinct 4. All voting "Aye".

23256 APPROVE SETTING THE LOWEST ACCEPTABLE BID IN A PUBLIC SALE OF REAL PROPERTY OWNED BY JOHN MINING D/B/A FAST ACTION BAIL BONDS POSTED AS COLLATERAL AND BEING FORECLOSED ON BY A SUBSTITUTE TRUSTEE APPOINTED BY THE BENEFICIARY, STATE OF TEXAS, REPRESENTED BY THE HAYS COUNTY DISTRICT ATTORNEY [T1-323]

Assistant District Attorney David Mendoza requested that the Commissioners' Court place a minimum bid on the sale of this property. Considering the property's current tax appraisal, a sufficient starting bid is the amount of the judgments and expenses sought to be satisfied = \$125,857.62. This non-judicial foreclosure is scheduled for public sale on May 2, 2006. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve setting the lowest acceptable bid in a public sale of real property owned by John Mining d/b/a Fast Action Bail Bonds posted as collateral and being foreclosed on by a Substitute Trustee appointed by the beneficiary, State of Texas, represented by the Hays County District Attorney at \$125,857.62. All voting "Aye".

23257 AUTHORIZE THE APPOINTMENT OF A COUNTY REPRESENTATIVE TO THE REINVESTMENT ZONE BOARD OF DIRECTORS RELATING TO THE SAN MARCOS TAX INCREMENT ZONE NO. 2 (YARRINGTON OVERPASS) [T1-368]

The county is entitled to one appointment to the TIRZ Board. The final project and financing plan for the TIRZ must be approved by the TIRZ Board and the City Council before the reimbursement agreement can be finalized. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the appointment of Commissioner Ingalsbe as county representative to the Reinvestment Zone Board of Directors relating to the San Marcos Tax Increment Zone No. 2 (Yarrington overpass). All voting "Aye".

23258 APPROVE A RESOLUTION OPPOSING THE HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #1'S REQUEST TO AMEND THEIR WASTEWATER PERMIT WHICH WOULD ALLOW SURFACE DISCHARGE [T1-407]

The proposed resolution opposes the requested change to TCEQ permit which would allow discharge into Bear Creek. Charles O'Dell (Hays CAN President) urged the court to approve this resolution. Andy Barrett (Attorney for Hays County WCID#1) spoke of goal for the district is to reuse as much water as possible – they prefer to irrigate open spaces. Commissioner Carter spoke of problems with treatment plants failing. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve a resolution opposing the Hays County Water Control & Improvement District #1's request to amend their wastewater permit which would allow surface discharge. All voting "Aye".

RESOLUTION REGARDING STATE AND FEDERAL FUNDING FOR THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) [T1-702]

Commissioner Ingalsbe spoke of resolution asking TxDot to release money allocated to rural transit districts. Commissioner Conley spoke of lack of revenue for transportation issues – he is not sure that CARTS program is working. This item was pulled for consideration in the future.



PRESENTATION BY MS. ALISON ARNOLD OF UNITED STATES FISH AND WILDLIFE DEPARTMENT REGARDING IMPLEMENTATION OF A REGIONAL HABITAT CONSERVATION PLAN [T1-804]

Commissioner Conley spoke of \$200,000 that was funded for this plan. Alison Arnold (USF&WD wildlife biologist) spoke of endangered species act – there are 10 species in Hays County that are endangered with an additional 20 waiting for consideration. The purpose for the HCP is to determine how adequate funding for the conservation plan will be provided and how many measures required by the service will be met.

23259 AUTHORIZE THE PURCHASING DEPARTMENT TO ISSUE REQUESTS FOR QUALIFICATIONS SEEKING OUTSIDE LEGAL COUNSEL TO ASSIST WITH REVIEW OF AN INTERLOCAL AGREEMENT WITH TEXAS PARKS AND WILDLIFE DEPARTMENT AND THE RESULTING IMPLEMENTATION OF A REGIONAL HABITAT CONSERVATION PLAN [T1-1405]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the Purchasing Department to issue requests for qualifications seeking outside legal counsel to assist with review of an interlocal agreement with Texas Parks and Wildlife Department and the resulting implementation of a Regional Habitat Conservation Plan. All voting "Aye".

23260 ACTION CONCERNING A PROPOSAL FROM THE CITY OF SAN MARCOS REGARDING ANIMAL CONTROL [shelter] SERVICES [T1-1423]

Grants Administrator Richard Salmon spoke of task force meeting to review the proposal and tour the San Marcos Animal Shelter. Their proposal outlines an expansion of their facility and a yearly cost. This involves animal shelter services and not animal control services. Charlotte Biggs (President of PAWS Board) spoke of need for the task force to have more than one meeting. Patti Rudick (Director of PAWS) spoke of spay/neuter issue at the San Marcos Animal Shelter (voucher system) and vaccination of animals – need more information regarding adoption procedure and lethal injection vs. gas. They would like to work together toward a positive solution for the county. Mark Brinkley (City of San Marcos Environmental Health Dept.) spoke of this proposal addressing sheltering of animals and not animal control. Mr. Brinkley spoke in favor of another meeting of the task force – they do have a voucher system for spay/neuter but they do not have a dedicated person for follow-up. He spoke of expanding their lethal injection euthanization and expanding other programs. They currently do not vaccinate at the shelter because they hold the animals for a short period of time – they are looking at providing that service when they increase their adoption prices. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept the proposal from the City of San Marcos regarding animal shelter services and move forward working with the City of San Marcos to put together a contract that will provide the services needed. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 14, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21ST DAY OF MARCH A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23261 ADOPT A PROCLAMATION RECOGNIZING WORLD TUBERCULOSIS DAY AND DECLARING MARCH 24, 2006 AS WORLD TUBERCULOSIS DAY

County Health Department Director Nick Icosipentarhos introduced the staff providing services for tuberculosis. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Proclamation recognizing World Tuberculosis Day and declaring March 24, 2006 as "World Tuberculosis Day". All voting "Aye".

23262 ADOPT A PROCLAMATION RECOGNIZING COURT APPOINTED SPECIAL ADVOCATES (CASA) OF CENTRAL TEXAS AND DECLARING APRIL 2006 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Proclamation recognizing Court Appointed Special Advocates (CASA) of Central Texas and declaring April 2006 as "Child Abuse Prevention and Awareness Month" in Hays County. All voting "Aye".

PUBLIC COMMENTS

Donna Bellion, Member of the Animal Shelter Advisory Board, read a portion of a letter regarding need for stricter law enforcement of animal regulations and new laws regarding neutering/spaying.

Tony Greaves, owner of Little America Miniature Horses, spoke of losing 13 of his miniature horses to wild dog packs – they have also lost lamas and goats. The Sheriff's Dept. has been investigating this problem. He urged the court to do something about the dog problem in the county.

23263 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$760,697.81 as presented by the County Auditor. All voting "Aye".

23264 APPROVE BUDGET AMENDMENT # 06-16

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-16 as proposed by the County Auditor. All voting "Aye".

23265 APPROVE CONTRACT RENEWAL FOR IMMUNIZATION SERVICES WITH THE DEPARTMENT OF STATE HEALTH SERVICES

County Health Department Director Nick Icosipentarhos spoke of receiving vaccines and giving them to children in the county [coordinates with the schools] and also provides money for staff to do outreach program (including flu shots). Today is the deadline for this grant. There are some revenues generated from this service. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve contract renewal for immunization services with the Department of State Health Services. All voting "Aye".

23266 APPROVE DEVELOPMENT OF POOL OF PROFESSIONAL SURVEYING FIRMS THAT RESPONDED TO RFQ #2006-P02 FOR PROFESSIONAL SURVEYING SERVICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve development of pool of Professional Surveying Firms that responded to RFQ #2006-P02 for professional surveying services. All voting "Aye".

**Pre-Qualified list of Professional Surveyor Firms:**

Sam Inc. – 5508 Hwy 290 Bldg. B, Austin, Tx 78735 512/447-0575
 Byrn & Associates Inc. – P. O. Box 1433, San Marcos, Tx 78667 512/396-2270
 Castleberry Surveying Ltd. – 3613 Williams Dr., Suite 903, Georgetown, Tx 78628 512/930-1600
 Pro-Tech - 1000 E San Antonio Street, Suite 100, San Marcos, Tx 512/353-3335
 McGray & McGray Land Surveyors Inc.- 3301 Hancock Dr Ste. 6, Austin, Tx 512/451-8591
 Gary F. Pennington, RPLS - P.O.Box 1244, Dripping Springs, Tx 78620 512/894-0664
 Survcon - 400 West 15th Street, Ste 1030, Austin, Tx 78701 512/457-7870
 Bury & Partners Inc. - 3345 Bee Caves Road, Suite 200, Austin, Tx 78746 512/328-0011
 Pape-Dawson PE - 555 East Ramsey, San Antonio, Tx 78216 210/375-9000
 Loomis Austin - 3103 Bee Cave Road, Suite 225, Austin, Tx 78746 512/327-1180
 C Faulkner Engineering - 400 Bowie Street, Ste 250, Austin, Tx 78703 512/495-9470
 Doucet & Associates Inc. - 7401 B Highway 71 West, Ste. 160, Austin, Tx 78735 512/583-2600
 Landesign Services Inc. – 117 W 4th Street, Taylor, Tx 76574 512/352-8055
 Daniel R. Edwards RPLS – P.O. Box 991, Wimberley, Tx 78676 512/847-3827
 Carter Burgess – 2705 Bee Cave Road, Ste 300, Austin, Tx 78746 512/314-3100

23267 APPROVE SPECIFICATIONS FOR “HAULING OF SOLID WASTE” AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for “Hauling of Solid Waste” and authorize Purchasing to solicit for bid and advertise. All voting “Aye”.

23268 APPROVE USAGE OF THE COURTHOUSE SQUARE ON SATURDAY, APRIL 1, 2006 FOR THE TEXAS GREAT RACE (ANTIQUÉ CAR RALLY) AND ON MAY 18, 19, & 20 FOR THE TEXAS NATURAL & WESTERN SWING FESTIVAL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve usage of the Courthouse Square on Saturday April 1, 2006 for the Texas Great Race (Antique Car Rally) and on May 18th, 19th, & 20th for the Texas Natural & Western Swing Festival. All voting “Aye”.

23269 AUTHORIZE HAYS COUNTY TREASURER MICHELE TUTTLE TO OVERSEE STATE FUNDING FOR REIMBURSEMENT OF JUROR PAYMENTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize Hays County Treasurer Michele Tuttle to oversee State funding for reimbursement of juror payments. All voting “Aye”.

23270 APPROVE INTERLOCAL AGREEMENT WITH THE CAPCOG TO CONTINUE THE HAYS COUNTY EMERGENCY NOTIFICATION SYSTEM (ENS), ALSO KNOWN AS REVERSE 911

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve interlocal agreement with the CAPCOG to continue the Hays County Emergency Notification System (ENS), also known as Reverse 911. All voting “Aye”.

23271 APPROVE PURCHASE OF ONE NEXTEL PHONE FOR DEPARTMENT OF PUBLIC SAFETY SAN MARCOS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase of one Nextel Phone for Department of Public Safety San Marcos. All voting “Aye”.

23272 [PCT. 3 #05-3-086, 2 LOTS] STEVENS SUBDIVISION – APPROVE FINAL PLAT [T1-333]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of “Stevens Subdivision”. All voting “Aye”.

23273 POLO CLUB AT ROOSTER SPRINGS PHASE 4 BLOCK A LOTS 7 & 8 - RELEASE OF UTILITY EASEMENT [T1-343]

Environmental Health Director Allen Walther advised that the property owner is requesting the release of the PUE between Lots 7 & 8. The utility company sign-offs have been obtained. He gave staff recommendation for release of the PUE. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release utility easement along common lot line of Lots 7 & 8 Polo Club at Rooster Springs Phase 4 Block A. All voting “Aye”.



Clerk's Note: Agenda Item #14 RE: [PCT. 2 #06-2-007, 54 LOTS] SHADOW CREEK PHASE 2 SECTION 1 – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY was **PULLED**. No discussion and no action taken.

Clerk's Note: Agenda Item #15 RE: [PCT. 2 #06-2-008, 47 LOTS] SHADOW CREEK PHASE 2 SECTION 2 – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY was **PULLED**. No discussion and no action taken.

Clerk's Note: Agenda Item #16 RE: [PCT. 2 #06-2-008, 58 LOTS] SHADOW CREEK PHASE 2 SECTION 3 – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY was **PULLED**. No discussion and no action taken.

23274 CALL FOR A PUBLIC HEARING ON APRIL 4, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON HUNTER RIDGE ROAD [T1-363]

Proposed traffic regulation: 30 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on April 4, 2006 to establish traffic regulations on Hunter Ridge Road. All voting "Aye".

23275 CALL FOR A PUBLIC HEARING ON APRIL 4, 2006 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON MCCARTY LANE, BETWEEN IH 35 AND HUNTER ROAD [T1-370]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to call for a public hearing on April 4, 2006 to establish traffic regulations (speed limit) on McCarty Lane between IH35 and Hunter Road. All voting "Aye".

23276 CALL FOR A PUBLIC HEARING ON APRIL 4, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON BELTERRA SUBDIVISION PHASE II SECTION 4 [T1-376]

Proposed traffic regulations: STOP sign on Littleton Drive @ Trinity Hills Drive, a 4-Way STOP at intersection of Littleton Drive and Longmont Lane, a STOP sign on Atwater Cove @ Longmont Lane, a 30MPH speed limit on Trinity Hills Drive and a 25MPH speed limit on Littleton Drive, Longmont Lane and Atwater Cove. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on April 4, 2006 to establish traffic regulations on Belterra Subd. Phase II Section 4. All voting "Aye".

23277 CALL FOR A PUBLIC HEARING ON APRIL 4, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON BELTERRA SUBDIVISION PHASE II SECTION 5B [T1-396]

Proposed traffic regulations: a STOP sign on Littleton Drive @ Trinity Hills Drive, a STOP sign on Trinity Hills Drive @ Nutty Brown Road, a STOP sign on Wetmore Lane @ Empire Court, a STOP sign on Wetmore Lane @ Littleton Drive, a 30MPH speed limit on Trinity Hills Drive and 25MPH speed limit on Littleton Drive, Wetmore Lane and Empire Court. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on April 4, 2006 to establish traffic regulations on Belterra Subdivision Phase II Section 5B. All voting "Aye".

23278 CALL FOR A PUBLIC HEARING ON APRIL 4, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON BELTERRA SUBDIVISION PHASE II SECTION 5C & 5D [T1-404]

Proposed traffic regulations: STOP sign on Granite Lane @ Aspen Drive, a STOP sign on Pagosa Court @ Granite Lane, and a 25MPH speed limit on Aspen Drive, Granite Lane and Pagosa Court. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on April 4, 2006 to establish traffic regulations on Belterra Subd. Phase II Section 5C and 5D. All voting "Aye".

23279 ACCEPT ROADS IN HIDDEN OAKS SUBDIVISION SECTION II [T1-414]

Road Supt/Engineer Jerry Borcharding explained that Section 1 was accepted into the county system on May 30, 2000 and should have included Section 2. The roads to be accepted are: Marek Drive, Ted Court, Princess Jenn Drive and Nel Court. Hall Professional Center Road will not be a part of this action as it is inside the city limits. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to accept roads in "Hidden Oaks Section II" subdivision. All voting "Aye".

23280 RENAME A PORTION OF OLD GOFORTH ROAD TO EAST GOFORTH STREET

[T1-440] GIS Program Manager Steve Floyd explained that only the northernmost segment of Old Goforth Road east of IH35 is being changed (from IH35 to FM2001) for 911 addressing and public safety issue. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to rename a portion of "Old Goforth Road" to "East Goforth Street". All voting "Aye".



23281 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PURCHASE AGREEMENT AND SALE AGREEMENT RELATING TO LOTS 11 AND 12 IN THE ROGER HANKS PARK SUBDIVISION TO BE USED AS A LOCATION FOR A PRECINCT 4 OFFICE [T1-484]

Charles O'Dell (President of Hays CAN) spoke of location and cost of the property. He felt like public input should be considered. Commissioner Molenaar spoke of negotiations that the court approved and appraisals that were obtained. Charles O'Dell questioned the appraisal. Commissioner Molenaar spoke of process that was followed. The purchase price for the land is \$160,000.00. County Auditor Bill Herzog advised that this will be paid out of Misc. Capital Improvements (\$500,000 is in that line item). **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to execute a purchase agreement and sale agreement relating to Lots 11 and 12 in the Roger Hanks Park Subdivision to be used as a location for a Precinct 4 office. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23282 AUTHORIZE PURCHASING TO ADVERTISE FOR RFP FOR ARCHITECTONICAL SERVICES FOR PRECINCT 2 OFFICE COMPLEX [T1-808]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize Purchasing to advertise for RFP for architectural services for Precinct 2 office complex. All voting "Aye".

23283 SET AN EFFECTIVE DATE FOR COURTHOUSE PARKING ENFORCEMENT AND ESTABLISHMENT OF FINES [T1-926]

Commissioner Molenaar spoke of courthouse parking plan that was adopted in 2003 which needs an effective date and establishment of fines. Deputy Constable Pct. 1 Ray Helm advised that the City of San Marcos parking fine is \$60.00. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to set the effective date for courthouse parking enforcement as "immediately" for Courthouse parking enforcement and establish a fine of \$60.00. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 21, 2006.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF MARCH A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

23284 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$647,014.76 as presented by the County Auditor. All voting "Aye".

23285 APPROVE BUDGET AMENDMENT # 06-17

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-17 as proposed by the County Auditor. All voting "Aye".

23286 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01872 on CR132/Cement Plant Road issued to the City of Buda, #01874 on CR132/Cement Plant Road issued to Precision Commercial Plumbing Co Inc., #01875 on CR132/Cement Plant Road issued to Rodman Construction, #01876 on CR132/Cement Plant Road issued to Rodman Construction, #01877 on CR132/Cement Plant Road issued to Rodman Construction, #01878 on CR132/Cement Plant Road issued to Rodman Construction. All voting "Aye".

Clerk's Note: Agenda item #4 RE: APPROVE SPECIFICATIONS FOR "HAULING SERVICES FOR HAYS COUNTY ROAD DEPT." AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE was PULLED. No discussion and no action taken.

23287 [PCT. 2 #06-2-015, 2 LOTS] HAYS CITY ESTATES REPLAT AND VACATION OF A PORTION OF LOT 5, CREATING 2 LOTS - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-27]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan for "Hays City Estates Replat and vacation of a portion of Lot 5", creating 2 lots and call for a public hearing. All voting "Aye".

23288 [PCT. 3 #06-3-011, 4 LOTS] PICO RANCH 1 - APPROVE PRELIMINARY PLAN [T1-37]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Pico Ranch 1". All voting "Aye".

23289 [PCT. 4 #05-4-056, 22 LOTS] WALKING W RANCH PHASE C - APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY [T1-48]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Andrew Backus (Hays Trinity Groundwater Conservation District, advised that they will be asking for minimum lot sizes to be increased. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept fiscal security for "Walking W Ranch Phase C". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.



23290 [PCT. 2 #06-2-007, 54 LOTS] SHADOW CREEK PHASE 2 SECTION 1 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-85]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter spoke of small lot sizes. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal security for "Shadow Creek Phase 2 Section 1". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23291 [PCT. 2 #06-2-008, 47 LOTS] SHADOW CREEK PHASE 2 SECTION 2 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-111]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and accept construction fiscal security. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve final plat and accept construction fiscal security for "Shadow Creek Phase 2 Section 2". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23292 [PCT. 2 #06-2-008, 58 LOTS] SHADOW CREEK PHASE 2 SECTION 3 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-121]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and accept construction fiscal surety. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept construction fiscal security for "Shadow Creek Phase 2 Section 3". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23293 APPROVE RELEASE OF MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE COUNTY ROW FOR BELTERRA SUBDIVISION PHASE II SECTION 3B [T1-130]

The Road Dept. has inspected and recommends acceptance for maintenance. Roads being accepted: Kensington Lane, Dorset Lane, & Lexington Lane. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve release of maintenance bond and accept for maintenance all road and drainage improvements within the county right-of-way for "Belterra Subdivision Phase II Section 3B". All voting "Aye".

23294 APPROVE RELEASE OF MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE COUNTY ROW FOR BELTERRA SUBDIVISION PHASE II SECTION 6B [T1-139]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance for maintenance. Roads being accepted are: Trinity Hills Drive, Palisade Drive, Monarch Lane, Serenity Court, & Longmont Lane. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve release of maintenance bond and accept for maintenance all road and drainage improvements within the county right-of-way for "Belterra Subdivision Phase II Section 6B". All voting "Aye".

23295 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MT. OLIVE SCHOOL ROAD, CR 245 [T1-151]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish a STOP sign on Mt. Olive School Road (CR245) at its intersection with Mt. Sharp Road (CR220). All voting "Aye".

23296 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF WINDY HILLS RD. AND MARTIN RD., CR 188 [T1-163]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a 3-Way STOP at the intersection of Windy Hill Road and Martin Road (CR188). All voting "Aye".

23297 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON ECHO BLUFF IN FRIENDSHIP RANCH SUBDIVISION [T1-174]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a STOP sign on Echo Bluff at its intersections with Nutty Brown Road (CR163). All voting "Aye".



23298 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 19 FOR THE WIMBERLEY BYPASS (HAYS COUNTY/TCB/LAI) [T1-186]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute Supplemental Work Authorization No. 4 to Work Authorization No. 19 for the Wimberley ByPass (Hays County/TCB/LAI). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23299 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 16 RELATING TO RIGHT-OF-WAY ACQUISITION SERVICES (TCB/LAN) [T1-197]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Authorization No. 4 to Work Authorization No. 16 relating to right-of-way acquisition services (TCB/LAN). All voting "Aye".

23300 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A ROAD CONSTRUCTION AGREEMENT WITH WIMBERLEY SPRINGS PARTNERS RELATING TO THE CONSTRUCTION AND ACCEPTANCE OF MAINTENANCE OF CERTAIN ROADS IN WOODCREEK NORTH [T1-253]

Discussion was had regarding roadway standards for this project. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a Road Construction Agreement with Wimberley Springs Partners relating to the construction and acceptance of maintenance of certain roads in Woodcreek North. All voting "Aye".

23301 AUTHORIZE THE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT WITH GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 FOR COLLECTION OF PROPERTY TAXES [T1-554]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to sign interlocal agreement with Greenhawe Water Control and Improvement District No. 2 for collection of property taxes. All voting "Aye".

Clerk's Note: Agenda Item #20 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BYRN & ASSOCIATES, INC. RELATING TO ENGINEERING AND SURVEYING AT THE HAYS COUNTY JUVENILE DETENTION CENTER was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #21 RE: AUTHORIZE COMMISSIONER DEBBIE INGALSBE TO REVIEW THE COUNTY'S POLICIES RELATING TO ECONOMIC DEVELOPMENT INITIATIVES (INCLUDING THE TAX ABATEMENT POLICY) AND RECOMMEND AN UPDATED POLICY was PULLED. No discussion and No action taken.

23302 ACCEPT THE FY 2005 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY, L.L.P. [T1-590]

Pat Wagner (Holtman, Wagner & Company LLP) went through the annual financial report that was presented for the year ended September 30, 2005. A motion was made by Judge Powers, seconded by Commissioner Carter to accept the FY2005 Financial Audit for Hays County as prepared by the Accounting Firm of Holtman, Wagner & Company LLP. All voting "Aye".

PRESENTATION BY PUBLIC ADVERTISING GROUP, LLC CONCERNING HB 2120, ADOPTED DURING THE 79TH REGULAR SESSION OF THE TEXAS LEGISLATURE, INCLUDING THE AUTHORITY OF COUNTIES TO LEASE ADVERTISING SPACE [T1-771]

House Bill 2120 allows counties to lease advertising space in or on a building owned by the county, on a vehicle owned by the county, on the county website, or on correspondence distributed by the county through mail. Rich Jarvis (Public Advertising Group LLC) spoke of creating their business to assist counties in converting existing assets into revenue through advertising. Media options: Mobile ads, LED Video Billboards, Dynamic Digital signage, websites/mailers/other. Charles O'Dell (Hays CAN) spoke in opposition to this type of advertising. Commissioner Conley spoke in support of looking at this further.



23303 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY BOND PROGRAM, INCLUDING: PARCEL 3, REDWOOD ROAD, R & P JUREK 2ND FAMILY LIMITED PARTNERSHIP, FEE OWNER [T1-1410]

Court convened into closed executive session at 10:20 a.m. and reconvened into open meeting at 10:48 a.m. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to declare that there is a public need to make improvements to Redwood Road in Hays County due to increased traffic and in order to make the road safe for the traveling public. In order to make these improvements, certain property needs to be acquired by the County to widen the road, and furthermore we find that the following parcel is needed for such improvements and that the County and the owners have been unable to agree on compensation for the parcel and therefore the Court should grant legal counsel the authority to condemn this parcel: Parcel 3 owned by R & P Jurek 2nd Family Limited Partnership. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter not present to vote.

Court was adjourned.

I, LEE CARLISLE, 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 MARCH 28, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 4TH DAY OF APRIL A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell (Hays CAN) spoke of being governed by the "rule of law". He also spoke of staff recommendation and public input that should be considered when making a decision.

23304 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$756,674.47 as presented by the County Auditor. All voting "Aye".

23305 APPROVE BUDGET AMENDMENT # 06-18

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-18 as proposed by the County Auditor. All voting "Aye".

23306 APPROVE AWARD OF BID #2006-B10 TO BRITE-RITE CARPET CLEANING FOR ANNUAL CARPET & FLOOR CARE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of Bid #2006-B10 to Brite-Rite Carpet Cleaning for annual carpet and floor care. All voting "Aye".

23307 APPROVE HIRING OF MARK G. HANNA AS DEPUTY CONSTABLE FOR PCT. 2

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve hiring of Mark G. Hanna as Deputy Constable for Precinct 2. All voting "Aye". Constable Pct. 2 James Kohler introduced his new Deputy Constable Mark Hanna to the court.

23308 AUTHORIZE HAYS COUNTY'S PARTICIPATION IN A GRANT APPLICATION TO BE SUBMITTED BY TRAVIS COUNTY FOR THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize Hays County's participation in a Grant Application to be submitted by Travis County for the Regional Auto Theft Enforcement Task Force. All voting "Aye".

23309 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE GOVERNOR'S OFFICE - CRIMINAL JUSTICE DIVISION, IN THE AMOUNT OF \$40,556 FOR THE WIMBERLEY ISD SCHOOL RESOURCE OFFICER

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit a Grant Application to the Governor's Office - Criminal Justice Division, in the amount of \$40,556 for the Wimberley ISD School Resource Officer. All voting "Aye".

23310 [PCT. 3 #06-3-011. 4 LOTS] PICO RANCH 1 - APPROVE FINAL PLAT [T1-90]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Pico Ranch 1". All voting "Aye".



23311 BUJAN-HALL ADDITION [5 LOTS] - APPROVE A VARIANCE TO MINIMUM LOT SIZE REQUIREMENTS AND APPROVE FINAL PLAT [T1-95]

Charles O'Dell (Hays CAN) presented a written comment regarding this item. Environmental Health Director Allen Walther spoke of request for variance is due to a right-of-way dedication. He gave staff recommendation for final plat approval. Water is being supplied by LCRA. This subdivision is located entirely within the City of Austin ETJ. Commissioner Carter spoke in opposition to granting a variance. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve a variance to minimum lot size requirements and approve final plat of "Bujan-Hall Addition". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23312 SILVERADO ESTATES LOTS 22 & 23 - APPROVE RELEASE OF UTILITY EASEMENT [T1-157]

Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve release of utility easement on common lot line of "Silverado Estates Lots 22 & 23". All voting "Aye".**

23313 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON MCCARTY LANE, BETWEEN IH 35 AND HUNTER RD [T1-167]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to establish traffic regulation of 40 MPH on McCarty Lane, between IH35 and Hunter Road. All voting "Aye".**

23314 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON HUNTER RIDGE ROAD [T1-181]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Conley, seconded by Commissioner Carter to establish traffic regulation of 30 MPH speed limit on Hunter Ridge Road. All voting "Aye".**

23315 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELTERRA SUBDIVISION, PHASE II, SEC. 4 [T1-193]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 30 MPH speed limit on Trinity Hills Drive, a 25 MPH speed limit on Littleton Drive, Longmont Lane, and Atwater Cove; and to furthermore establish a STOP sign on Atwater Cove at Longmont Lane, and a 4-Way STOP at the intersection of Littleton Drive and Longmont Lane in Belterra Phase II Section 4 subdivision. All voting "Aye".**

23316 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELTERRA SUBDIVISION, PHASE II, SEC. 5B [T1-210]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 30 MPH speed limit on Trinity Hills Drive, 25 MPH speed limit on Littleton Drive, Wetmore Lane, and Empire Court; establish STOP signs on Littleton Drive at Trinity Hills Drive, on Trinity Hills Drive at Nutty Brown Road, on Wetmore Lane at Empire Court, and on Wetmore Lane at Littleton Drive in Belterra Phase II Section 5B subdivision. All voting "Aye".**

23317 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELTERRA SUBDIVISION, PHASE II, SEC. 5C AND 5D [T1-225]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 25 MPH speed limit on Aspen Drive, Granite Lane, and Pagosa Court; and establish STOP signs on Granite Lane at Aspen Drive and Pagosa Court at Granite Lane in Belterra Phase II Sections 5C & 5D subdivision. All voting "Aye".**

23318 CALL FOR A PUBLIC HEARING ON APRIL 18, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN BLANCO RIVER CROSSING SUBDIVISION [T1-239]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on April 18, 2006 to establish traffic regulations in Blanco River Crossing Subdivision. All voting "Aye".



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23319 APPROVE RESOLUTION TO KEEP BRODIE LANE OPEN TO THROUGH TRAFFIC

[T1-256] Regina Burchett spoke in support of keeping Brodie Lane open. Karen Mulholland spoke of traffic congestion it will cause on Manchaca Road and extra mileage for people traveling into Austin. Kevin Cooper spoke in support of the resolution – he is a resident of the subdivision that is requesting the closing of Brodie Lane. Kathryn Nichols, Jeanette Ivy, Angela Streeter, Joseph Gergen, and Drew Mounce spoke in support of the resolution. It was stated that closing Brodie Lane would affect emergency services response. Larry Burchett presented a petition requesting that Brodie Lane not be closed. Dennis Ivey spoke in support of the resolution. Marty St.Onge urged the court to vote in favor of the resolution. Commissioner Carter read an email from a resident in Barker Ranch Subdivision in Travis County off Brodie Lane. County Clerk Lee Carlisle read a letter from Travis County Commissioner Gerald Daugherty regarding this issue and an email sent out by Commissioner Carter. Commissioner Conley spoke in defense of himself regarding an email that was sent out by Commissioner Pct. 2. He spoke of original plans to construct State Highway 45 which is currently being held up in the courts – SH45 and the expansion of FM1626 would take traffic off of Brodie Lane. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve resolution to keep Brodie Lane open to through traffic. All voting "Aye".**

23320 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BYRN & ASSOCIATES, INC. RELATING TO ENGINEERING AND SURVEYING AT THE HAYS COUNTY JUVENILE DETENTION CENTER [T1-1062]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a professional services agreement with Byrn & Associates Inc. relating to engineering and surveying at the Hays County Juvenile Detention Center. All voting "Aye".

23321 CONSIDER DRAFT GOALS, OBJECTIVES, AND POLICIES FOR THE UPDATING OF DEVELOPMENT STANDARDS FOR HAYS COUNTY AND APPOINT MEMBERS TO THE CORE COMMITTEE [T1-1097]

Tom Brown spoke of draft goals, objectives, and policies for updating the subdivision regulations for Hays County. There would be a stakeholder committee. They are working on a comparison with other counties in the State that are rapidly growing. Environmental Health Director Allen Walther suggested refining the goals, objectives, and policies, which are very broad. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to appoint Rene Ruiz (Pct. 1), Karen Olson (Pct. 2), Winton Porterfield (Pct. 3), Ronnie Wilson (Pct. 4), and Joseph Volpe (Co. Judge) as members to the core committee to investigate our subdivision rules and regulations. All voting "Aye".**

23322 ACTION TO PLACE THE SALARY EVALUATION DUTIES IN THE HUMAN RESOURCES DEPARTMENT [T1-1420]

Commissioner Carter spoke of need to keep Elected Officials involved in the evaluation process. Commissioner Conley advised that any elected official can come before the court with their concerns. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to place the salary evaluation duties and assignment of proper titles to positions in the Human Resources Department. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

PRESENTATION BY THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT OF THE GROUNDWATER MANAGEMENT PLAN [T1-1650]

Andrew Backus, Hays Trinity Groundwater Conservation District Board President, spoke of over drafting water – the Village of Woodcreek and City of Wimberley are requesting water that is not there to allocate and in the northern part of the district there is some water that can be allocated. He spoke of cost for a groundwater study. They have no authority over individual residential wells and he wants the court to know that there is no water available in the southern part of the district when considering subdivisions in that area. He spoke of need to work on their funding mechanism so that they will have money to do their job properly and they will be trying to get authority under the law. They would like to see the County delegate water approval on plats to the district. Discussion was had regarding obtaining surface water from LCRA or GBRA.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 4, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF APRIL A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILL CONLEY
RUSS G. MOLENAAR
LEE CARLISLE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Dan Ekakiadis spoke of his concern about agency funding (ie: District Attorneys office, Victims Services, etc.). Andrew Backus (Hays Trinity Groundwater Conservation District) presented members of the court with a brochure regarding groundwater conservation districts and the requested changes to enabling legislation.

23323 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$312,460.03 as presented by the County Auditor. All voting "Aye".

23324 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01879 on Fosters Place issued to Verizon Wimberley, #01880 on CR107/Satterwhite Road issued to Verizon Wimberley, #01881 on Mustang Lane/Palimino Street issued to Oak Rx, #01882 on Bonham Ranch Road issued to P.E.C., #01883 on CR119/Old Goforth Road issued to Goforth Water Supply, and #01884 on CR117/Old San Antonio Road issued to Time Warner Cable. All voting "Aye".

23325 APPROVE BUDGET AMENDMENT # 06-19

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-19 as proposed by the County Auditor. All voting "Aye".

23326 APPROVE PURCHASE AND MONTHLY SERVICE OF CELL PHONE FOR NEW DEPUTY CONSTABLE, PCT. 2

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve purchase and monthly service of cell phone for new Deputy Constable Pct. 2. All voting "Aye".

23327 APPROVE SPECIFICATIONS FOR BID #2006-B12 ANNUAL CONTRACT FOR COUNTY-WIDE DUMPSTERS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for Bid #2006-B12 Annual Contract for county-wide dumpsters and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23328 APPROVE PURCHASE OF A HANDHELD RADIO FOR \$2,100, A MOBILE UNIT FOR \$1,500, AND INSTALLATION FEE OF \$250 FOR CONSTABLE PCT. 3 OFFICE'S RECENTLY ACQUIRED VEHICLE

County Auditor Bill Herzog advised that this purchase will be funded from contingencies. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve purchase of a handheld radio for \$2,100, a mobile unit for \$1,500, and installation fee of \$250 for Constable Pct. 3 office's recently acquired vehicle. All voting "Aye".



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23329 [PCT. 3# 06-3-013, 2 LOTS] **TRAILS END RANCH REPLAT OF LOT 1 - APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING** [T1-71]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan and call for public hearing on "Trails End Ranch Replat of Lot 1". All voting "Aye".

23330 [PCT. 3 #05-3-072, 21 LOTS] **FAITH RANCH - APPROVE PRELIMINARY PLAN** [T1-84]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Andrew Backus, Hays Trinity Groundwater Conservation District, spoke of water availability. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Faith Ranch". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23331 [PCT. 4 #04-4-048, 2 LOTS] **COPPER MOUNTAIN ESTATES RESUBDIVISION OF TRACT 7 - APPROVE PRELIMINARY PLAN** [T1-148]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Cooper Mountain Estates Resubdivision of Tract 7". All voting "Aye".

CONSIDER RECOMMENDATION OF THE BUILDING COMMITTEE RELATING TO THE SITE SELECTION OF A PROPOSED NEW GOVERNMENT CENTER COMPLEX

[T1-157] Carter::Burgess Development Manager Nick Moulinet spoke of statement of fact that was presented regarding the four possible sites for the new government center complex. The downtown site should be removed from consideration because of limited acreage and height limitations - there is not enough buildable area to accommodate the necessary office facilities and the subsequent parking facilities. The old hospital site presents several challenges including access, parking, height restrictions, and security which makes the site undesirable. The Hunter Road and Wonder World sites would be able to accommodate current program needs and the capacity to grow to meet future demand and would be best suited for the development of the County complex. Commissioner Carter suggested looking at the Civic Center site. Commissioner Molenaar spoke against moving out to the Hunter Road area - he would like to see a site more convenient to all constituents. Commissioner Conley stated that he would like to keep the old hospital site on the list of possible sites. Special Counsel Jacqueline Cullom Murphy spoke of this being the four sites that were approved by the Court. The committee could go back and consider the old hospital site and see if a height variance could be obtained from the City of San Marcos. Attorney Larry Rasco felt like a height variance could be obtained, however, he would like to see the court consider other options downtown. Andrew Backus felt like the court should try to keep the complex downtown. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to do a feasibility study on the old hospital site. Motions were withdrawn - a new agenda item will be presented at a future meeting.

Clerk's Note: Agenda Item #11 RE: ACTION TO EXTEND PROFESSIONAL SERVICES AGREEMENT WITH CARTER-BURGESS RELATING TO SITE ASSESSMENT FOR THE PROPOSED HAYS COUNTY OFFICE COMPLEX was PULLED. No discussion and no action taken.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 11, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF APRIL A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

23332 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 1,113,156.24 as presented by the County Auditor. All voting "Aye".

23333 APPROVE BUDGET AMENDMENT # 06-20

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-20 as proposed by the County Auditor. All voting "Aye".

23334 APPROVE CONTINUATION OF THE EMERGENCY ORDER DECLARING A BURN BAN IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve continuation of the Emergency Order Declaring a Burn Ban in Hays County. All voting "Aye".

23335 ACCEPT INTERNAL EXAMINATION REPORT FOR THE DISTRICT ATTORNEY'S OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept internal examination report for the District Attorney's office. All voting "Aye".

23336 APPROVE AWARD OF BID #2006-B11 HAULING OF SOLID WASTE TO TEXAS DISPOSAL SERVICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve award of Bid #2006-B11 "Hauling of Solid Waste" to Texas Disposal Services. All voting "Aye".

23337 APPROVE AWARD OF BID #2006-B07 ROAD IMPROVEMENTS TO POSEY ROAD TO CAPITAL EXCAVATION COMPANY IN THE AMOUNT OF \$1,776,678.60

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award Bid #2006-B07 road improvements to Posey Road to Capital Excavation Company in the amount of \$1,776,678.60. All voting "Aye".

23338 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT \$15,768 GRANT APPLICATION TO THE OFC. OF GOVERNOR / CRIMINAL JUSTICE DIVISION / JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Resolution authorizing the County Judge to submit \$15,768 Grant Application to the Office of Governor/Criminal Justice Division/Juvenile Justice and Delinquency Prevention. All voting "Aye".



23339 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$19,713 GRANT FROM DIVISION OF EMERGENCY MANAGEMENT, OFFICE OF THE GOVERNOR AND TO EXECUTE CONTRACT

This grant helps fund the salary and benefits of the county Fire Marshal and Emergency Management Coordinator. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$19,713 Grant from Division of Emergency Management, Office of the Governor and to execute contract. All voting "Aye".

23340 APPROVE APPOINTMENT OF JERRY BORCHERDING TO THE HEALTH INSURANCE COMMITTEE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve appointment of Jerry Borcharding to the Health Insurance Committee. All voting "Aye".

23341 [PCT. 2 06-2-015, 2 LOTS] HAYS CITY ESTATES REPLAT AND PARTIAL VACATING OF LOT 5 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-22]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that Lot 5 is being reduced and the vacated portion is being added to a 15 acre tract of land to create a 24.44 acre tract. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Hays City Estates Replat and partial vacating of Lot 5" creating 2 lots. All voting "Aye".

23342 [PCT. 3 06-3-019, 2 LOTS] CYPRESS CREEK ACRES REPLAT OF LOT 12 - CALL FOR A PUBLIC HEARING AND PRELIMINARY PLAN APPROVAL

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Cypress Creek Acres Replat of Lot 12" and call for a public hearing. All voting "Aye".

23343 [PCT. 4 04-4-063, 15 LOTS] THE RANCHES @ HAMILTON POOL PHASE 2 - APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY [T1-58]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept fiscal security for "The Ranches @ Hamilton Pool Phase 2". All voting "Aye".

23344 [PCT. 4 05-3-071, 11 LOTS] HERMOSA PALOMA OVERLOOK - APPROVE PRELIMINARY PLAN [T1-66]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. He spoke of water analysis - he recommends that all prospective owners be given a copy of the analysis - water storage will be required. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Hermosa Paloma Overlook". All voting "Aye".

23345 [PCT. 4 04-4-063, 34 LOTS] HOWARD RANCH SECTION 2 - APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY [T1-102]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept fiscal security for "Howard Ranch Section 2". All voting "Aye".

23346 [PCT. 4 06-4-020, 1 LOT] LA VENTANA PHASE II SECTION II - WAIVE PUBLIC HEARING REQUIREMENT AND FINAL PLAT APPROVAL COMBINING HOMESITES 213, 214 AND 215 CREATING LOT 215A [T1-110]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive public hearing requirement and approval final plat of "La Ventana Phase II Section II" combining Homesites 213, 214 and 215, creating Lot 215A. All voting "Aye".



23347 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN BLANCO RIVER CROSSING SUBDIVISION [T1-122]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borchering gave staff recommendation for traffic regulations. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations of a STOP sign on Homestead Road at Old Stagecoach Road, two STOP signs on Old Settler Road at Homestead Road, a STOP sign on Toltec Cove at Homestead Road, a STOP sign on Rio Robles at Stageline Drive, and set a speed limit of 30 MPH in Blanco River Crossing Subdivision. All voting "Aye".

23348 CALL FOR A PUBLIC HEARING ON MAY 2, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON JACOBS WELL RD, CR 182 [T1-143]

Proposed traffic regulations: "No Parking" signs on north side of Jacobs Well Road for approximately 1000 feet in both directions from the VFW parking lot. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on May 2, 2006 to establish traffic regulations on Jacobs Well Road (CR182). All voting "Aye".

23349 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR COLLECTION OF PROPERTY TAXES [T1-150]

South Buda WCID#1 is requesting that Hays County collect their property taxes beginning with tax year 2006. Fees will be charged on a per parcel basis. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with South Buda Water Control and Improvement District No. 1 for collection of property taxes. All voting "Aye".

23350 ACTION TO TRANSFER TWO ENVIRONMENTAL HEALTH PICKUPS TO THE MAINTENANCE DEPARTMENT [T1-158]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize transfer of two Environmental Health Pickups to the Maintenance Department. All voting "Aye".

23351 APPROVE A RESOLUTION SUPPORTING THE TAX REFORM COMMISSION'S PLAN FOR PROPERTY TAX RELIEF [T1-170]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve a resolution supporting the tax reform commission's plan for property tax relief. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 18, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



APRIL 25, 2006

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 25TH DAY OF APRIL A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY THE HAYS COUNTY EXTENSION OFFICE CONCERNING AGRICULTURE AND NATURAL RESOURCES UPDATE

County Extension Agent Bryan Davis spoke of hail damage in Hays County that affected growing conditions. Dr. Rich Machan spoke of livestock ID program (US animal identification program) that facilitates a 48 hour trace-back in the event there was a catastrophic disease outbreak. Other countries have similar capabilities. It will be implemented in 3 phases – (1) premise registration to be completed by 2007, (2) individual identification of animals to be up and running by 2008, (3) the tracking and reporting of movement of the animals to be implemented by 2009. This is not intended to be an obstacle to commerce. Individuals can do a Google search for Texas Animal Commission to locate their website to get answers and Kenny Edgar is the person that can provide answers.

PUBLIC COMMENT

[T1-430] Jim Green (San Marcos resident) spoke of need for county to have 400,000 square feet of office space – that would be 5 city blocks or double the space of Walmart in San Marcos. He felt like that amount of space is excessive. New technology will probably mean that no new county employees will be needed in the future. He has concerns about the Tracor site on Hunter Road – it operated with toxic materials. He recommended consideration of the old hospital site.

[T1-496] Charlie Johnson spoke of being proud to live in Hays County – he is concerned about what he has read in the newspaper regarding Commissioner Carter's comments in commissioners court and in the newspaper.

23352 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$379,470.59 as presented by the County Auditor. All voting "Aye".

23353 APPROVE BUDGET AMENDMENT # 06-20

Amendments: \$900 transfer from Transfer Station & Recycle Misc. Equipment line item into CAPCOG/Truck-Eqpt. Grant Vehicle line item. \$3,750 line item transfers in Building Maintenance for pest control and needed maintenance. \$7,250 line item transfer in Jail Operations for special shredding & water line leak from detention savings. \$1,681 transfer in Information Technology for replacement laptop for internal auditor. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment #06-20 as proposed by the County Auditor. All voting "Aye".

23354 APPROVE DESIGNATION OF 3.5 ACRES LOCATED ON THE EAST END OF THE 43-ACRE COUNTY PARK PROPERTY AS "OPEN SPACE" AS PER REQUIREMENTS OF THE TPWD GRANT PROGRAM

Texas Parks and Wildlife Dept. approved a \$500,000 grant to make improvements to the 43 acre tract purchased by Hays County using park bond funds. One of the requirements of the TPWD grant is to designate 3.5 acres as "open space". A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve designation of 3.5 acres located on the east end of the 43 acre county park property as "Open Space" as per requirements of the TPWD Grant Program. All voting "Aye".



23355 ACCEPT ADDITIONAL \$55,000 IN TITLE V MATERNAL AND CHILD HEALTH GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept additional \$55,000 in Title V Maternal and Child Health Grant funds from the Texas Department of state Health Services and authorize the County Judge to execute amended contract. All voting "Aye".

23356 APPROVE INCREASE IN CONTRACT WITH HALFF ASSOCIATES ON THE 5-MILE DAM PARK PROJECT BY \$2,900 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

Halff Associates is the landscape architect selected by the county for the Five-Mile Dam Park Project. This company is involved in the Phase I development of the master plan and has requested an additional \$2,900 to complete this task. Funds will come from the Texas Parks & Wildlife Dept. grant and not from the county or city. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve increase in contract with Halff Associates on the 5-Mile Dam Park Project by \$2,900 and authorize the County Judge to execute amended contract. All voting "Aye".

23357 APPROVE PURCHASE OF TWO STORAGE SHEDS, PREVIOUSLY BUDGETED, TO BE USED IN PCT. 1 AND PCT. 3

Both storage shed units are 10'X20' and will be used as a general purpose crew assembly/office/equipment storage building. Funds are available in Misc. Capital Improvements line item – each building costs \$3,540. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of two storage sheds, previously budgeted, to be used in Precinct 1 and Precinct 3. All voting "Aye".

23358 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BEL RELATING TO IMPLEMENTATION OF THE HAYS COUNTY HABITAT CONSERVATION PLAN [T1-550]

Alan Glen explained the processes that have been followed. They will serve as consultant for the county – a one to two year process. Commissioner Conley spoke of going out for RFQ for this contract and this was the only firm to respond. Allen Glen advised that he has been involved in dozens of these plans. Commissioner Conley spoke in support of this agreement. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an outside legal counsel agreement with Smith, Robertson, Elliott, Glen, Klein & Bel relating to implementation of the Hays County Habitat Conservation Plan. All voting "Aye".

23359 EXTEND THE PROFESSIONAL SERVICES CONTRACT WITH CARTER::BURGESS TO AUTHORIZE AN UPDATED ANALYSIS OF THE OLD HOSPITAL SITE AS THE PROPOSED FUTURE SITE OF THE GOVERNMENT CENTER [T1-707]

Commissioner Ingalsbe advised that although the committee recommended the court approve two alternative sites, the discussion in court on April 11, 2006 directed her to submit an agenda item for a more in depth study on the old hospital property site. She has asked Carter::Burgess to incorporate the Needs Assessment Study that was done by their firm in 2002. The study should be completed in approximately two weeks. The fee for these services is \$10,700. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to extend the Professional Services Contract in the amount of \$10,700 with Carter Burgess to authorize an updated analysis of the old hospital site as the proposed future site of the government center. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 APRIL 25, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 2ND DAY OF MAY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23360 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$267,464.00 as presented by the County Auditor. All voting "Aye".

23361 APPROVE BUDGET AMENDMENT # 06-22

Budgets being amended: Grants = \$230 for subscription & mileage from supplies; CJD/Juvenile Accountability = \$9,939 to budget grant funding increase from agency; Building Maintenance & Commissioner Pct. 4 = \$350 for a/c in Pct. 4 office; R&B Operations = \$3,000 for ice, gloves & other safety supplies; Child Health Grant = \$55,000 to budget grant funding increase from agency; and DSHS Family Planning = \$1,000 for needed medical supplies from contract services. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve Budget Amendment #06-22 as proposed by the County Auditor. All voting "Aye".

23362 APPROVE UTILITY PERMITS #01885 & #01886

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve Utility Permit #01885 on Darden Hill Road issued to Hays Reunion Ranch LP and #01886 on CR219/Pump Station Road issued to Pedernales Electric Coop. Inc. All voting "Aye".

23363 AUTHORIZE PURCHASE OF A COMPUTER OUT OF RECORDS MANAGEMENT FUNDS FOR THE COUNTY CLERK'S OFFICE

The cost from a new computer will not exceed \$1200 and will be paid out of the County Clerk's Records Management Funds. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to authorize purchase of a computer out of Records Management Funds for the County Clerk's office as requested. All voting "Aye".

23364 APPROVE OCTOBER 2005 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve the October 2005 Treasurer's Report and Investment Report. All voting "Aye".

23365 APPROVE CONTRACT RENEWAL WITH SUNDAY AND ASSOCIATES, INC. FOR CONSULTING SERVICES RELATED TO COUNTY HEALTH INSURANCE

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve contract renewal with Sunday and Associates Inc. for consulting services related to County Health Insurance. All voting "Aye".

23366 [PCT. 3 #06-3-013, 2 LOTS] TRAILS END RANCH REPLAT OF LOT 1 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-31]

Judge Powers declared the public hearing open. No public input was received and public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Trails End Ranch Replat of Lot 1". All voting "Aye".



23367 [PCT. 3 #06-3-017, 2 LOTS] THE CROSSING RESUBDIVISION OF LOTS 24, 25, AND 26 - APPROVE PRELIMINARY PLAN [T1-45]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "The Crossing Resubdivision of Lots 24, 25 & 26". All voting "Aye".

[PCT. 3 #06-3-019, 2 LOTS] CYPRESS CREEK ACRES REPLAT OF LOT 12 - PUBLIC HEARING [T1-55]

Judge Powers declared the public hearing open. Harvey Mabry spoke in opposition to this replat. He stated that the homeowners association was not notified of this division and the City of Woodcreek Planning & Zoning Commission did not approve this replat, only the city council. Pete Smith presented petitions opposed to this replat and he spoke of need to protect Cypress Creek and Blue Hole. David Irby spoke in opposition to this replat and he spoke of flooding in the area and runoff. H. V. Martin spoke in opposition to this replat and he spoke of runoff from this lot which would pollute the creek. Judge Powers closed the public hearing. Commissioner Conley recommended pulling this item until next week. Environmental Health Director Allen Walther advised that the main concern is how the lot will be used/developed which is outside of the court's purview. He spoke of need for the City of Woodcreek to adopt a water protection order. Commissioner Ingalsbe advised that the plat says these are residential lots. No action was taken this date. Further research is needed.

23368 [PCT. 4 #04-4-048, 2 LOTS] COPPER MOUNTAIN ESTATES RESUBDIVISION OF TRACT 7 - APPROVE FINAL PLAT [T1-443]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Copper Mountain Estates Resubdivision of Tract 7". All voting "Aye".

23369 [PCT. 4 #05-4-027, 8 LOTS] THE OAKS @ GATLIN CREEK SECTION TWO - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-453]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and accept construction fiscal security. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept construction fiscal surety for "The Oaks @ Gatlin Creek Section Two". All voting "Aye".

23370 PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON JACOBS WELL RD., CR 182 [T1-464]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulations. This action will help prevent pedestrians from walking across Jacobs Well Road from June 30 to July 4, 2006 during the annual VFW rodeo. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish "No Parking" signs on the north side of Jacobs Well Road for approximately 1000 feet in both directions from the VFW parking lot. All voting "Aye".

23371 CALL FOR A PUBLIC HEARING ON MAY 16, 2006 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MT. SHARP ROAD AND MT. GAINOR ROAD [T1-483]

Proposed traffic regulation: 3-Way Stop sign on Mt. Gainor Road and two 3-Way Stop signs on Mt. Sharp Road. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on May 16, 2006 to establish traffic regulations at the intersection of Mt. Sharp Road and Mt. Gainor Road. All voting "Aye".

23372 CALL FOR A PUBLIC HEARING ON MAY 16, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON WINDY HILLS ROAD [T1-493]

Proposed traffic regulation: STOP for school bus loading and unloading - sign on the south side of Windy Hills Road just west of the intersection with Ella Lane. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on May 16, 2006 to establish traffic regulations on Windy Hills Road. All voting "Aye".



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23373 CALL FOR A PUBLIC HEARING ON MAY 16, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN KOTHMANN SUBDIVISION [T1-499]

Proposed traffic regulation: 25 MPH speed limit on Clayton Cove and Kothmann Road in Kothmann subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on May 16, 2006 to establish traffic regulations in the Kothmann Subdivision. All voting "Aye".

23374 CALL FOR A PUBLIC HEARING ON MAY 16, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON MARTIN RD., CR 188 [T1-506]

Proposed traffic regulation: 35 MPH speed limit on Martin Road (CR188). A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on May 16, 2006 to establish traffic regulations on Martin Road (CR188). All voting "Aye".

23375 ACTION TO EXEMPT COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO SECTION 262.024 (A)(2) AND (3), TEXAS LOCAL GOVERNMENT CODE, DUE TO AN UNFORESEEN DAMAGE TO PUBLIC PROPERTY IN ORDER TO REPAIR THE LOW WATER CROSSING AT CYPRESS CREEK ON JACOBS WELL ROAD [T1-515]

The low water crossing at Cypress Creek needs to be widened and repaired. Initial investigation into the structures condition indicates that the structure may be unsafe. The lead time required to design, bid, and construct is estimated to be 8 months which is unacceptable considering the potential for failure. There is money in the Road Dept. budget to pay for the repairs. Commissioner Conley advised that this is an environmentally sensitive area. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to exempt competitive bidding requirements pursuant to Section 262.024 (A)(2) and (3), Texas Local Government Code, due to an unforeseen damage to public property in order to repair the low water crossing at Cypress Creek on Jacobs Well Road. All voting "Aye".

23376 ACTION PURSUANT TO SECTION 263.008, TEXAS LOCAL GOVERNMENT CODE, TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH CENTURY 21 - HILL COUNTRY PROPERTIES TO BROKER THE SALE OF THE PCT. 3 ROAD DEPARTMENT BARN AND PROPERTY LOCATED ON RR12 IN WIMBERLEY [T1-543]

This property is inadequate for proper operation of the Pct. 3 crew and it is being proposed that all Pct. 3 crew operations be conducted from the "Yard" located on Jacobs Well Road. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an agreement with Century 21 - Hill Country Properties to broker the sale of the Pct. 3 Road Department Barn and property located on RR12 in Wimberley. All voting "Aye".

23377 ACTION TO SELECT AN ARCHITECT FOR THE PRECINCT 2 OFFICE BUILDING

[T1-558] Ed Cooper, Chief Juvenile Probation Officer, requested that they be allowed an office in the new building to serve this part of the county. George Hernandez, Chief Adult Probation Officer, spoke of need for office space in the new building. Sheriff Allen Bridges spoke in support of this project and need to move forward as soon as possible. J.P. Pct. 2 Beth Smith asked that the court make a decision today to move forward with this project. Constable Pct. 2 James Kohler spoke of need for a new building. Tax A/C Luanne Caraway spoke of need for a substation in Kyle for her office because of growth in the area. Judge Powers recommended using Fromberg & Associates for this project. A motion was made by Judge Powers, seconded by Commissioner Conley to select Fromberg & Associates for the Precinct 2 Office building. Road Supt/Engineer Jerry Borcharding felt hesitant to recommend this firm - he recommended 3D International. Commissioner Carter spoke of recommendations regarding 3D. Motions were withdrawn. A motion was made by Judge Powers, seconded by Commissioner Carter to select 3D International as Architect for the Precinct 2 office building with County Auditor and Purchasing Agent to negotiate the contract and bring back to the court. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 2, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9TH DAY OF MAY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23378 ADOPT A PROCLAMATION RECOGNIZING MAY 20, 2006 AS THE FIRST ANNUAL HAYS COUNTY WOMEN'S HEALTH FAIR IN HAYS COUNTY

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Proclamation recognizing May 20, 2006 as the First Annual Hays County Women's Health Fair in Hays County. All voting "Aye".

PUBLIC COMMENTS

[T1-76] Andrew Backus, President of Hays Trinity Groundwater Conservation District, explained the creation of the district. He spoke of county having rules to determine availability of ground water and he spoke of lack of available water in parts of Hays County.

23379 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 354,491.55 as presented by the County Auditor. All voting "Aye".

23380 APPROVE BUDGET AMENDMENT # 06-23

Budgets being amended: Extension Office = \$299 transfer for share of computer supplied by Texas A&M, Transfer Station & Recycle / CAPCOG Truck Grant = \$900 return county portion not required for grant to recycle budget, Civic Center = \$2,617 transfer for electrical wiring from equipment, Commissioner Pct. 2 = \$556 transfer for approved temporary part-time from other personnel savings, Associate Judge/Family Law = \$1,220 for replacement laptop for Judge to IT, CAPCOG/Code Enforcement Officer = \$ 300 for balance of equipment, and Operations = \$89,523 transfer from personnel savings to needed materials. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-23 as proposed by the County Auditor. All voting "Aye".

23381 APPROVE PURCHASE AND SERVICE OF ONE NEXTEL PHONE FOR PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase and service on one Nextel phone for Personal Health Department. All voting "Aye".

23382 APPROVE POLICY EXTENSION WITH ZURICH AMERICAN INSURANCE COMPANY REGARDING ASSURANCE FOR THE PETROLEUM UNDERGROUND STORAGE TANK SYSTEM AT THE HAYS COUNTY LAW ENFORCEMENT CENTER

State law (30 TAC § 37.815) requires that the County maintain insurance coverage of the underground fuel tank at the LEC. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve policy extension with Zurich American Insurance Company regarding assurance for the petroleum underground storage tank system at the Hays County Law Enforcement Center. All voting "Aye".

23383 APPROVE PRIOR SERVICE CREDIT FOR JUVENILE CENTER EMPLOYEES TOWARDS CALCULATING SICK, VACATION, AND LONGEVITY

Hays County was already preparing payroll for the Juvenile Center when it was taken over in 2005. There was no break in their retirement plan or Cigna insurance coverage and they had adopted the same personnel policy as the county when they first opened. Action today will allow all accruals to continue based on Hays County's policy. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve prior service credit for Juvenile Center Employees towards calculating sick, vacation, and longevity. All voting "Aye".



23384 APPROVE SPECIFICATIONS FOR BID #2006-B13 HAULING SERVICES FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Bid #2006-B3 Hauling Services for Hays County Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23385 APPROVE AWARD OF BID #2006-B12 FOR "COUNTYWIDE DUMPSTERS" TO BFI AND TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve award of bid #2006-B12 for "Countywide Dumpsters" to BFI and Texas Disposal Systems. All voting "Aye".

23386 APPROVE PURCHASE OF EQUIPMENT FOR THE ROAD DEPARTMENT

Equipment being purchased: Hydraulic Truck Conveyor (shoulder truck) = \$8,958.29, Sand Spreader Box = \$7,233.94, and Used Cab & Chassis for sand spreader box = \$18,500. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase of equipment for the Road Department. All voting "Aye".

23387 FAITH RANCH [PCT. 3 #05-3-072, 21 LOTS] - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-275]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat and accept construction fiscal security for "Faith Ranch". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23388 EL REGALO DE LA PAZ [PCT. 4 #06-4-021, 1 LOT] - APPROVE PRELIMINARY PLAN

[T1-287] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "El Regalo De La Paz". All voting "Aye".

23389 HERMOSA PALOMA OVERLOOK [PCT. 4 #05-3-071, 11 LOTS] - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T10-295]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept construction fiscal surety for "Hermosa Paloma Overlook". All voting "Aye".

23390 APPROVE 2-HOUR PARKING AROUND THE COURTHOUSE ON LBJ DRIVE, SAN ANTONIO STREET, AND GUADALUPE STREET

Attorney Brian Baker requested parking around the courthouse for all downtown customers not just those doing business at the courthouse and he felt like the \$60 fine is excessive. Shawn Mitchell spoke of parking plan that was adopted by the county in 2003 - the parking signs do not reflect the plan that was put in place. He also spoke of signs not being clear and do not meet state standards. Commissioner Ingalsbe spoke of actions taken by the court and the limited number of parking spaces around the courthouse. Commissioner Molenaar stated that he was not sure why the signs were changed. Commissioner Conley suggested 55 employee parking spaces and 18 public spaces. Commissioner Molenaar felt like the plan that was adopted in 2003 is sufficient and should be left as is. Bryan Baker suggested making all sides of the courthouse 2 hours parking. Constable Pct. 1 Lupe Cruz appeared and was agreeable to whatever the court decided. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve 2 hour parking on LBJ Drive, San Antonio Street, and Guadalupe Street with the exception of county parking permit and with Hopkins Street to remain for handicapped and service vehicle parking. Commissioner Molenaar, Commissioner Carter, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Conley voting "No".

23391 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT RELATING TO THE HAYS COUNTY HABITAT CONSERVATION PLAN [T1-739]

Alan Glen spoke in support of the interlocal agreement and went through changes that were made (extended deadline for final report and reimbursement schedule was changed to monthly instead of quarterly) - contract will terminate 7/31/07. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the Texas Parks & Wildlife Department relating to the Hays County Habitat Conservation Plan. All voting "Aye".



23392 APPROVE CHANGE ORDER #3 TO WINTERS MILL PARKWAY (HAYS COUNTY/TCB) [T1-853]

This is the Wimberley By-Pass project [renamed "Winters Mill Parkway"]. Due to an error in the estimated seeded area shown in the plans, an alternative of using Drill Seed in lieu of Cellulose Fiber Mulch is being proposed. This alternative is being proposed in order to reduce the overall cost increase to the contractor while still being in compliance with TCEQ requirements for vegetative cover. Andrew Backus (President of Hays Trinity Groundwater Conservation District) spoke of seeding process. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Change Order #3 to Winters Mill Parkway (Hays County/TCB). All voting "Aye".**

23393 ACTION PURSUANT TO SECTION 253.003, TEXAS TRANSPORTATION CODE, REGARDING CEDAR OAKS MESA SUBDIVISION [T1-939]

Commissioner Conley spoke of request from property owners in Cedar Oaks Mesa Subdivision to have their roads brought into the county maintenance system. He recommended using Transportation Code Section 253.003 as a way to accomplish this. Richard Sholl spoke of safety issues because roads are private. Commissioner Conley advised that he would use his precinct funds for this project (to be reimbursed by property owners). Approximate cost is \$276,000, minus cost of brush cutting (to be done by POA) – 2.3 miles of road are to be improved – not all the roads in the subdivision will be included. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to declare a public necessity and call for a public hearing on June 20, 2006 to consider proposed roadway improvements to Campfire Way, Campfire Circle, High Mesa Drive, Drover Circle, Cowpoke Circle, Remuda Run, Buckaroo Circle, Wrangler Circle, Lazy Z Circle, Chaparral Circle, Chuck Wagon Circle, and Lariat Circle within the Oaks Mesa Subdivision and consider assessment to property owners as authorized by Chapter 253 of the Texas Transportation Code. All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 9, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16TH DAY OF MAY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23394 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$1,096,158.50 as presented by the County Auditor. All voting "Aye".

23395 APPROVE BUDGET AMENDMENT # 06-24

Budgets being amended: Grants = \$180 transfer for needed books, Civic Center = \$2,000 transfer for forklift repairs, Commissioner Pct. 2 = \$300 transfer for balance of cartridges & desk, Sheriff = \$490 transfer for needed replacement printer, R&B General Operations = \$25,000 transfer for material hauling, & Personal Health = \$3,000 transfer for Kyle & San Marcos utilities. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-24 as proposed by the County Auditor. All voting "Aye".

23396 APPROVE NOVEMBER 2005 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve November 2005 Treasurer's Report and Investment Report. All voting "Aye".

23397 APPROVE SPECIFICATIONS FOR RFQ FOR PROFESSIONAL SERVICES/ARCHITECT FOR PCT. 4 OFFICE BUILDING AND AUTHORIZE PURCHASING TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for RFQ for Professional Services/Architect for Precinct 4 office building and authorize Purchasing to solicit for qualifications and advertise. All voting "Aye".

23398 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE STATE OFFICE OF COURT ADMINISTRATION FOR UP TO \$5,000 AND EXECUTE CONTRACT

Grants will be provided to Texas counties and municipalities required by Senate Bill 1863 to implement a Collection Improvement Program in Fiscal Year 2007. The Office of Court Administration (OCA) will provide funding assistance for up to \$5,000 per program for the acquisition of collection software. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the State Office of Court Administration for up to \$5,000 and execute a contract. All voting "Aye".

23399 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A RENEWAL GRANT APPLICATION ENTITLED, "TITLE V MATERNAL AND CHILD HEALTH SERVICES," TO THE TEXAS DEPARTMENT OF HEALTH SERVICES FOR UP TO \$60,311

Funds will be used to provide services to persons on an individual basis for prenatal care, preventive and primary child care, dysphasia, and case management for children and adolescents. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a renewal grant application entitled "Title V Maternal and Child Health Services" to the Texas Department of Health Services for up to \$60,311.00. All voting "Aye".



- 23400 AUTHORIZE DESIGNATION OF OLD STAGECOACH ROAD, LOCATED BETWEEN THE EXISTING DUDLEY JOHNSON/RANDALL VETTER PARKS ON THE SOUTH END AND THE NEW PARK AREA ON THE NORTH END, AS A "PARK ROAD" IN PERPETUITY AS PER REQUIREMENTS OF THE GRANT RECEIVED FROM THE TEXAS PARKS & WILDLIFE DEPARTMENT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize designation of Old Stagecoach Road, located between the existing Dudley Johnson/Randall Vetter Parks on the south end and the new park area on the north end, as a "Park Road" in perpetuity as per requirements of the grant received from the Texas Parks & Wildlife Department. All voting "Aye".

- 23401 APPROVE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT FOR ENVIRONMENTAL HEALTH**

This action will provide for purchase of computers for two new personnel and will provide a new laptop and projector to be shared for subdivision presentations, food handler training and public awareness presentations for solid waste enforcement. Funds are available from the salary line item of Environmental Health. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase of computers and related equipment for Environmental Health. All voting "Aye".

- 23402 [PCT. 3 #06-3-017, 2 LOTS] THE CROSSING RESUBDIVISION OF LOTS 24, 25, AND 26 - APPROVE FINAL PLAT [T1-35]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. This is an unrecorded subdivision and three lots are being combined into two. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve final plat of "The Crossing Resubdivision of Lots 24, 25 & 26". All voting "Aye".

- CONSIDER VARIANCES TO THE PLATTING REQUIREMENTS FOR OAKWOOD HILLS LOT 21 [T1-48]**

Roy Warren spoke of his understanding that the property owner wants to move three families to this location and he spoke of threats from this particular family. Janet Reed Price (Suburban Oaks Subdivision resident) spoke of affect this will have on her property value and she spoke of how this family is affecting her quality of life. Environmental Health Director Allen Walther spoke of 3 five acre tracts that were created from a 16 acre tract without going through the legal platting process. The owner of Lot 21A is unwilling to participate in the platting process. Lot 21A has 2 homes on it, Lot 21C is owned by a bank and Lot 21B is owned by the Mathes family. The proposal is for a subdivision plat with a shared access driveway. The variances are for lot frontage requirements, minimum lot size requirements and the number of houses that will be using the "shared access driveway". This property is in the Wimberley ETJ. The property owners want to know at this time if this is acceptable by the court before they expend funds for creating a subdivision plat. Tabatha Mathes (owner Lot 21B) responded to the allegations against her family – they want to make things right and get along with everyone. They want to put only two homes on their lot. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to allow Lot 21 to be divided into three lots and grant variances to lot frontage requirements and shared access driveway requirements. Commissioner Molenaar withdrew his motion and the motion DIED for lack of a second. The Bank will need to agree to the shared access driveway.

- 23403 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MT. SHARP RD. AND MT. GAINOR RD. [T1-473]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations of a 3-Way STOP at the intersection of Mt. Sharp Road and Mt. Gainor Road. All voting "Aye".

- 23404 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON WINDY HILLS ROAD [T1-500]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a "STOP for school bus loading and unloading" sign on the south side of Windy Hill Road just west of the intersection with Ella Lane. All voting "Aye".



23405 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN KOTHMANN SUBDIVISION [T1-513]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a speed limit of 25 MPH on Clayton Cove and Kothmann Road in the Kothmann Subdivision. All voting "Aye".

23406 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MARTIN RD., CR 188 [T1-526]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish a 35 MPH speed limit on Martin Road (CR188). All voting "Aye".

23407 CALL FOR A PUBLIC HEARING ON MAY 30, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN PARK 35 SOUTH SUBDIVISION SECTION 2A [T1-538]

Proposed traffic regulations: speed limit of 25 MPH on Trademark Drive. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on May 30, 2006 to consider establishing traffic regulations in Park 35 South Subdivision Section 2A. All voting "Aye".

23408 CALL FOR A PUBLIC HEARING ON MAY 30, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN BRIDLEWOOD RANCHES SUBDIVISION SECTION 2 [T1-546]

Proposed traffic regulations: a STOP sign on Bridlewood Ranches Dr. at Hugo Road, on Bridlewood Ranches Drive at Steeplebrook Drive, on Bridlegate Circle at Bridlewood Ranches Drive, and a 30 MPH speed limit on Bridlewood Drive, Bridlegate Circle and Steeplebrook Drive. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on May 30, 2006 to consider establishing traffic regulations in Bridlewood Ranches Subdivision Section 2. All voting "Aye".

Clerk's Note: Agenda Item #17 RE: APPROVE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO MAKE ROAD IMPROVEMENTS TO RR12 & FM3237 AS IT PERTAINS TO THE WINTERS MILL PARKWAY AND APPROVE CHANGE ORDER NUMBER 4 TO WINTERS MILL PARKWAY FOR THE ADDITION OF THE LTL ON RM 12 AND RM 3237 was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #18 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A WAIVER OF SERVICES AT THE REQUEST OF THE CITY OF KYLE PERTAINING TO CITY OF KYLE V. IIA GUNNARSON, ET. AL., A CONDEMNATION MATTER was PULLED. No discussion and no action taken.

23409 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ACCUTEX SURVEY SYSTEMS, INC. FOR DEVELOPMENT OF A DEDICATION PLAT OF THE HAYS COUNTY INDIGENT CEMETERY [T1-556]

In 2003 the county purchased 3.35 acres of land for the use of indigent burials. The land has been cleared and leveled and we are now ready to proceed with a design space layout. Floyd Ward (Accutex) advised that he has several configurations with over 800 plots. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute a professional services agreement with Accutex Survey Systems Inc. for development of a dedication plat of the Hays County Indigent Cemetery. All voting "Aye".

23410 ADOPT A RESOLUTION SUPPORTING EXPEDITED COMPLETION OF SH45 SW AND FM 1626 [T1-631]

This resolution opposes efforts to close Brodie Lane and further calls on State and Federal Officials to take necessary action to expedite the construction of SH45 SW and improvements to FM 1626 from FM2770 to Bliss Spillar Road. A motion was made by Judge Powers, seconded by Commissioner Conley to adopt a resolution supporting expedited completion of SH45 SW and FM1626. All voting "Aye".



23411 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF BUDA, SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT # 1 AND THE MEADOWS AT BUDA COMMERCIAL, LTD., RELATING TO THE RELOCATION OF COUNTY ROAD 132 AND THE PROPOSED BUDA TRUCK BYPASS PROJECT [T1-671]

Buda Mayor Trube spoke of their project to reroute truck traffic out of downtown Buda. The WCID is donating a portion of the road in their district and the remainder has also been donated. TxDot has been involved in the process. The City of Buda will maintain a portion of the new road that is within the city limits. The old CR132 will be abandoned – this will be a property exchange (the new portion is being traded for old roadway). Summary of the CR132 Agreement: • relocated CR132 will be constructed by the City of Buda, with South Buda WCID No. 1 paying for the cost of the roadway within its boundaries and the southern extension of that segment to IH35, • when the relocated CR132 is completed, the City will convey the segment paid for by the WCID to the WCID; • thereafter the City will convey the segment for which it has paid to the county, and the WCID, after following the procedures required by Chapter 441 Transportation Code, will convey the segment for which it paid to the County; • following the conveyances, the road will be owned by the County and will be maintained by the County; • after the relocated CR132 has been conveyed to the county, the Commissioners Court, acting unanimously, will close, abandon and vacate that segment of existing CR132 and title to that segment will vest in the adjacent landowners. **A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute an agreement with the City of Buda, South Buda Water Control and Improvement District #1 and the Meadows at Buda Commercial Ltd., relating to the relocation of County Road 132 and the proposed Buda Truck Bypass Project. All voting "Aye".**

23412 [06-3-019, 2 LOTS] CYPRESS CREEK ACRES REPLAT OF LOT 12 - APPROVE FINAL PLAT [T1-814]

Marci Anderson voiced her concern about impact of drainage and wastewater issues regarding this lot and she asked for an environmental impact study. Robert Hanna advised that his lot is receiving runoff from this area because of development with impervious cover. Pete Smith spoke of deed restrictions that prevent resubdivision. Harvey Mabry spoke of deed restrictions and he spoke of people that have lived in this area for many years and are now being flooded. Environmental Health Director Allen Walther advised that staff has reviewed the covenants and the property owner has the right to subdivide this property – they are realigning the existing common lot line. He gave staff recommendation for final plat approval. Allen Walther also advised that the county has no site development authority or requirements addressing storm water retention – that is regulated by TCEQ. Road Supt/Engineer Jerry Borcharding spoke of road drainage issues. Commissioner Conley spoke of county authority being limited and not the same as municipalities. He also stated that the county has lobbied the legislature for more authority. Charles O'Dell (Hays CAN) spoke of counties having the authority to maintain the health safety and welfare of the citizens. Special Counsel Jacqueline Cullom Murphy spoke of general rule of municipalities – counties are political subdivisions of the state and must go by state statutes. Commissioner Carter spoke of Article 11 of the county subdivision rules. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Cypress Creek Acres Replat of Lot 12". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

Court was adjourned.

I, LEE CARLISLE, 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 16, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





MAY 23, 2006

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STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 23rd DAY OF MAY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23413 ADOPT A PROCLAMATION DECLARING JUNE 2006 AS "HAYS COUNTY HUNGER AWARENESS MONTH"

Paulette Wallington spoke in support of the food bank. A motion was made by Judge Powers, seconded by Commissioner Conley to adopt a Proclamation declaring June 2006 as "Hays County Hunger Awareness Month". All voting "Aye".

PUBLIC COMMENT

Bill Taylor (Upper San Marcos Watershed District) gave his appreciation for county maintenance and operation of the flood control dams.

23414 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$323,697.88 as presented by the County Auditor. All voting "Aye".

23415 APPROVE BUDGET AMENDMENT # 06-25

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment #06-25 as proposed by the County Auditor. All voting "Aye".

23416 APPROVE CANCELLATION OF COMMISSIONERS COURT ON JULY 4, 2006

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve cancellation of Commissioners' Court on July 4, 2006. All voting "Aye".

23417 APPROVE SPECIFICATIONS FOR ANNUAL CONTRACT FOR ELECTRICAL SERVICES FOR HAYS COUNTY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve specifications for annual contract for electrical services for Hays County and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23418 APPROVE SPACE ANALYSIS/DESIRES/PROGRAMMING PHASE BY 3D/I FOR THE PRECINCT 2 OFFICE BUILDING IN THE AMOUNT OF \$3200

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve space analysis/desires/programming Phase by 3D/I for the Precinct 2 office building in the amount of \$3,200.00. All voting "Aye".



- 23419 APPROVE OUT OF STATE TRAVEL (JULY 17 - 21, 2006) FOR ELSIRA RODRIGUEZ, IN THE HAYS COUNTY HEALTH DEPARTMENT, TO ATTEND 2006 STRATEGIC NATIONAL STOCKPILE PROGRAM PREPAREDNESS COURSE IN ATLANTA, GEORGIA**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve out-of-state travel (July 17-21, 2006) for Elsira Rodriguez in the Hays County Health Department to attend 2006 Strategic National Stockpile Program Preparedness course in Atlanta Georgia. All voting "Aye".

- 23420 APPROVE CONTRACT RENEWAL WITH PAWS, INC., FOR ANIMAL SHELTERING SERVICES**

Special Counsel Jacqueline Cullom Murphy spoke of difficulty negotiating this contract and she advised that Patti Rudick has informed the Sheriffs Dept. that PAWS would no longer take animals without a contract. This contract raises the payment and sets no limits. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve contract renewal with PAWS Inc. for animal sheltering services. All voting "Aye".

- 23421 APPROVE EMERGENCY ACTION PLAN (EAP) FOR THE FLOODWATER RETARDING STRUCTURES: SITES 1-5 OF THE UPPER SAN MARCOS R&F CONTROL DISTRICT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTION**

The Natural Resource conservation Service (NRCS), a division of the United States Dept. of Agriculture, requires that all jurisdictions maintain a current Emergency Action Plan for all high hazard class dams. The purpose of the EAP is to prescribe procedures to be followed in the event of an emergency associated with the floodwater retarding structures sites 1-5 of the Upper San Marcos Watershed. Commissioner Conley requested an amendment to the plan (under Section 4): "that after a flood event, the road department and grant department will go to the dams to evaluate damage and what the content of the dam is after a flooding engagement". Grants Administrator Richard Salmon responded favorably to the request. Bill Taylor (Upper San Marcos Watershed District) spoke of responsibility of watershed districts. A Motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Emergency Action Plan (EAP) for the floodwater retarding structures: Sites 1-5 of the Upper San Marcos R&F Control District and authorize the County Judge to execute resolution. All voting Aye

- 23422 [PCT. 4 #06-4-021, 1 LOT] EL REGALO DE LA PAZ - APPROVE FINAL PLAT [T1-197]**

Property owner Danna Brasher is creating a 3.00 acre lot out of an original 22.838 acres located on Bell Springs Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "El Regalo De La Paz". All voting "Aye".

- 23423 [PCT. 4 #06-4-023, 2 LOTS] THE HIGHLANDS SECTION C LOT 81 - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-204]**

Currently there are 2 existing homes on Lot 81 and each utilizes a conventional septic system permitted prior to our 1997 rules for OSSF. A utility note has been added stating lots are limited to a class I wastewater system for future OSSF installations. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "The Highlands Section C Lot 81 Resubdivision" and call for a public hearing. All voting "Aye".

- 23424 ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO MAKE ROAD IMPROVEMENTS TO RM 12 & RM 3237 AS IT PERTAINS TO THE WINTERS MILL PARKWAY AND APPROVE CHANGE ORDER NUMBER 4 TO WINTERS MILL PARKWAY FOR THE ADDITION OF THE LTL ON RM 12 AND RM 3237 [T1-239]**

Commissioner Conley explained the change order and TxDot advance funding agreement for left turn lane construction. Woodcreek Mayor Morris Haggerton spoke of traffic onto Woodcreek Drive - the Woodcreek entry has been redesigned to fit the by-pass, however, nothing has been done to improve RR12 at this time. He spoke in support of the turn lanes. Commissioner Conley spoke of change in price to RGM. Resolution is amended to read \$663,822 instead of \$463,822. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to enter into an agreement with the Texas Department of Transportation to make road improvements to RM12 and RM3237 as it pertains to the Winters Mill Parkway and approve Change Order Number 4 to Winters Mill Parkway for the addition of the left turn lanes on RM12 and RM3237. All voting "Aye".



MAY 23, 2006

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23425 **ACCEPT RESIGNATION OF JON THOMPSON AND APPROVE APPOINTMENT OF
WALT GRANER TO ESD BOARD #1 TO FILL UNEXPIRED TERM** [T1-360]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept resignation of Jon Thompson and approve appointment of Walt Graner to the Hays County ESD #1 board. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 23, 2006.



A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30TH DAY OF MAY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23426 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 561,506.96 as presented by the County Auditor. All voting "Aye".

23427 APPROVE BUDGET AMENDMENT # 06-26

Budgets being amended: Building Maintenance = \$10,000 for building maintenance need, Jail = \$10,000 for water line leaks and other maintenance, and Juvenile Center = \$800 for equipment maintenance not budgeted from personnel savings. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-26 as proposed by the County Auditor. All voting "Aye".

23428 APPROVE RESOLUTION AND AGREEMENT AUTHORIZING HAYS COUNTY TO PARTICIPATE IN TCPN COOPERATIVE PURCHASING PROGRAM

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve resolution and agreement authorizing Hays County to participate in TCPN Cooperative Purchasing Program. All voting "Aye".

23429 APPROVE PURCHASE OF NEW DESK FOR COUNTY CLERK'S OFFICE AT THE JUSTICE CENTER

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of new desk for County Clerk's office at the Justice Center. All voting "Aye".

23430 AUTHORIZE THE SALE OF 20 SURPLUS RADIOS IN THE SHERIFF'S DEPARTMENT TO WHARTON COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the sale of 20 surplus radios in the Sheriff's Department to Wharton County. All voting "Aye".

23431 APPROVE SPECIFICATIONS TO FURNISH & INSTALL GUARDRAILS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications to furnish and install guardrails and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23432 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A BOAT RAMP GRANT APPLICATION FOR \$500,000 TO TEXAS PARKS AND WILDLIFE DEPARTMENT, AND TO EXECUTE CONTRACT

This grant will renovate and improve the boat ramp area at 5-Mile Dam Park in the Dudley Johnson Park section. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a boat ramp grant application for \$500,000 to Texas Parks and Wildlife Department and to execute contract. All voting "Aye".



MAY 30, 2006

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23433 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN PARK 35 SOUTH SUBDIVISION, SEC. 2A [T1-20]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Tim VandeVorde gave staff recommendation for the following traffic regulations: 25 MPH speed limit. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve establishing a 25 MPH speed limit on Trademark Drive in Park 35 South Section 2A subdivision. All voting "Aye".

23434 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN BRIDLEWOOD RANCHES SUBDIVISION, SEC. 2 [T1-42]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations in the Bridlewood Ranches Section 2 subdivision as follows: STOP sign on Bridlewood Ranches Drive at Hugo Road, on Bridlewood Ranches Drive at Steeplebrook Drive, on Bridlegate Circle at Bridlewood Ranches Drive and set a speed limit of 30MPH on Bridlewood Ranches Drive, Bridlegate Circle, and Steeplebrook Drive. All voting "Aye".

23435 EXECUTIVE SESSION PURSUANT TO SESSION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE FUNCTIONS AND DUTIES OF THE HAYS COUNTY FIRE MARSHAL/EMERGENCY MANAGEMENT COORDINATOR WITH ACTION IN OPEN COURT [T1-55]

Court convened into closed execution session at 9:05 a.m. and reconvened into open meeting at 10:15 a.m. A motion was made by Judge Powers, seconded by Commissioner Molenaar to reorganize the Fire Marshal/Emergency Management Office as follows: (1) separate the Fire Marshal/Emergency Management Coordinator position into two positions; (2) Appoint Jeff Turner as the Hays County Emergency Management Coordinator; (3) Appoint Carroll Czichos as the Temporary Fire Marshal; and (4) create a position of Fire Marshal Advisor and appoint Mark Chambers; to be effective June 1, 2006. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was adjourned.

I, LEE CARLISLE, 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 30, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6TH DAY OF JUNE A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23436 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$333,535.39 as presented by the County Auditor. All voting "Aye".

23437 APPROVE BUDGET AMENDMENT # 06-27

Budgets being amended: Constable Pct. 1 = \$800 to accept and budget LEAD contribution, Constable Pct. 2 = \$25 transfer for balance of badge costs, Sheriff = \$485 transfer for replacement printer, Information Technology = \$550 transfer for conference, R&B Operations = \$80,000 transfer from contract road savings into materials. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-27 as proposed by the County Auditor. All voting "Aye".

23438 APPROVE DECEMBER 2005 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve December 2005 Treasurer's Report and Investment Report as presented. All voting "Aye".

23439 APPROVE AWARD OF BID #2006-B13 FOR HAULING SERVICES TO STATEWIDE MATERIALS TRANSPORT, LTD.

Statewide Materials Transport was the only bidder who responded. Other vendors would not commit to the number of trucks requested, however, Statewide affirms they can provide the trucks needed and have provided all required insurance documentation. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of Bid #2006-B13 for hauling services to Statewide Materials Transport Ltd. All voting "Aye".

23440 APPROVE SPECIFICATIONS FOR RFP FOR INMATE COMMISSARY SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for RFP for inmate commissary services and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".

23441 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$19,000 TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES / TITLE V - FAMILY PLANNING GRANT

This is a continuation grant application for services that are currently being provided by the Hays County Personal Health Dept. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for up to \$19,000 to the Texas Department of State Health Services / Title V - Family Planning Grant. All voting "Aye".

23442 APPROVE SPECIFICATIONS FOR RFQ FOR ENVIRONMENTAL CONSULTING SERVICES FOR HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for RFQ for Environmental Consulting Services for Hays County Regional Habitat Conservation Plan and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".



JUNE 6, 2006

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23443 AUTHORIZE FIRST SOUTHWEST COMPANY TO BEGIN PREPARATION OF DOCUMENTS RELATED TO THE SALE OF THE FINAL INSTALLMENT OF THE UNLIMITED TAX ROAD BOND PROGRAM

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize First Southwest Company to begin preparation of documents related to the sale of the final installment of the unlimited tax road bond program. All voting "Aye".

23444 [PCT. 2 #06-2-06, 4 LOTS] PRESIDIO ALMA RESUBDIVISION OF LOTS 4A, 4B AND 5 (CORRECTION OF LOT 6) - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-40]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Carter, seconded by Commissioner Conley to call for a public hearing on June 20, 2006 and approve the preliminary plan for "Presidio Alma Resubdivision of Lots 4A, 4B and 5 (correction of Lot 6)". All voting "Aye".

23445 [PCT. 4 #05-4-017, 66 LOTS] BELTERRA PHASE III SECTION 11B - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-56]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and acceptance of construction fiscal security. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept construction fiscal security for "Belterra Phase III Section 11B". All voting "Aye".

23446 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR PARK 35 SOUTH SUBDIVISION SECTION 2A

Road Supt/Engineer Jerry Bocherding gave staff recommendation for release of maintenance bond and accept roads for county maintenance. Roads are: Trademark Drive. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance bond and accept for maintenance all roads and drainage improvements within county r-o-w for "Park 35 South Subdivision Section 2A". All voting "Aye".

23447 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BRIDLEWOOD RANCHES SUBDIVISION SECTION 2 [T1-87]

Road Supt/Engineer Jerry Bocherding gave staff recommendation for release of maintenance bond and acceptance of roads for county maintenance. Roads are: Bridlewood Ranches Drive, Bridlegate Circle, and Steeplebrook Drive. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to release maintenance bond and accept for maintenance all road and drainage improvements within county r-o-w for "Bridlewood Ranches Subdivision Section 2". All voting "Aye".

Clerk's Note: Agenda Item # 13 RE: ACTION TO RETAIN THE PROFESSIONAL SERVICES OF PRO-TECH ENGINEERING TO CONDUCT A SURVEY OF PROPERTIES ALONG COUNTY ROAD 266 TO DETERMINE WHETHER STRUCTURES EXIST IN THE COUNTY RIGHT-OF-WAY. [T1-100] Commissioner Ingalsbe advised that no action will be taken on this item. This item was PULLED.

23448 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 24 FOR THE PASS-THROUGH FINANCING PROGRAM DEVELOPMENT (HAYS COUNTY/PRIME STRATEGIES) [T1-115]

Charles O'Dell (President of Hays CAN) advised that he would like to see more details on this item. Commissioner Conley explained what the funds are for. Brad Bailey spoke of \$25,000 that was put in the work authorization. Commissioner Carter spoke of county bond indebtedness. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 24 for the Pass-Through Financing Program Development (Hays County/Prime Strategies). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".



23449

AUTHORIZE PURCHASING TO ISSUE REQUESTS FOR QUALIFICATIONS SEEKING PROJECTS MANAGEMENT, ENGINEERING AND RIGHT-OF-WAY ACQUISITION SERVICES RELATED TO THE PASS-THROUGH FINANCING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE (FINAL SELECTION CONTINGENT ON ACCEPTANCE OF THE PASS-THROUGH FINANCING AGREEMENT BY COMMISSIONERS COURT) [T1-504]

Summary: On May 25, 2006 the Texas Dept. of Transportation authorized its Executive Director to execute a pass-through agreement with Hays County relation to FM110, RM12, and FM1626. In order to prevent a delay in beginning the projects the Court is being asked to authorize the release of these RFQs so that selections may be made as soon as the contract is approved. The RFQ for project manager will include a selection committee comprised of Commissioner Conley, Brad Bailey, Cindy Maiorka, Allen Walther, and Richard Salmon. The proposals for project manager will be due on Friday, June 16, 2006. The committee will review and interview candidates if necessary the week of June 19th and will make a recommendation to the Court on June 27, 2006. A workshop with TxDot, Dan Wegmiller, the project manager and possible engineer/right-of-way candidates will be scheduled for July 11, 2006. Following the workshop, the Court will take action to enter into a contract with TxDot for the pass-through financing agreement. Finally, engineer/right-of-way firms may be selected after approval of the pass-through financing agreement. Charles O'Dell (President of Hays CAN) voiced his concerns with the request for qualifications and the amount of money being spent. Commissioner Carter spoke of money concerns. Mike Weaver with Prime Strategies spoke of funding options. Commissioner Conley spoke of citizens concerns about state roadways. Commissioner Carter asked for maps and payback percentages in writing. Commissioner Molenaar spoke of information that needs to be sent to all members of the court at once. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize Purchasing to issue requests for qualifications seeking projects management, engineering and right-of-way acquisition services related to the Pass-Through Financing Agreement with the Texas Department of Transportation and authorize Purchasing to solicit for proposal and advertise (final selection contingent on acceptance of the pass-through financing agreement by Commissioners Court). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 7, 2006.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JUNE 8, 2006

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8TH DAY OF JUNE A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN EMERGENCY MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
 DEBBIE GONZALES INGALSBE
 H. S. "SUSIE" CARTER
 RUSS G. MOLENAAR
 GINA MENDOZA

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 4
 DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 3 WILL CONLEY; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

23450 AUTHORIZE EMERGENCY FUNDING FOR FUMIGATION SERVICES BY BEVIS PEST CONTROL AT THE HAYS COUNTY JUSTICE CENTER

County Court at Law #2 Judge Linda Rodriguez spoke of the problem at the Justice Center being a health issue for employees and the public. She spoke of concerns of the employees in the building regarding rumors, chemicals being used, etc. District Clerk Cecelia Adair spoke of seriousness of the problem – she has employees in her office with bites which she has taken pictures of. JP1-2 Court Clerk Hortencia Urrutia spoke of problems in her office with not only the bites but also coughs and headaches from the chemicals being used. District Court personnel Jimmy Kitchen spoke of their break room being covered with the mites and they migrating to personnel. They have bites on their legs and necks and now they are experiencing effects from the chemicals being sprayed. Commissioner Ingalsbe spoke of money that has already been spent on spraying the building. Maintenance Supervisor Ron Knott spoke of chemicals that were sprayed by Triumph Pest Control. He stated that the mites were identified as tropical rat mites by TDH and tropical fowl mites by Texas A&M. He spoke of finding no signs of bird nests or dead rats in the building. The owner of Bevis Pest Control explained the process and chemicals to be used (methyl bromide). He assured the court that everything inside the building would be killed (insect and the host). It was agreed that fumigation would take place on Friday June 16th and offices will reopen on Monday. Commissioner Ingalsbe spoke of records stored by various offices. She suggested that employees go to the various records storage sites on Friday the 16th and go through those records and determine what records can be destroyed. A commercial shredder can be used to destroy records that can be destroyed. [T1-1032] **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize emergency funding out of reserve funds for fumigation services by Bevis Pest Control at the Hays County Justice Center. All present voting "Aye". [BUDGET AMENDMENT #06-27A = \$43,000.00 transfer from Reserves into County Wide Contingencies]**

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 8, 2006.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF JUNE A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 3 WILL CONLEY, AND WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS RE: Groundwater availability

Wayland Clark spoke of his water well being dry and he spoke of lack of water in the Northridge Subdivision. Andrew Backus spoke of residents of Northridge Subdivision that went to the board of directors of the Hays Trinity Groundwater Conservation District. The district is unable to do their job without the authority needed to regulate water usage. Mr. Backus spoke of need for larger lot sizes. Doug Wierman presented a map of dry wells and existing wells near Northridge Subdivision in northwest Hays County. He spoke of loopholes in the rules that need to be corrected. Charles O'Dell spoke of elected officials being responsible for looking out for the public interest. He feels like surface water will never be available to some people because of the high cost and he suggested that the court support the water district in obtaining more authority.

23451 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$1,206,997.92 as presented by the County Auditor. All present voting "Aye".

23452 APPROVE BUDGET AMENDMENT # 06-28

Budgets being amended: Juvenile Probation = \$5,350 transfer for medical services; Constable Pct. 3 = \$200 budget LEAD contribution; Constable Pct. 5 = \$200 budget LEAD contribution; General Fund Fuel = 98,250 transfer countywide insurance savings to various departments; Road & Bridge General = \$46,000 for diesel/gasoline increase from personnel savings; DSHS/Bioterrorism = \$10,000 for expense to pay for advertising costs; Child Health Grant = \$40,000 for additional funds received from agency from contract services to correct various line items. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-28 as proposed by the County Auditor. All present voting "Aye".

23453 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$50,000 GRANT FROM THE U.S. SOCCER FOUNDATION FOR THE 5-MILE DAM PARK EXPANSION PROJECT AND TO EXECUTE THE CONTRACT

This grant is from the U.S. Soccer Foundation for \$50,000 to be used to pay for lights at a number of fields. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept \$50,000 grant from the U.S. Soccer Foundation for the 5-Mile Dam Park Expansion Project and to execute the contract. All present voting "Aye".

23454 AWARD CULTURAL RESOURCES SURVEY CONTRACT ON THE 5-MILE DAM PARK PROJECT TO MOLLY GODWIN DBA ANTIQUITIES PLANNING & CONSULTING FOR \$15,915 AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT

This cultural resources survey is required by the Texas Parks and Wildlife Department and will be paid by the TPWD grant received by Hays County. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award Cultural Resources Survey Contract on the 5-Mile Dam Park Project to Molly Godwin dba Antiquities Planning & Consulting for \$15,915 and to authorize the County Judge to execute contract. All present voting "Aye".



23455 [PCT. 4 #06-4-023, 2 LOTS] THE HIGHLANDS SECTION C REPLAT OF LOT 81 -PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-288]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. There are currently 2 existing homes on Lot 81 and each utilizes a permitted conventional septic system (permitted prior to 1997 rules). A utility note has been added stating that lots are limited to a class I wastewater system for future OSSF installations. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "The Highlands Section C Replat of Lot 81". All present voting "Aye".**

23456 [PCT. 4 #06-4-025, 53 LOTS] HIGHPOINTE PHASE II SECTION II-A -APPROVAL OF FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL [T1-306]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and acceptance of construction fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept construction fiscal security and approve final plat of "Highpointe Phase II Section II-A". All present voting "Aye".**

23457 [PCT. 4 #06-4-024, 63 LOTS] HIGHPOINTE PHASE II SECTION I - APPROVAL OF FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL [T1-315]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and acceptance of construction fiscal security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept construction fiscal security and approval final plat of "Highpointe Phase II Section I". All present voting "Aye".**

23458 [PCT. 4] CALL FOR A PUBLIC HEARING ON JUNE 27, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON BELL SPRINGS RD., CR 169 NEAR RIVER OAKS RANCHES SUBDIVISION [T1-325]

Proposed traffic regulation: speed limit of 30 MPH on Bell Springs Road (CR169) from South Oak Forest Drive to the Travis County line. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on June 27, 2006 to establish traffic regulations on Bell Springs Road (CR169) near River Oaks Ranches Subdivision. All present voting "Aye".**

23459 [PCT. 4] CALL FOR A PUBLIC HEARING ON JUNE 27, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON O'NEILL RANCH RD. [T1-332]

Proposed traffic regulation: speed limit of 25 MPH. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to call for a public hearing on June 27, 2006 to establish traffic regulations on O'Neill Ranch Road. All present voting "Aye".**

23460 ADOPT AN ORDER PROHIBITING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF THE COUNTY UNDER DROUGHT CONDITIONS AS PER LOCAL GOVERNMENT CODE, § 352.051. [T1-340]

Emergency Management Coord. Jeff Turner recommended banning of aerial fireworks (skyrockets with sticks and missiles with fins) and recommended holding off on initiating the burn ban at this time. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt an Order Prohibiting Certain Fireworks in Unincorporated Areas of the county under drought conditions as per Local Government Code § 352.051. All present voting "Aye".**

23461 PRESENTATION BY NASMITH ENGINEERING CONCERNING CORE COMMITTEE RECOMMENDATIONS PERTAINING TO REVISION OF HAYS COUNTY SUBDIVISION REGULATIONS AND IMPLEMENTATION OF THE REGIONAL WATER QUALITY PROTECTION PLAN INCLUDING: GOALS, OBJECTIVES AND POLICIES; REVIEW OF INTEREST GROUPS IDENTIFIED BY THE CORE COMMITTEE; OUTLINE OF THE PUBLIC PARTICIPATION PROCESS WITH ACTION TO INCLUDE ADOPTION OF RECOMMENDED GOALS, OBJECTIVES AND POLICIES; ACCEPTANCE OF PROPOSED IDENTIFIED INTEREST GROUPS AND PUBLIC PARTICIPATION PROCESS [T1-424]

Charles O'Dell spoke of his participation in the water quality protection plan process. Tom Brown of Nasmith Engineering made a presentation concerning the core committee recommendation pertaining to revision of the Hays County Subdivision regulations and implementation of the Regional Water Quality Protection Plan. A stakeholder group meeting needs to be held. He explained the goals, objectives and policies. Mr. Brown spoke of interest groups that were identified by the core committee and the outline of the public participation process. **[T1-935] A motion was made by Judge Powers, seconded by Commissioner Carter to adopt the recommended goals, objectives and policies and acceptance of proposed identified interest groups and public participation process. All present voting "Aye".**



23462 APPROVE HIRING STEPHEN DICKMAN OF KELLY HART & HALLMAN LLP, TO SERVE AS LEGAL COUNSEL FOR PUBLIC MEETINGS TO BE SCHEDULED TO EXPLAIN COUNTY AUTHORITY WITH REGARD TO REGULATION OF DEVELOPMENT, WATER QUALITY, ETC. [T1-947]

It has been determined by the Consulting Engineers that the presence of an attorney with experience regarding County's authority to regulate development at the public meetings would be very helpful for the committees and the public. The fee to be paid is limited to \$1500. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve hiring Stephen Dickman of Kelly Hart & Hallman LLP to serve as legal counsel for public meetings to be scheduled to explain County authority with regard to regulation of development, water quality, etc. All present voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 13, 2006.



A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





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STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JUNE A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23463 ADOPT A PROCLAMATION DECLARING AUGUST 1, 2006 AS NATIONAL NIGHT OUT IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to adopt a Proclamation declaring August 1, 2006 as "National Night Out in Hays County". All voting "Aye".

PUBLIC COMMENTS

Charles O'Dell (President of Hays CAN) requested that citizens be included in the office complex project (agenda item#5) and he spoke about groundwater availability and management. H.T. Morgan (Fitzhugh Road resident) spoke of his water well going dry 3-4 weeks ago – he suggested a moratorium on drilling of new wells and suspending water well permits. [T1-233] Candise Clark (Sycamore Creek resident) spoke of water wells going dry in her area and a new subdivision is going in (Northridge) that will be drilling new wells. Donna Williams (resident of Wimberley) spoke of process to revise subdivision rules – she is concerned about who will be the stakeholders involved in this process. [T1-358] Doug Cones spoke of protesting the Northridge subdivision in the past and he would like the Hays Trinity Groundwater District to be involved in the process. Al Brown advised that we are in a severe drought situation and he provided a graph from the well at his home (Kirby Springs Ranch) showing that the water level has dropped 65 feet in less than one year. Steve Shubin (Longhorn Trail resident) voiced his concern about water availability – his well went dry 10 days ago – growth in the area will have a tremendous impact on water availability.

23464 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,980,540.51 as presented by the County Auditor. All voting "Aye".

23465 APPROVE BUDGET AMENDMENT # 06-29

Budgets being amended: Treasurer = \$100 for balance of FSLA guide from maint., County Wide = \$13,600 for legal committals from worker's comp insurance savings, Constable Pct. 1, Commissioner Pct. 1 & Information Technology = \$1,088 to purchase a computer for Constable Pct. 1, CAPCOG/911 Addressing Maint = \$1,333 for needed expense, FEMA/Wildfire 1624 Grant = \$6,647 to budget new grant and reimburse volunteer fire depts., GDEM'04 Hazmat Grant = \$ 2700 to budget LEAD donation to Fire Marshal, Road & Bridge Operations = \$69,964 transfer of savings on hauling & state regulation fees to materials, DSHS Family Planning Grant = \$5,325 to accept and budget change notice no. 3 for additional funds received from agency, and DSHS-Director of Nursing = \$3,000 for supplies from personnel savings. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-29 as proposed by the County Auditor. All voting "Aye".

23466 APPROVE SPECIFICATIONS FOR "EQUIPMENT WITH OPERATOR" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Equipment with Operator" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



23467 AUTHORIZE COMMISSIONER MOLENAAR AND CINDY MAIORKA TO NEGOTIATE A CONTRACT WITH THE SELECTED ARCHITECTURAL FIRM, JACKSON MCELHANEY ARCHITECTS FOR RFP #2006-P06 PROFESSIONAL SERVICES/ARCHITECT/HAYS COUNTY PRECINCT 4 OFFICE BUILDING

Purchasing received seven (7) responses and after review and evaluation selected Jackson McElhane Architects. Commissioner Molenaar and Cindy Maiorka will negotiate the contract and bring back to the commissioners court. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize Commissioner Molenaar and Cindy Maiorka to negotiate a contract with the selected Architectural Firm Jackson McElhane Architects for RFP #2006-P06 Professional Services/Architect/Hays County Precinct 4 office building. All voting "Aye".

23468 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A RENEWAL GRANT CONTRACT FROM THE OFFICE OF THE ATTORNEY GENERAL AND TO CONTINUE HAYS COUNTY VINE PROGRAM

The VINE (Victim Info & Notification Everyday) program is a statewide automated system to provide crime victims with accurate information and timely notification of county jail inmate status and court events. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a renewal grant contract from the office of the Attorney General and to continue Hays County VINE Program. All voting "Aye".

23469 APPROVE TEMPORARY APPOINTMENT OF JEFF TURNER TO REPLACE MARK CHAMBERS ON THE SAN MARCOS/HAYS COUNTY EMS BOARD

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve temporary appointment of Jeff Turner to replace Mark Chambers on the San Marcos/Hays County EMS Board. All voting "Aye".

23470 ACCEPT ADDITIONAL \$5,325 IN TITLE V MATERNAL AND CHILD HEALTH GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

This is additional funds being provided by TDSHS for an existing continuation grant for services currently provided by the Hays County Health Dept. No match required. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept additional \$5,325 in Title V Maternal and Child Health Grant funds from the Texas Department of State Health Services and to authorize County Judge to execute amended contract. All voting "Aye".

23471 [PCT. 2 #06-2-06, 4 LOTS] PRESIDIO ALMA RESUBDIVISION OF LOTS 4A, 4B AND 5 (CORRECTION OF LOT 6) – PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-580]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. The resubdivision will create four lots and an error in the original platting of Lot 6 is being corrected via this plat. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Presidio Alma Resubdivision of Lots 4A, 4B and 5" and correction to Lot 6. All voting "Aye".

23472 [PCT. 4 #06-4-028, 1 LOT] SILVERADO ESTATES LOT 7 – APPROVE REVISION TO THE DRAINAGE EASEMENT [T1-596]

Environmental Health Director Allen Walther gave staff recommendation for revision to drainage easement on Lot 7 of Silverado Estates. A home was built within a platted drainage easement and homeowner contracted with an engineer to design channel modification and reduce the drainage easement. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve revision to the drainage easement on Silverado Estates Lot 7. All voting "Aye".

Clerk's Note: Agenda Item #11 RE: RELEASE CONSTRUCTION BOND & MAINTENANCE BOND AND ACCEPTANCE FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR GREAT HILLS SUBDIVISION was PULLED. No discussion and no action taken.



23473 CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON MT. SHARP RD., CR 219 [T1-623]

Proposed traffic regs: STOP sign on Mt. Sharp Road at Pump Station Road (CR218), set speed limit of 35 MPH on Mt. Sharp Road between Pump Station Rd. and Mt. Gainor Rd., and a speed limit of 30 MPH on Mt. Sharp Road between Pump Station Road and FM2325. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on July 11, 2006 to establish traffic regulations on Mt. Sharp Road (CR219). All voting "Aye".

23474 CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS AND CHANGE THE 911 ROAD NAME OF WIMBERLEY BYPASS TO WINTERS MILL PARKWAY [T1-636]

Proposed traffic regulation: 60 MPH speed limit on Winters Mill Parkway. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on July 11, 2006 to establish traffic regulations and change the 911 road name of "Wimberley By-Pass" to "Winters Mill Parkway". All voting "Aye".

23475 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR SHADOW CREEK SUBDIVISION PHASE 2 SECTIONS 1, 2, & 3 [T1-644]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for "Shadow Creek Subdivision Phase 2 Sections 1, 2 & 3". All voting "Aye".

23476 CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION PHASES 1 & 2 [T1-658]

Proposed traffic regulations: STOP signs and 30 MPH speed limit. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on July 11, 2006 to establish traffic regulations in "Shadow Creek Subdivision Phases 1 & 2". All voting "Aye".

23477 PUBLIC HEARING PURSUANT TO CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE, TO CONSIDER ENACTING A RESOLUTION TO DECLARE A PUBLIC NECESSITY AND CONSIDER THE UPGRADE OF ROADS IN CEDAR OAKS MESA SUBDIVISION [T1-668]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Conley spoke of public health and safety issues that will be addressed. A vote will be taken among the property owners and if approved improvements will be made to bring the roads up to county standards. The road improvements will begin in fiscal year 2007 and all improvements will be completed in fiscal year 2007. The cost for improvement shall be \$268,000 to be paid to Hays County by the property owners over a period of 10 years, interest free. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt resolution to declare a public necessity and upgrade the roads in Cedar Oaks Mesa subdivision pursuant to Chapter 253 of the Texas Transportation Code. All voting "Aye". Commissioner Molenaar voting "No".

ACTION FAILED REGARDING BRINGING THE ROADS IN GOFORTH VILLAGE INTO THE COUNTY MAINTENANCE SYSTEM [T1-778]

Road Supt/Engineer Jerry Borcharding gave a brief history of roads in Goforth Village. Commissioner Carter spoke of developer going bankrupt - there was intent for the roads to be brought into the county road maintenance system. She will take it into her priority list. Jerry Borcharding advised that he estimates it will cost \$155,000 to bring the roads up to county standards. A motion was made by Commissioner Carter, seconded by Judge Powers to bring the roads in Goforth Village into the county maintenance system. Commissioner Conley and Commissioner Carter voting "Aye". Commissioner Molenaar, Judge Powers, and Commissioner Ingalsbe voting "No". MOTION FAILED.

Clerk's Note: The following Agenda Item was PULLED - No discussion and No action taken RE: APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SUNDAY AND ASSOCIATES, INC., TO PROVIDE CONSULTING SERVICES TO HAYS COUNTY RELATED TO COMPLIANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS GASB 43 AND GASB 45



23478 APPROVE SPREADSHEET OF FINANCIAL SUMMARY OF CONTRACTED AND ANTICIPATED COSTS FOR THE HAYS COUNTY BOND PROGRAM [T1-1166]

Maen Hourani (TC&B) advised that he had discussed this with County Auditor Bill Herzog and the preference is to go to a spreadsheet rather than submit 8 or more supplemental work authorizations to the court. Mr. Hourani would prefer to go this route rather than spend a lot of his time preparing and submitting these supplements. **A motion was made by Judge, seconded by Commissioner Carter approve spreadsheet of financial summary of contracted and anticipated costs for the Hays County Bond Program. All voting "Aye".**

PRESENTATION BY ANDREW BACKUS WITH THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT CONCERNING A DROUGHT UPDATE, WELL SPACING, AND LEGISLATIVE AGENDA [T1-1373]

Andrew Backus (President of Hays Trinity Groundwater Conservation District) gave a presentation concerning a drought update, well spacing and legislative agenda. Attorney Greg Ellis spoke of groundwater conservation districts and need to strengthen authority for the GCD and the county. [T1-2445] Public comments were made by Charles O'Dell, Joe Day, Charles Turner, W F Smith, Randy Robinson, Al Brown, and Doug Cones.

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 20, 2006.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JUNE 27, 2006

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27TH DAY OF JUNE A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
H. S. "SUSIE" CARTER
WILL CONLEY
RUSS G. MOLENAAR
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charlie Johnson (member of the Wimberley VFW) invited the court to the fourth of July celebration at Wimberley and Market Day.

23479 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$553,772.60 as presented by the County Auditor. All present voting "Aye".

23480 APPROVE BUDGET AMENDMENT # 06-30

Budgets being amended: Civic Center = \$500 for dumpster increase, District Clerk = \$725 for supplies from Ag copier reimbursement & maintenance savings, Sheriff Office = \$10,000 for conferences, hotels & training from detention savings, District Court = \$10,500 for balance of dues for new court & trial expense adjustment, County Court & JP Operations = \$5,500 for indigent expense from other trial & savings, USSF/Soccer Field Lighting Grant & TP&W Habitat Conservation Plan = \$803,750 to accept and budget 2 new grants funded from Texas P&W & US Soccer Foundation, R&B Operations = \$21,198 to budget revenue received to materials instead of equipment, and Records Mgmt = \$200 for balance of conference. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #06-30 as proposed by the County Auditor. All present voting "Aye".

23481 APPROVE JANUARY AND FEBRUARY 2006 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve January and February 2006 Treasurer's Reports and Investment Reports. All present voting "Aye".

23482 APPROVE AWARD OF BID #2006-B16 ANNUAL CONTRACT FOR ELECTRICAL SERVICES COUNTYWIDE TO TED BREIHAN ELECTRIC CO.

Only one bid was received and that was from Ted Breihan Electric who has our current contract. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to award bid #2006-B16 annual contract for electric services countywide to Ted Breihan Electric Co. All present voting "Aye".

23483 APPROVE SPECIFICATIONS FOR "ROW FENCING FOR MT. GAINOR ROAD" AND AUTHORIZE THE PURCHASING DEPARTMENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve specifications for "ROW fencing for Mt. Gainor Road" and authorize the Purchasing Department to solicit for bid and advertise. All present voting "Aye".

23484 AUTHORIZE THE COUNTY JUDGE TO ACCEPT SERVICE AGREEMENT RENEWAL WITH APPRISS, INC. (RELATING TO HAYS COUNTY VINE SERVICE)

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to accept service agreement renewal with Appriss Inc. (relating to Hays County VINE service). All present voting "Aye".



23485 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AMENDED CONTRACT FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR BIOTERRORISM GRANT FOR \$28,233

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to accept amended contract from the Texas Department of State Health Services for Bioterrorism Grant for \$28,233. All present voting "Aye".

23486 AUTHORIZE THE COUNTY JUDGE TO SUBMIT RENEWAL CONTRACT FOR UP TO \$64,000 TO THE TEXAS DEPARTMENT OF HEALTH LOCAL PUBLIC HEALTH (TRIPLE O) FUNDS

This program is to prevent, control, and eliminate vaccine-preventable diseases by providing and administering biologicals, promoting immunizations, conducting vaccine-preventable disease surveillance, assessing vaccine coverage levels, and applying principles of epidemiology and outbreak control measures within budgetary constraints. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to submit renewal contract for up to \$64,000 to the Texas Department of Health Local Public Health (TripleO) funds. All present voting "Aye".

23487 APPROVE PROFESSIONAL CONSULTING AGREEMENT WITH MALCOLM RAY SCOTT TO SERVE AS PHARMACIST-IN-CHARGE TO ASSIST WITH CONSULTATION SERVICES WITH THE COUNTY HEALTH DEPARTMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Professional Consulting Agreement with Malcolm Ray Scott to serve as Pharmacist-In-Charge to assist with consultation services with the County Health Department. All present voting "Aye".

23488 [PCT. 3 #05-3-062, 3 LOTS] RESUBDIVISION OF MOUNTAIN VIEW ESTATES LOT 2 - CALL FOR A PUBLIC HEARING [T1-45]

Environmental Health Director Allen Walther gave staff recommendation for a public hearing to be held July 11th. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on July 11, 2006 regarding the resubdivision of Mountain View Estates Lot 2. All present voting "Aye".

23489 [PCT. 4 #06-4-026, 275 LOTS] HIGHPOINTE PHASE III - APPROVE PRELIMINARY PLAN

[T1-54] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Highpoint Phase III". All present voting "Aye".

23490 [PCT. 4 #06-4-026, 118 LOTS] HIGHPOINTE PHASE IV - APPROVE PRELIMINARY PLAN

[T1-97] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Highpointe Phase IV". All present voting "Aye".

23491 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELL SPRINGS RD., CR 169 NEAR RIVER OAKS RANCHES SUBDIVISION [T1-105]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 30 MPH and reduce speed to 25MPH at the park. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation on 30MPH speed limit on Bell Springs Road (CR169) from South Oak Forest Drive to the Travis County line with reduced speed to 25MPH at the park. All present voting "Aye".

23492 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON O'NEILL RANCH ROAD [T1-127]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 25 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulation of 25 MPH speed limit on O'Neill Ranch Road. All present voting "Aye".



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Clerk's Note: Agenda Item # 15 RE: CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN GREAT HILLS SUBDIVISION was PULLED. No discussion and no action taken.

23493 ADOPT A RESOLUTION CALLING FOR WATER CONSERVATION AND LOW WATER IMPACT DEVELOPMENT [T1-141]

Charles O'Dell (Hays CAN) spoke in support of the proposed resolution. Commissioner Carter spoke of previous meeting in which water availability was discussed and she spoke in support of water conservation. The resolution calls on all Hays County citizens to voluntarily comply with the following: (1) full compliance with all drought management plans, (2) elimination of ground water use for all dual water source residents and developments, (3) all new subdivisions to use surface water only, when available, and deed restrict landscapes to native-drought tolerant species, (4) elimination of water features during designated drought stages, (5) utilize rainwater harvesting to the maximum extent possible, and (6) repair all plumbing leaks and develop family use practices to reduce daily consumption. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt a Resolution calling for water conservation and low water impact development. All present voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 JUNE 27, 2006.





LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11TH DAY OF JULY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS REGARDING "WATER"

Harry Savio, Executive Vice President of Home Builders Assoc. of Greater Austin, spoke of moratorium on development due to water shortages – feels like this would have a negative impact on the economy. He also spoke of increasing fees for development. Wayland Clark (resident of Sycamore Creek area) spoke of minutes of 2000 regarding Northridge Subdivision and the water availability study done at that time. Nan Boen spoke of water availability in north Hays County. Ray Toburen (resident of Sycamore Creek) spoke of concerns regarding future availability of water in northwest Hays County. Wayland Clark spoke of how this affects property values. Doug Cones [T1-232] presented a letter he sent earlier in the year and has not received a response. He spoke of monitoring of well that was done. Elizabeth Sumter (Wimberley resident) spoke of wells that were going dry five years ago. Andrew Backus (Hays Trinity Groundwater Conservation District) asked for support of the groundwater conservation district authority and he spoke of need for more refined science. Carol Paden (Madrone Ranch Subd) expressed her concern about the water well situation. [T1-494] Charlie Johnson (Woodcreek resident) spoke of increase in water rates and managing growth. He spoke of difficulties in getting surface water.

23494 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$516,821.76 for disbursement date of 7/4/06 and \$260,301.03 for disbursement date of 7/11/06 as presented by the County Auditor. All voting "Aye".

23495 APPROVE BUDGET AMENDMENT # 06-31

Budgets being amended: Environmental Health = \$3,000 transfer for database/software maintenance & utilities from personnel savings, Sheriff = \$7,500 to allow purchase of vehicle to transport prisoners & vehicle renovation, Human Resources = \$500 transfer for fed ex/postage from personnel savings, Constable Pct. 4 = \$4.00 transfer for supplies & balance of training from maintenance & other supplies, Veteran's Officer = \$400 transfer for postage & replacement chair from maintenance, TJPC/Salary Grant = \$2,830 to correct actual FY06 budget amount, AG/VINE Grant = \$4,314 to budget additional award from Attorney General's office, R&B Operations = \$1,100 transfer for subdivision mailout to Cedar Oaks Mesa, DSHS/TB Grant = \$500 for medical supplies, and DSHS/Family Planning = \$73 for medical supplies. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-31 as proposed by the County Auditor. All voting "Aye".

23496 APPROVE SETON HEALTH PLAN AMENDMENT/RENEWAL PER TEXAS HEALTH AND HUMAN SERVICES COMMISSION REQUIREMENT FOR NETWORK SERVICES AGREEMENT BETWEEN THE HAYS COUNTY HEALTH DEPARTMENT AND SETON HEALTH PLAN, INC.

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Seton Health Plan Amendment/Renewal per Texas Health and Human Services Commission requirement for Network Services Agreement between the Hays County Health Department and Seton Health Plan Inc. All voting "Aye".

23497 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS SECRETARY OF STATE FOR THE HELP AMERICA VOTE ACT (HAVA)

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept a grant from the Texas Secretary of State for the Help America Vote Act (HAVA) for up to \$8,000. All voting "Aye".



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23498 ACKNOWLEDGE THE SELECTION OF SHERIFF ALLEN BRIDGES OF THE MID-STATES SERVICES, INC., TO PROVIDE COMMISSARY SERVICES FOR THE HAYS COUNTY JAIL PURSUANT TO SECTION 351.0415 OF THE TEXAS LOCAL GOVERNMENT CODE

Bids were received from Mid-America Services Inc., Keefe Supply Company, and Mid-State Services Inc. Based on the comparative analysis of the information supplied by each vendor, the staff of the Sheriff's office has determined Mid-State Services to be the best value to provide commissary services to the Hays County Jail. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to acknowledge the selection of Sheriff Allen Bridges of the Mid-States Services, Inc. to provide commissary services for the Hays County Jail pursuant to Section 351.0415 of the Texas Local Government Code. All voting "Aye".

23499 APPROVE SPECIFICATIONS FOR BID# 2006-B19 "METAL PIPE" FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE THE PURCHASING DEPARTMENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for Bid#2006-B19 "Metal Pipe" for Hays County Road Department and authorize the Purchasing Department to solicit for bid and advertise. All voting "Aye".

23500 APPROVE AWARD FOR BID# 2006-B17 "FURNISH & INSTALL GUARDRAILS" TO ROADWAY SPECIALTIES

Roadway Specialties was the only respondent and currently has the contract for Furnish & Install Guardrails. The Road Dept. is satisfied with the performance of Roadway Specialties. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award for Bid #2006-B17 "Furnish & Install Guardrails" to Roadway Specialties". All voting "Aye".

23501 APPROVE CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR REIMBURSEMENTS ASSOCIATED WITH CERTIFICATION OF VITAL RECORDS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract with the Department of State Health Services for reimbursements associated with Certification of Vital Records. All voting "Aye".

CLERK'S NOTE: AGENDA ITEM#4 RE: APPROVE CONTRACT FOR LEASE PERIOD OF 5 YEARS, WITH A POSSIBLE OPTION FOR A THREE (3) YEAR EXTENSION WITH UNION CREEK SENIOR CITIZENS FOR THE PORTION OF THE BUILDING THEY HAVE RENTED FOR THE LAST 20 YEARS WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.

Clerk's Note: Agenda Item #21 RE: CONSIDER REPAIRS TO THE COUNTY EXTENSION VEHICLE was PULLED. This item to be paid out of self-insurance line item.

23502 ACTION REGARDING REQUEST FROM CHASE HOME FINANCE LLC, FOR A REFUND OF TAXES PAID ON LOT 2, BLK H, PLUM CREEK PH 1, SEC 1-B [T1-587]

Tax Assessor-Collector Luanne Caraway spoke of her concern that mortgage companies make errors and she has to come to the court to correct them. In the past they have required the mortgage companies to get the money back from the property owner. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to deny request from Chase Home Finance LLC, for a refund of taxes paid on Lot 2 Block H Plum Creek Phase 1 Section 1-B. All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE PARTICIPATION IN SAN MARCOS TIRZ #3 (SAN MARCOS HOTEL/CONFERENCE CENTER PROJECT) [T1-642]

Court convened into closed executive session at 9:57 a.m. and reconvened into open meeting at 10:26 a.m. Judge Powers advised that no action will be taken today.

23503 [PCT. 3 #05-3-062, 3 LOTS] MOUNTAIN VIEW ESTATES RESUBDIVISION OF LOT 2 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-655]

Judge Powers declared the public hearing open. No public input was received and public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Mountain View Estates Resubdivision of Lot 2". All voting "Aye".



23504 [PCT. 3 #05-3-048, 2 LOTS] **BURNETT RANCH SECTION 4 RESUBDIVISION OF LOT 8 - APPROVE PRELIMINARY PLAN** [T1-670]

Environmental Health Director Allen Walther gave staff recommendation
A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Burnett Ranch Section 4 Resubdivision of Lot 8". All voting "Aye".

23505 [PCT. 4 #06-4-029, 46 LOTS] **CHAMA TRACE - APPROVE PRELIMINARY PLAN** [T1-681]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter questioned water availability study. Allen Walther felt like the study complies with county requirements. Special Counsel Jacqueline Cullom Murphy spoke of engineer certification. Charles O'Dell spoke. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Chama Trace".** **CLERK'S NOTE: ACTION POSTPONED - NO VOTE TAKEN.**

Clerk's Note: Agenda Item # 13 RE: [PCT. 4 #06-4-031, 5 LOTS] SPRINGLAKE RESUBDIVISION OF LOT 122A - APPROVE PRELIMINARY PLAN was PULLED. No discussion and no action taken.

23506 [PCT. 4 #06-4-018, 2 LOTS] **KEY RANCH AT THE POLO CLUB RESUBDIVISION OF TRACT L - APPROVE PRELIMINARY PLAN** [T1-894]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter spoke of water availability. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Key Ranch at the Polo Club Resubdivision of Tract L".** Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Clerk's Note: Agenda Item # 15 RE: [PCT. 4 #05-4-011, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 - APPROVE PRELIMINARY PLAN WAS PULLED. No discussion and no action taken.

23507 [PCT. 4 #06-4-036, 1 LOT] **LA VENTANA PHASE I REPLAT OF LOTS 33 AND 34 - APPROVE FINAL PLAT** [T1-972]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "La Ventana Phase I Replat of Lots 33 and 34". All voting "Aye".**

23508 [PCT. 4 #06-4-022, 2 LOTS] **BARTON CREEK MEADOWS - APPROVE PRELIMINARY PLAN** [T1-997]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Baton Creek Meadows".** Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23509 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION, PHASE 1 & 2** [T1-1008]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a 30 MPH speed limit and STOP signs. STOP signs on Shadow Creek Blvd @ Windy Hill Drive, on Coach Drive @ Shadow Creek Blvd., on Coach Drive @ Dark Horse, on Black Cap Run @ Shadow Creek Blvd., on Desert Spring Cove @ Black Cap Run, on Sloan Road @ Shadow Creek Blvd., on Sloan Road @ Dark Horse Lane, on Desearth Eagle @ Shadow Creek Blvd., on Brandons Way @ Shadow Creek Blvd., on Jack Rabbit Lane @ Shadow Creek Blvd., on Black Forest Road @ Shadow Creek Blvd., on Black Forest Road @ Quarter Avenue., on Jack Rabbit Lane @ Quarter Avenue, on Brandons Way @ Quarter Avenue; 2 STOP signs on Quarter Avenue @ Spanish Trails Blvd., on Shadow Creek Blvd @ Spanish Trails, on Shadow Creek Blvd. and Dark Horse Lane, on Black Cap Run @ Shadow Creek Blvd., and on Coach Drive @ Shadow Creek Blvd.; and 4-Way STOP signs @ Shadow Creek Blvd and Dark Horse Lane. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations in Shadow Creek Subdivision Phase 1 & 2 as recommended by the Road Department. All voting "Aye".**

23510 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MT. SHARP RD., CR 219** [T1-1028]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a STOP sign on Mt. Sharp Road at Pump Station and 30 MPH speed limit on Mt. Sharp Road between Pump Station Road and FM2325. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations on Mt. Sharp Road as recommended by the Road Department. All voting "Aye".**



23511 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AND CHANGE THE 911 ROAD NAME OF WIMBERLEY BYPASS TO WINTERS MILL PARKWAY [T1-1053]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering recommended a 60 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to change the the 911 Road name of Wimberley By-Pass to Winters Mill Parkway and establish a speed limit of 60 MPH. All voting "Aye".

23512 ACCEPT RESIGNATION OF WILLIAM HOPKINS AND TO APPOINT CHRISTINA MCKINNEY TO THE NORTH HAYS COUNTY ESD #5 BOARD [T1-1073]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept resignation of William Hopkins and to appoint Christina McKinney to the North Hays County ESD#5 Board. All voting "Aye".

23513 AUTHORIZE THE COUNTY JUDGE TO SIGN A CONTRACT WITH HALFF & ASSOCIATES FOR PRELIMINARY INVESTIGATION FOR A BRIDGE AT MCGREGOR LANE [T1-1080]

Authorization to hire Halff & Associates was passed by the Court in March, however, the contract was not part of the agenda packet. This action will allow the Judge to sign the contract which will allow the auditor to pay billings. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a contract with Halff & Associates for preliminary investigation for a bridge at McGregor Lane. All voting "Aye".

DISCUSSION REGARDING ADOPTING A PLATTING REQUIREMENT WHICH SPECIFIES THAT LOTS SERVED BY A PUBLIC WATER SUPPLY ARE PROHIBITED FROM DRILLING INDIVIDUAL WATER WELLS [T1-1093]

Charles O'Dell made several suggestions to the court for adoption into the county rules. No further discussion or action taken.

23514 ADOPT A REVISED SUBDIVISION REVIEW FEE SCHEDULE AND INCENTIVES BASED REBATE PROGRAM [T1-1301]

Commissioner Molenaar spoke in support of revised fee schedule and incentives based rebate program. He spoke of \$100 being put into a dedicated fund for future infrastructure improvements. Discussion was had regarding incentives based rebate program. Commissioner Molenaar spoke of bringing surface water into Hays County and rainwater collection system program. Charles O'Dell requested postponement of action. A motion was made by Commissioner Molenaar, seconded by Conley to adopt a Revised Subdivision Review Fee Schedule and Incentives Based Rebate Program with addition of plat submittal for 2 lots or less being \$500 plus \$100 per lot with item 8 not applying to those to be effective immediately. All voting "Aye". Commissioner Carter abstained.

APPENDIX I
SUBDIVISION FEE SCHEDULE

REVIEW FEE: Payable to "Hays County Treasurer"

Plat submittal with no floodplain:	\$ 500, plus \$400 per lot
Plat submittal, 2 lots or less:	\$ 500, plus \$100 per lot
Plat submittal with floodplain:	\$ 800, plus \$400 per lot
Revised plat & cancellation:	\$ 200, plus \$ 50 per lot
Variance request, per variance requested:	\$ 100
Release of easement:	\$ 100
Flood study review:	Based on actual cost of review

Public notification for resubdivision or replat: based on actual cost
Currently \$200, plus \$4.42 per letter, plus actual cost of newspaper notice

FILING FEES: (Payable to "Hays County Clerk" at time of recording)

First page: \$50, plus \$6 records management and security fee
Each addition page: \$50



Subdivision Fee Incentives Program

Up to \$200 per lot (of the \$400 fee) may be rebated by implementation of any of the following:

1. Construction of water quality ponds (must remove at least 80% nutrient and sedimentation load)
2. Rainwater collection facilities on amenities structures
3. Construction of recharge structures
4. Cedar eradication (joint County & USF&WS plan approval required)
5. Boundary street improvements (no more than 50% of total rebate)
6. Wastewater reuse plumbing to individual lots
7. 50% of rebate may go to a dedicated fund for open space preservation and development mitigation.
8. \$100 of the County's per lot portion will go to the same dedicated fund.

Rebate Application Process:

1. At the time of platting, the applicant must identify all proposed projects for which a rebate will be requested.
2. An engineer's design and cost estimate is required for all proposed structural improvements.
3. All rebate requests, except donations to the Open Space Preservation Fund, must be accompanied by an invoice certifying actual expenditures.

23515 APPROVE APPOINTMENT OF WARREN GRANNIS AND JIM CULLEN TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL VACANCY THROUGH DECEMBER 31, 2006 [T1-1701]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve appointment of Warren Grannis and Jim Cullen to the Hays County Historical Commission to fill vacancy through December 31, 2006. All voting "Aye".

23516 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE SALE OF HAYS COUNTY PROPERTY (ROAD BARN LOCATED AT 13500 RANCH ROAD 12, WIMBERLEY, TEXAS). ACTION MAY FOLLOW IN OPEN COURT [T1-1725]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 12:30 p.m. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a real estate contract that contains a counter offer with John and Beth Patterson related to the sell of county owned property at 13500 Ranch Road 12 in Wimberley with revenue generated from sale of the property to go to Road Department buildings in the new yard in Wimberley and soft cost to work on new building facility for Precinct 3. All voting "Aye".

Clerk Note: Agenda item # RE: APPROVE CIGNA'S PROPOSAL ON NEW RATE PLANS FOR MEDICAL AND DENTAL PLAN BENEFITS was PULLED. No discussion and no action taken.

23517 ACTION REGARDING THE SITE SELECTION ANALYSIS OF THE OLD HOSPITAL PROPERTY PREPARED BY CARTER::BURGESS AND THE BUILDING COMMITTEE AND SUBMISSION OF REQUESTS FOR PROPOSALS TO THE DEVELOPERS OF TWO OTHER POSSIBLE SITES [T1-1768]

Commissioner Ingalsbe spoke of task of committee was to look at the old hospital site to see if an office complex would fit on that property. Mr. Rascoe (Carter::Burgess) spoke of rate of growth in Hays County and needs assessment. He provided a diagram showing 3 phases with a total of three five-story buildings (600,000 sq.ft.) and a parking garage (2,250 spaces) with underground detention at maximum build-out. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to request proposals from developers for the other two possible sites for a County Government Center. Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "Aye". Commissioner Conley abstained and Commissioner Molenaar voting "No". MOTION PASSED.



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23518 ACTION PURSUANT TO SECTION 13 OF THE HAYS COUNTY RULES RELATING TO ON-SITE SEWAGE FACILITIES TO CONSIDER THE APPEAL SUBMITTED BY MS. CAROLYN LOGAN RELATING TO PERMIT #2005-416 [T1-2238]

Judge Powers explained the purpose of this agenda item. Carolyn Logan advised that she is appealing for economic reasons (affecting the value of her property and leach field overflowing into her property). She is worried about the health of her livestock and devaluation of her property. [T1-2333] Charles O'Dell (President of Hays CAN) spoke of HB1704 and exemption given to property owner. Environmental Health Director Allen Walther spoke of no lot size requirements for commercial development – this is a non-single family resident lot. Commissioner Carter spoke of public utility easement on the property. Attorney Jim Duval (representing Mr. Ramus) advised that if the property owner has complied with county ordinances then the court has no choice but to support this permit. This permit has been issued and the sewage facility is in place at this time. He urged the court to deny the appeal. Andy Grubbs, septic system designer, spoke of 5 ft setback for utility pole. Allen Walther advised that this pole will not affect the performance of the septic system. Allen Walther spoke of review of this project and numerous inspections – staff feels like they have a valid application, valid design and request denial of this appeal. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to deny the appeal submitted by Carolyn Logan and instruct Special Counsel to request a ruling from TCEQ (Texas Commission on Environmental Quality). All voting "Aye".**

Court was adjourned.

I, LEE CARLISLE, 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 JULY 11, 2006.



Lee Carlisle
**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF JULY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Wayland Clark spoke of water wells going dry in northwest Hays County. Charlie Johnson spoke of National Night Out events being held in Wimberley. He also spoke of need to look at surface water. Dubb Smith spoke of water issues – need to look at putting up signs urging water conservation and need to look at providing surface water. Andrew Backus (Hays Trinity Groundwater Conservation District) spoke of county rules regarding water availability.

23519 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,213,461.78 as presented by the County Auditor. All voting "Aye".

23520 APPROVE BUDGET AMENDMENT # 06-32

Budgets being amended: Grants = \$120 transfer for needed expense, Jail = \$5,000 to allow revenue received to be budgeted for maintenance, Sheriff = \$1,720 transfer personnel savings to testing for new employees, Justice of the Peace = \$ 540 transfer for needed telephone expense, DSHS/Immunization & Bioterrorism = \$76,333 to budget additional funds and re-budget grant per agency, Juvenile Center = \$38,703 transfer for utilities & telephone, Personal Health = \$1,200 transfer for supv. Doctor's fee & vehicle mtc. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-32 as proposed by the County Auditor. All voting "Aye".

23521 APPROVE UTILITY PERMITS #01888 & #01889

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Permit #01888 on Lime Kiln Road issued to LAN Inc. for the City of San Marcos and #01889 on CR140/Post Road issued to CenterPoint Energy as presented by the Road Department. All voting "Aye".

23522 APPROVE MARCH 2006 AND APRIL 2006 TREASURER'S REPORT AND INVESTMENT REPORTS

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve March 2006 and April 2006 Treasurer's Report and Investment Reports. All voting "Aye".

23523 APPROVE AWARD OF BID #2006-B14 "EQUIPMENT W/ OPERATOR" TO CENTRAL TEXAS ROADS

Central Texas Roads was the only bidder and currently has our contract. It is the recommendation of Purchasing and the Road Dept. to award contract to Central Texas Roads. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve award of Bid #2006-B14 "Equipment w/Operator" to Central Texas Roads. All voting "Aye".

23524 ACCEPT THE INTERNAL EXAMINATION REPORT FOR THE COUNTY CLERK'S OFFICE

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept the Internal Examination Report for the County Clerk's office. All voting "Aye".



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23525 AUTHORIZE THE COUNTY JUDGE TO ACCEPT FUNDING ASSISTANCE FROM THE OFFICES OF THE COURT ADMINISTRATION IN THE AMOUNT OF \$4,950.00

Hays County has been approved to receive funding assistance to purchase the Collection Software program. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to accept funding assistance from the Offices of the Court Administration in the amount of \$4,950.00. All voting "Aye".

23526 APPROVE PROPERTY DISPOSITION SERVICES AGREEMENT WITH PROPERTYROOM, INC. FOR SALE OF PROPERTY IN PROPERTY ROOM AT THE HAYS COUNTY SHERIFF'S DEPARTMENT

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve property disposition services agreement with PropertyRoom Inc. for sale of property in property room at the Hays County Sheriff's Department. All voting "Aye".

23527 APPROVE SETTING THE LOWEST ACCEPTABLE BID IN A PUBLIC SALE OF REAL PROPERTY OWNED BY JOHN MINING D/B/A FAST ACTION BAIL BONDS POSTED AS COLLATERAL AND BEING FORECLOSED ON BY A SUBSTITUTE TRUSTEE APPOINTED BY THE BENEFICIARY, STATE OF TEXAS, REPRESENTED BY THE HAYS COUNTY DISTRICT ATTORNEY

This is a non-judicial foreclosure by the district attorney's office on real property used as security by a bondsman in order to write bail bonds. The bondsman, John Mining d/b/a Fast Action Bail Bonds, failed to pay several final bail bond judgments. The appraised value of the property is \$129,450.00. The amount of unpaid final judgments and expenses associated with the foreclosure sale is \$224,754.83. In order to protect the county against an excessive deficiency, the district attorney is requesting that the Commissioners' Court set the lowest acceptable bid to an amount equal to the appraised value of the property, \$129,450.00. The sale is scheduled for August 1, 2006 at 10:00 a.m. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve setting the lowest acceptable bid in a public sale of real property owned by John Mining d/b/a Fast Action Bail Bonds posted as collateral and being foreclosed on by a Substitute Trustee appointed by the beneficiary, State of Texas, represented by the Hays County District Attorney. All voting "Aye".

23528 AUTHORIZE THE PURCHASING DEPARTMENT TO PREPARE SPECIFICATIONS FOR AN RFQ TO CONTRACT WITH A HYDRO-GEOLOGIST OR ENGINEER FOR THE PURPOSE OF REVIEWING WATER AVAILABILITY REPORTS

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the Purchasing Department to prepare specifications for an RFQ to contract with a Hydro-Geologist or Engineer for the purpose of reviewing water availability reports. All voting "Aye".

23529 APPROVE CONTRACT RENEWAL WITH THE ONION CREEK SENIOR CITIZENS INC., RELATING TO THE LEASE OF PROPERTY

Commissioner Carter spoke of terms of the lease - they are requesting a 5 year lease with a 3 year option. Commissioner Molenaar suggested an annual lease. Special Counsel Jacqueline Cullom Murphy spoke of proposed one year contract and termination clause. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a five year contract with the Onion Creek Senior Citizens Inc. relating to the lease of county property with a three year extension option. All voting "Aye".

23530 APPROVE A VARIANCE TO THE MINIMUM LOT SIZE REQUIREMENTS FOR GEORGIA STAVROWSKY [T1-258]

Environmental Health Director Allen Walther gave staff recommendation for variance approval. Property owner wants to divide an 8.69 acre tract into 3 parcels (apprx. 2.9 acres each) for family division. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve a variance to minimum lot size requirements for Georgia Stavrowsky. All voting "Aye".

23531 [PCT. 3 #05-3-048, 2 LOTS] BURNETT RANCH SECTION 4 BLK 2 RESUBDIVISION OF LOT 8 - CALL FOR A PUBLIC HEARING [T1-327]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on August 1, 2006 for Burnett Ranch Section 4 Block 2 Resubdivision of Lot 8. All voting "Aye".



23532 [PCT. 4 #06-4-018, 2 LOTS] KEY RANCH AT THE POLO CLUB RESUBDIVISION OF TRACT L – CALL FOR A PUBLIC HEARING [T1-339]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on August 1, 2006 for Key Ranch at the Polo Club Resubdivision of Tract L. All voting "Aye".

Agenda Item #15 RE: [PCT. 4 #05-4-011, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 – CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN was PULLED. No discussion and no action taken.

23533 [PCT. 4 PCT. 4 #06-4-029, 46 LOTS] CHAMA TRACE – APPROVE PRELIMINARY PLAN

[T1-362] Wayland Clark spoke of water availability and number of new wells that will be created. Andrew Backus (Hays Trinity Groundwater Conservation District) spoke of this subdivision being near the LCRA surface water line and he spoke of need for alternative water sources. Doug Cones spoke of request in 2000 that brought surface water to the northwest Hays County area. Doug Smith spoke of area this subdivision is located and rules that have been followed. Steven Bond spoke of rules that were followed and TCEQ form that was completed. Environmental Health Director Allen Walther advised that TCEQ rules have not been adopted by the County. Andrew Backus spoke of option to adopt state rules or local rules. He suggested considering impact on surrounding property – study wells outside the property. Allen Walther advised that this subdivision meets current rules and regulations and he gave staff recommendation for preliminary plan approval. Charlie Johnson spoke of three aquifers in Hays County. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Chama Trace". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23534 ACTION TO HIRE BYRN & ASSOCIATES TO DESIGN MCCARTY LANE FROM OLD BASTROP HIGHWAY (CR266) TO ITS INTERSECTION WITH LOOP 110 (APPROXIMATELY 1700') [T1-1094]

Road Supt/Engineer Jerry Borcharding spoke of fast pace of this project – the loop will be a major route to the new high school and McCarty Lane needs to be improved. Commissioner Ingalsbe spoke of need to proceed with the design phase before the high school is built. Commissioner Conley spoke of proposed route of Loop 110. Improvements to McCarty near CR266 is necessary. Jerry Borcharding advised that they will be trying to get 60 feet for a three lane roadway. Commissioner Conley spoke of proposed development in this area that has to be dealt with. Commissioner Ingalsbe spoke of need to improve McCarty Lane. Estimated cost for design is just under \$20,000. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to hire Byrn & Associates to design McCarty Lane from Old Bastrop Highway (CR266) to its intersection with proposed Loop 110 (approximately 1700'). All voting "Aye".

23535 APPROVE A CONTRACT WITH CAPITAL EXCAVATION CONCERNING EMERGENCY REPAIR OF THE JACOBS WELL CYPRESS CREEK LOW WATER CROSSING [T1-1497]

Road Supt/Engineer Jerry Borcharding spoke in support of contract with Capital Excavation. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve a contract with Capital Excavation concerning emergency repair of the Jacobs Well Cypress Creek low water crossing. All voting "Aye".

23536 APPROVE APPOINTMENT OF JOHN REILLY TO REPLACE MATTHEW GILLIAM ON THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #6 BOARD OF DIRECTORS [T1-1519]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve appointment of John Reilly to replace Matthew Gilliam on the Hays County Emergency Services District #6 Board of Directors. All voting "Aye".

23537 APPROVE APPOINTMENT OF COMMISSIONER INGALSBE TO THE ANIMAL CONTROL TASK FORCE [T1-1535]

Since the creation of this Task Force, 2 members are no longer available to serve. Grants Administrator Richard Salmon spoke of getting our ordinance more in line with the City of San Marcos and considering recommendations from the public. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve appointment of Commissioner Ingalsbe to the Animal Control Task Force. All voting "Aye".



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23538 ACTION TO DENY ANY ADDITIONAL PERMITS OR LICENSE TO OPERATE TO NICKOLOUS RAMUS [T1-1565]

Charles O'Dell (Hays CAN) provided his comments in writing – he asked that the court wait for a TCEQ ruling before considering issuance of any additional permits or licenses to Mr. Ramus. Commissioner Ingalsbe felt like it was reasonable that we wait for a ruling from TCEQ. Special Counsel Jacqueline Cullom Murphy spoke of contacting TCEQ about their review process and they have not yet received a formal complaint from Mrs. Logan. Mr. Ramus spoke of fabrications and harassment against him. Jim Duvall (Attorney for Nick Ramus) spoke of action taken by the court last week and he also stated that the county has no procedure to order staff not to issue permits at this juncture. Carolyn Logan spoke of water that was pumped out of pits on Mr. Ramus' property onto her property and she spoke of utility easement and setbacks. Environmental Health Director Allen Walther spoke of class 4 soils that do not percolate and he explained evapo-transpiration. He spoke of licensed installer that is working on this project and inspections that have been performed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to deny any additional permits or license to operate to Nickolous Ramus. Commissioner Ingalsbe and Commissioner Carter voting "Aye". Judge Powers, Commissioner Conley, and Commissioner Molenaar voting "No". MOTION FAILED.**

Court was adjourned.

I, LEE CARLISLE, 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 JULY 18, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH DAY OF JULY A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23539 PRESENTATION BY HALFF & ASSOCIATES, INC., ON THE FINAL DRAFT PLAN FOR 5-MILE DAM PARK AND ACTION AUTHORIZING PURCHASING TO PROCEED TO DESIGN/ENGINEERING PHASE OF PROJECT [T1-20]

A power point presentation was given to the court showing the various improvements to be made to the park. Halff & Associates Inc. assisted Hays County and the City of San Marcos in developing this design after many hours of meetings with stakeholders throughout the county. The park complex now consists of 88.759 total acres [Dudley Johnson Park = 15.56 acres, Randall Vetter Park = 17.859 acres, and 55.34 acres in adjacent property purchased by the county with Parks & Open Space Bond funds]. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize Purchasing to proceed to design/engineering phase of project for 5-Mile Dam Park. All voting "Aye".

23540 ADOPT A PROCLAMATION SUPPORTING THE "RIDE TO REMEMBER" CROSS-COUNTRY BICYCLE RIDE HONORING THOSE WHO LOST THEIR LIVES ON SEPTEMBER 11, 2001 [T1-310]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a proclamation supporting the "Ride to Remember" cross-country bicycle ride honoring those who lost their lives on September 11, 2001. All voting "Aye".

PRESENTATION AND UPDATE OF 4H ACTIVITIES IN HAYS COUNTY [T1-377]

Richard Parrish (4H County Agent) spoke of education efforts related to water issues. Science of water is being taught to elementary aged children. Water fairs have been provided to local schools. Water is a key component to agricultural education. He thanked the court for their continued support. Publications available at www.tcebookstore.org

PUBLIC COMMENTS

[T1-515] Andrew Backus, Hays Trinity Groundwater Conservation District, spoke of wells going dry in his district. He spoke of limited authority of the groundwater district – they may be able to regulate residential water well spacing. He requested support to add the lower Trinity to the Hill Country GAM (Groundwater Availability Model).

23541 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 481,153.65 as presented by the County Auditor. All voting "Aye".

23542 APPROVE UTILITY PERMITS #1890-1893

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #01890 on Canna Lily Circle issued to ELK Electric, #01891 on Deerfield Road issued to Verizon, #01892 on McCarty Lane issued to City of San Marcos, and #01893 on CR200/Deer Creek Circle issued to Deer Creek Water Co. as submitted by the Road Department. All voting "Aye".



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23543 APPROVE BUDGET AMENDMENT # 06-33

Budgets being amended: DPS = \$1,570 transfer for increased cost to move scale, IT/District Court = \$950 transfer for replacement computer for Dist. Coord., Emergency Mgmt Coord/Fire Marshal = \$27,937 transfer for balance of FY06, and Posey Road Construction = \$101,140 budget per interlocal agreement with City of San Marcos. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment #06-33 as proposed by the County Auditor. All voting "Aye".

23544 APPROVE SPECIFICATION FOR BID #2006-B18 ROAD IMPROVEMENT PROJECT FOR DRY HOLE ROAD (CR210) AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE PENDING FULFILLMENT OF CONTRACT TERMS BY THE CITY OF KYLE

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve specification for Bid #2006-B18 Road Improvement Project for Dry Hole Road (CR210) and authorize Purchasing to solicit for bid and advertise pending fulfillment of contract terms by the City of Kyle. All voting "Aye".

23545 APPROVE CONTRACT RENEWAL FOR "BRUSH CUTTING & OTHER SERVICES" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT W/ ASPLUNDH

Asplundh lowered the hourly rate due to reduction of their insurance rates – instead of \$45 per hour it will be \$40 per hour. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve contract renewal for "Brush cutting & other Services" for one (1) additional year as provided in the original contract with Asplundh. All voting "Aye".

23546 APPROVE SPECIFICATIONS FOR BID #2006-B20 "REGULATORY, WARNING & OTHER ROAD SIGNS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve specifications for Bid #2006-B20 "Regulatory, Warning & Other Road Signs" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23547 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPARTMENT – OUTDOOR GRANT PROGRAM FOR UP TO \$400,000, ON BEHALF OF THE CITY OF SAN MARCOS TO RAISE ADDITIONAL FUNDS TO PURCHASE THE 251 ACRE TRACT ON SINK CREEK

The City of San Marcos does not have an updated Parks Master Plan and are unable to make application to TP&WD and have asked the county to make application. The Texas Parks & Wildlife Dept. has limited funds in their park grants program, therefore, we need to apply each time money becomes available to meet the two-year limit to purchase this property. Existing funds will be used as match. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Resolution authorizing the County Judge to submit a Grant application to the Texas Parks & Wildlife Department – Outdoor Grant Program for up to \$400,000 on behalf of the City of San Marcos to raise additional funds to purchase the 251 acre tract on Sink Creek. All voting "Aye".

23548 ACCEPT \$896,000 IN GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION – HAZARD ELIMINATION PROGRAM (HES), PROVIDE A 10% MATCH AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT, SUBJECT TO REVIEW/APPROVAL BY SPECIAL COUNSEL AND COUNTY AUDITOR

These funds are for safety related projects that TxDOT obtained funds for under the Federal Hazard Elimination Program – Category 8 for FY 2008-2009. The list of road projects and their work descriptions are: (1) Bebee Rd – install intersection flashing light = \$41,800; (2) Jacobs Well Road – safety treat fixed objects = \$80,300; (3) Palomino Rd – safety treat fixed objects = \$102,300; and (4) Windy Hill Road – resurfacing of road = \$672,000. Budgeting of the 10% match will be in FY06-07. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept \$896,000 in Grant funds from the Texas Department of Transportation – Hazard Elimination Program (HES), provide a 10% match and authorize the County Judge to execute contract, subject to review/approval by Special Counsel and County Auditor. All voting "Aye".

23549 APPROVE LONG-TERM INTEROPERABILITY PLAN (MOU) WITH CAPCOG

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve long-term Interoperability Plan (MOU) with CAPCOG. All voting "Aye".



23550 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT APPLICATION FOR \$20,935 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES – TITLE V FAMILY PLANNING PROGRAM

This is a continuation grant application for services that are currently being provided by the Hays County Personal Health Department. The grant amount of \$20,935 includes \$5,699 for supplies. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to accept a grant application for \$20,935 from the Texas Department of State Health Services – Title V Family Planning Program. All voting "Aye".

23551 APPROVE AWARD OF PROPOSAL FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN TO LOOMIS AUSTIN AND AUTHORIZE PURCHASING AND THE SELECTION COMMITTEE TO NEGOTIATE CONTRACT

Purchasing received six responses to the Environmental Consultant-RHC proposal. After review and evaluating, the committee has determined that Loomis Austin has the best proposal and will be the best for the project. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve award of proposal for Environmental Consulting Services for the Hays County Regional Habitat Conservation Plan to Loomis Austin and authorize Purchasing and the Selection Committee to negotiate contract. All voting "Aye".

23552 APPLY/ACCEPT UP TO \$35,000 ADDITIONAL FUNDS FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR CASE MANAGEMENT SOFTWARE FOR JP OFFICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to apply/accept up to \$35,000 additional funds from the Texas Department of Public Safety for Case Management Software for JP Offices. All voting "Aye".

23553 [PCT. 4 #06-4-039, 2 LOTS] PIONEER RANCH SUBDIVISION SECTION II RESUBDIVISION OF LOTS 2 & 3 – APPROVE PRELIMINARY PLAN [T1-707]

Environmental Health Director Allen Walter gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Pioneer Ranch Subdivision Section II Resubdivision of Lots 2 & 3". All voting "Aye".

23554 [PCT. 4 #06-4-038, 2 LOTS] RIVER MOUNTAIN RANCH SECTION I REPLAT OF LOTS 39 & 40 - WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT [T1-721]

Environmental Health Director Allen Walter gave staff recommendation for final plat approval. This is a common lot line adjustment. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive public hearing and approve final plat of "River Mountain Ranch Section I Replat of Lots 39 & 40". All voting "Aye".

23555 CALL FOR A PUBLIC HEARING ON AUGUST 8, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON OLD STAGECOACH RD., CR 136 [T1-740]

Proposed traffic regulation is a 40 MPH speed limit on Old Stagecoach Road (CR136) from Post Road (CR140) to Opal Lane (CR138). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on August 8, 2006 to consider establishing traffic regulations on Old Stagecoach Road (CR136). All voting "Aye".

23556 CALL FOR A PUBLIC HEARING ON AUGUST 8, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN DEER RUN SUBDIVISION [T1-747]

Proposed traffic regulation is a 30 MPH speed limit in Deer Run Subdivision. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on August 8, 2006 to consider establishing traffic regulations in Deer Run Subdivision. All voting "Aye".

23557 APPROVE CONTRACT WITH JACKSON & MCELHANEY FOR PCT. 4 OFFICE BUILDING ARCHITECTURAL SERVICES [T1-753]

Charles O'Dell, President of Hays CAN, asked for public input in this project. Commissioner Molenaar advised that needs for this building have already been determined. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve contract with Jackson & McElhaney for Precinct 4 office building architectural services. All voting "Aye".



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23558 APPROVE A REGIONAL WASTEWATER COMPACT RELATING TO THE RESULTS OF THE NORTH EAST COUNTY WASTEWATER NEEDS ASSESSMENT [T1-836]

The study was conducted by PBS&J for GBRA and funded by a grant from the Texas Water Development Board. With assistance from County and City personnel as well as other stakeholders, the study focused on current and projected wastewater needs and evaluated various options to meet these needs. Environmental Health Director Allen Walther spoke of input that was received and he explained the compact. Commissioner Carter spoke of problems she has with the plan. Allen Walther spoke of meetings that were held – all entities were invited to the meetings. No public funds will be requested and the compact is not binding. This study was to look at options and to receive input. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve Regional Wastewater Compact relating to the results of the North East County Wastewater Needs Assessment. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23559 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH THE NATIONAL ASSOCIATION OF COUNTIES (NACO) PRESCRIPTION DRUG DISCOUNT CARD PROGRAM [T1-1318]

Commissioner Ingalsbe spoke in support of this program – it will be most helpful to uninsured and underinsured citizens. County Treasurer Michele Tuttle spoke of discount (20%) that can be used at participating pharmacies. You can use it even if you have a prescription card. Most of the pharmacies in Hays County will accept this card. There will be news releases, posters, etc. and we will make the cards available at locations throughout the county. No cost or liability for the county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to enter into a contract with the National Association of Counties (NACO) Prescription Drug Discount Care Program. All voting "Aye".**

23560 ACTION ON A REQUEST FROM THE UPPER SAN MARCOS WATERSHED RECLAMATION AND FLOOD CONTROL AND IMPROVEMENT DISTRICT FOR THE COUNTY TO ALLOCATE \$50,000 FOR REMOVAL OF VEGETATIVE GROWTH ON THE 5 RECHARGE AND FLOOD CONTROL STRUCTURES (DAMS) ON THE SAN MARCOS WATERSHED [T1-1480]

Grants Administrator Richard Salmon spoke of the county being responsible for maintenance of the five recharge/flood control structures (dams) on the San Marcos Watershed. The Upper San Marcos district will rehab the dams at a cost of \$50,000.00. County Auditor Bill Herzog suggested using infrastructure funds and the county paying the invoices. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to allocate \$50,000 from infrastructure funds for removal of vegetative growth on the 5 recharge and flood control structures (dams) on the San Marcos Watershed. All voting "Aye".**

23561 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS UNLIMITED TAX ROAD BONDS, SERIES 2006" IN THE AMOUNT OF APPROXIMATELY \$16.320 MILLION, LEVYING AN ANNUAL AD VALOREM TAX AND MATTERS INCIDENT THERETO [T1-1565]

Charles O'Dell, President of Hays CAN, spoke in support of a unified road system. Dan Wegmiller (First Southwest Co) advised that Hays County has a Aa3 rating and went through the final pricing summary. He spoke of sale of the bonds and excellent interest rate. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an Order authorizing the issuance of "Hays County, Texas Unlimited Tax Road Bonds, Series 2006" in the amount of approximately \$16,320 million, levying an annual ad valorem tax and matters incident thereto. All voting "Aye".**

23562 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO SAN MARCOS TIRZ NO. 3 (SAN MARCOS HOTEL/CONFERENCE CENTER PROJECT) [T1-1788]

San Marcos City Manager Dan O'Leary spoke of this being the economic development area of the future. He spoke of importance of this project. County participation and liability is limited. Commissioner Ingalsbe spoke of county participation reduced from the original agreement (\$620,000 savings). Commissioner Conley spoke in support of this project. San Marcos Mayor Susan Narvaiz reassured the court that the plan is to bring income into the city/county and keep tax rates down. Commissioner Carter spoke of burden on the taxpayers. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to enter into an interlocal agreement between Hays County and the City of San Marcos related to San Marcos TIRZ No. 3 (San Marcos Hotel/Conference Center Project). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**



- 23563 APPROVE CIGNA'S PROPOSAL ON NEW RATE PLANS FOR MEDICAL AND DENTAL PLAN BENEFITS AND APPROVE CONTINUANCE/RENEWAL OF BASIC EMPLOYEE LIFE INSURANCE WITH FORT DEARBORN LIFE AT SAME RATE AS CURRENT FISCAL YEAR [T1-2147]**

Burke Sunday advised that the county's benefit health plan is in excellent shape. He went through the financial/funding analysis: Medical/Rx-Dental for 2006-2007 Plan Year. Recommending no change in the dental plan. The insurance committee recommendations are as follows: • accept the renewal offer from CIGNA Healthcare for administrative services, network access, pharmacy services, care management/disease management, stop-loss coverage (ISL [\$150,000] & ASL [120% of expected claims]) for medical/rx, administrative services for the dental PPO plan, and the fully-insured CIGNA DentalCare (DHMO) plan; • make no changes to the monthly cost the county charges employees to carry their dependents for medical coverage (Open Access Plus Plan and Open Access Plus In-Network Plan); • increase the County's contribution to the medical/rx plan to \$532.40 per employee per month from the current \$484.00 per employee per month – 10% - the County's contribution to the dental plan of \$21.50 per employee per month to remain the same for the 2006-2007 plan year; • add services to the well aware for BETTER HEALTH Program; and • make benefit adjustments to the Open Access Plus Plan [Change the In-Network Deductible to \$150 individual/\$300 Family, change the Copay for MRI/PET/CAT Scans to \$50 per, change the Out-of-Network Deductible to \$1,500 individual/\$3,000 Family, and change the Out-of-Network Out-of-Pocket to \$5,000 individual/\$10,000 Family]. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Cigna's proposal on new rate plans for medical and dental plan benefits. All voting "Aye". A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve continuance/renewal of basic employee life insurance with Fort Dearborn Life at same rate as current fiscal year. All voting "Aye".

- 23564 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SUNDAY AND ASSOCIATES, INC., TO PROVIDE CONSULTING SERVICES TO HAYS COUNTY RELATED TO COMPLIANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS GASB 43 AND GASB 45 [T1-3110]**

Burke Sunday spoke of providing consulting services regarding GASB43 and GASB45. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve professional services agreements with Sunday and Associates Inc. to provide consulting services to Hays County related to compliance with governmental accounting standards GASB 43 and GASB 45. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 JULY 25, 2006.



Lee Carlisle

 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1st DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23565 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$263,564.13 as presented by the County Auditor. All voting "Aye".

23566 APPROVE BUDGET AMENDMENT # 06-34

Budgets being amended: District Clerk = \$850 transfer for conference & training from personnel savings, Commissioner Pct. 2 = \$200 transfer for needed printer cartridges from personnel savings, OJP Bulletproof Vests Grant = \$213 transfer for Fire Marshal's matching funds for bulletproof vests, Jail Operations/Inf Tech = \$2,000 to purchase 6 MS Works 8 and 7 XP Pro 9 software upgrades to support the Odyssey system, Road & Bridge = \$2,000 transfer to purchase trash bags, oil rags and other misc. supplies, DSHS TB Grant = \$500 transfer to purchase TB vaccine, Personal Health = \$55 transfer for TPHA membership dues. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-34 as proposed by the County Auditor. All voting "Aye".

23567 APPROVE CONTINUATION OF BURN BAN ISSUED BY THE COUNTY JUDGE ON JULY 26, 2006, UNTIL REPEALED BY THE COUNTY JUDGE OR COMMISSIONERS COURT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve continuation of Burn Ban issued by the County Judge on July 26, 2006, until repealed by the County Judge or Commissioners Court. All voting "Aye".

23568 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A RENEWAL CONTRACT FROM THE DEPARTMENT OF STATE HEALTH SERVICES, TITLE V FEE-FOR-SERVICE MATERNAL-AND-CHILD HEALTH SERVICES FOR UP TO \$60,311

The Texas Dept. of Health is providing grant funds to provide services to Title V eligible clients on an individual basis and may include: prenatal care, preventive, primary child health, dysplasia, and dental services (for children and adolescents). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept a renewal contract from the Department of State Health Services, Title V Fee-for-Service Maternal-and-Child Health Services for up to \$60,311.00. All voting "Aye".

23569 AUTHORIZE THE DEPUTY CONSTABLE, PCT. 2 TO ACCRUE COMPENSATORY TIME HOURS ABOVE THE LIMIT ESTABLISHED BY THE HAYS COUNTY PERSONNEL POLICY

Constable James Kohler spoke of comp time being accumulated by Deputy Mark Hanna. He gave figures for papers served. Commissioner Molenaar spoke of possible need for another Deputy – he does not want to set a precedent by allowing this request. Commissioner Ingalsbe voiced her concerns. A motion was made by Judge Powers to authorize Deputy Constable Pct. 2 to accrue compensatory time hours above the limit established by the Hays County Personnel Policy. Motion died for lack of a second.

23570 [PCT. 3 #05-3-048, 2 LOTS] BURNETT RANCH SECTION 4 BLK 2 RESUBDIVISION OF LOT 8 –PUBLIC HEARING AND APPROVE FINAL PLAT [T1-149]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Burnett Ranch Section 4 Block 2 Resubdivision of Lot 8". All voting "Aye".



- 23571** [PCT. 4 #06-4-040, 2 LOTS] **DEERFIELD ESTATES SECTION II LOT 24 AND PATRICIA FALLS LOT 3 - RESUBDIVISION VACATING A PORTION OF PATRICIA FALLS - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN** [T1-165]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval and call for a public hearing on August 15, 2006. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe call for a public hearing on August 15, 2006 and approve preliminary plan for Deerfield Estates Section II Lot 24 and Patricia Falls Lot 3 - resubdivision vacating a portion of Patricia Falls. All voting "Aye".**

- 23572** [PCT. 4 #06-4-018, 2 LOTS] **KEY RANCH AT THE POLO CLUB RESUBDIVISION OF TRACT L -PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-186]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Key Ranch at the Polo Club Resubdivision of Tract L". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

- 23573** [PCT. 4 #06-4-031, 2 LOTS] **SPRINGLAKE REPLAT OF LOT 98A-1 AND 98B-1 - APPROVE FINAL PLAT** [T1-201]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Springlake is an unrecorded subdivision. This replat is an adjustment to the common lot line, the acreage of both lots remain the same. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Springlake Replat of Lot 98A-1 and 98B-1. All voting "Aye".**

- 23574** [PCT. 4 #06-4-042, 2 LOTS] **SPRINGLAKE RESUBDIVISION TRACTS 153A AND 110A - APPROVE FINAL PLAT** [T1-214]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Springlake is an unrecorded subdivision. This resubdivision is an adjustment of the common lot line, adding 1.313 acres from Tract 110A to Tract 153A (creating Tract 153-A1 = 7.209 ac. And Tract 110-A1 = 3.00 ac.). **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Springlake Resubdivision of Tracts 153A and 110A". All voting "Aye".**

- 23575** **ACTION, PURSUANT TO CHAPTER 253, TEXAS TRANSPORTATION CODE, RELATING TO ROADS IN CEDAR OAKS MESA SUBDIVISION - REPORT FROM THE COUNTY CLERK ON BALLOTS RECEIVED AND ACTION TO DIRECT ROAD DEPARTMENT TO PROCEED WITH ROAD IMPROVEMENTS** [T1-225]

On May 9, 2006 the court declared a public necessity and called for a public hearing to be held on June 20, 2006 to consider an upgrade to roads in Cedar Oaks Mesa subdivision and the assessment. On June 20, 2006 the court held the public hearing and adopted the resolution to upgrade the roads and assess the property owners for the same. 209 record property owners were identified and ballots were mailed out. County Clerk Lee Carlisle gave the results of the balloting: 72 In Favor, 41 Not in Favor, and 3 Undecided (not marked). The actual assessment will be done after the improvements to the roads are completed. **A motion was made by Commissioner Conley, seconded by Judge Powers to direct the Road Department to proceed with road improvements in Cedar Oaks Mesa subdivision and assess the costs of the improvements against the property owners. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley and Judge Powers voting "Aye". Commissioner Molenaar voting "No".**

- 23576** **AWARD PHASE II - ENGINEERING OF 5-MILE DAM PROJECT TO LAND DESIGN PARTNERS AND AUTHORIZE PURCHASING TO NEGOTIATE CONTRACT** [T1-289]

Grants Administrator Richard Salmon advised that the county review committee recommends Land Design Partners Inc. for Phase II Engineering for the 5-Mile Dam Park Project. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to award Phase II - Engineering of 5-Mile Dam Project to Land Design Partners and authorize Purchasing to negotiate contract. All voting "Aye".**

- 23577** **REPLACE MARK JONES WITH FRED ROTHERT ON THE PLUM CREEK CONSERVATION DISTRICT BOARD OF DIRECTORS** [T1-320]

Mark Jones resigned from the Board of Directors for Plum Creek Conservation District and the district is requesting the appointment of Fred Rothert in his place. **A motion was made by Commissioner Carter, seconded by Judge Powers to replace Mark Jones with Fred Rothert on the Plum Creek Conservation District Board of Directors. All voting "Aye".**



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**DISCUSSION REGARDING TERMINATION OF INTERLOCAL AGREEMENT FOR
9-1-1 ADDRESSING SERVICES WITH THE CITY OF KYLE [T1-330]**

Hays County has an interlocal agreement with the City of Kyle to provide 9-1-1 addressing services for the City. The City of Kyle has failed to fully comply with the agreement and they have been non-compliant for approximately 16 months. A letter was sent to the City in March and again in June requesting compliance with the contract but the City has not acknowledged or acted upon our requests. Environmental Health Programs Manager/GIS/911Addressing Steve Floyd requested that this item be tabled to a later date. This only pertains to addressing and not 9-1-1 response services

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 1, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8th DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23578 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 259,646.42 as presented by the County Auditor. All voting "Aye".

23579 APPROVE BUDGET AMENDMENT # 06-35

Budgets being amended: Auditor = \$500 for certifications & purchasing fees, Treasurer = \$450 for receipt printing, Constable Pct. 1 = \$1,379 for ticket printing & replacement radio, DPS/DPS L&W = \$2,700 to accept and budget LEAD donations, Fire Marshal = \$350 for canine expense, Ofc of Court Admin/Collection Software = \$4,950 to accept and budget grant award, DSHS/TB Grant = \$2,300 for needed expense, DSHS-Director of Nursing = \$ 1,300 for needed expense, and Law Library = \$1,000 for programming expense. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-35 as presented by the County Auditor. All voting "Aye".

23580 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01895 on CR132/Cement Plant Road issued to Rodman Construction, and #01896 on CR163/Nutty Brown Road issued to Pedernales Electric Coop. All voting "Aye".

23581 AUTHORIZE EXPENDITURE OF UP TO \$2,500 IN COMMUNITY PROJECT LEAD FUNDS IN HAYS COUNTY FIRE MARSHAL'S BUDGET FOR PURCHASE OF EQUIPMENT

Equipment to be purchased: Monitor for specialized camera system (\$500), 2 DVD Recorders (\$350 each), wall mount hardware (\$100), GPS integrated system for current equipment (\$900), cables and any additional hardware (\$50), and DVD media disk (\$50). A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize expenditure of up to \$2,500 in Community Project LEAD Funds in Hays County Fire Marshal's budget for purchase of equipment. All voting "Aye".

23582 APPROVE MAY 2006 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve May 2006 Treasurer's Report and Investment Report. All voting "Aye".

23583 APPROVE HAYS COUNTY CIVIC CENTER INTERNAL EXAMINATION REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Hays County Civic Center internal examination report. All voting "Aye".

23584 APPROVE CHANGE TO HEALTH PLAN THAT WAS INADVERTENTLY OMITTED DURING JULY 25, 2006 PRESENTATION TO COMMISSIONERS COURT

This would change our current charge of 20% on Surgery performed in the Physician's office – PCP or Specialty Physician to the Office Co-Pay. This plan change has no impact on the fixed costs of the plan, but would provide a savings to our employees. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve change to health plan that was inadvertently omitted during July 25, 2006 presentation to Commissioners' Court. All voting "Aye".



- 23585 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND HAYS COUNTY FOR FURNISHING REGISTRY ONLY COURT INFORMATION RELATING TO PROTECTIVE ORDERS AND FAMILY VIOLENCE UNDER THE TEXAS FAMILY CODE, TITLE 4**

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a Cooperative Agreement between the Office of the Attorney General and Hays County for furnishing registry only court information relating to Protective Orders and Family Violence under the Texas Family Code Title 4. All voting "Aye".

- 23586 AUTHORIZE AWARD OF CONTRACT FOR BUILDING A PRIVACY FENCE AT THE ROAD DEPARTMENT'S PCT. 3 MAINTENANCE YARD TO VIKING FENCE COMPANY, INC., IN THE AMOUNT OF \$20,936.12**

Bids were received from Viking Fence Company Inc. (\$20,936.12) and Roadway Specialties Inc. (\$25,125). A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize award of contract for building a privacy fence at the Road Department's Precinct 3 maintenance yard to Viking Fence Company Inc. in the amount of \$20,936.12. All voting "Aye".

- 23587 APPROVE TRANSFER OF FY 2006 GRANT MATCHING FUNDS FOR THE HAYS COUNTY HISTORICAL COMMISSION TO HISTORICAL COMMISSION SPECIAL FUND FOR FUTURE GRANT MATCH ON RESTORATION OF OLD COUNTY JAIL**

Lila Knight (Secretary of the Hays County Historical Commission & member of the Preservation Associates) spoke of efforts to restore the old county jail and money that has been spent to purchase the property and for structural repairs. Kate Johnson (Chairman of the Hays County Historical Commission) spoke of efforts to save the building and asked for county support. Sheriff Allen Bridges spoke of his personal interest in this historic structure – he feels like it is an important piece of Hays County history. Jim Green spoke of donation of this property to the Preservation Associates and urged support of this request. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve transfer of FY2006 Grant Matching funds for the Hays County Historical Commission to Historical Commission Special Fund for future grant match on restoration of the old county jail. All voting "Aye".

- 23588 [PCT. 2 #06-2-042, 2 LOTS] THE RIDGE RESUBDIVISION OF LOT 6 – CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-113]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. The proposed resubdivision will create two lots (6A = 1.00 ac and 6B = 4.810 ac) with a shared access driveway to Goforth Road. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing and approve preliminary plan for "The Ridge Resubdivision of Lot 6". All voting "Aye".

- 23589 [PCT. 4 #06-4-041, 1 LOT] SIERRA WEST SECTION 2 REPLAT OF LOT 29 – CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-127]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. This replat is combining an existing 18.674 acre tract with Lot 29 – creating Lot 29-A = 22.3 acres. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing and approve preliminary plan for "Sierra West Section 2 Replat of Lot 29". All voting "Aye".

- 23590 [PCT. 4 #06-4-039, 2 LOTS] PIONEER RANCH SECTION II REPLAT OF LOTS 2 AND 3 – APPROVE FINAL PLAT [T1-138]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. This is a reconfiguration of 2 lots. Lot 2 (9.64 ac) will become Lot 2-A = 14.645 acres and Lot 3 (10.486 ac) will become Lot 3-A = 5.504 acres. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Pioneer Ranch Section II Replat of Lots 2 & 3". All voting "Aye".

- 23591 CALL FOR A PUBLIC HEARING ON AUGUST 22, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN HARMON HILLS SUBDIVISION [T1-150]**

The proposed regulations are: a STOP sign on Hart Lane @ Harmon Hills Road, a STOP sign on Sullivan Ridge @ Harmon Hills Road, and a STOP sign on Darter Lane @ Harmon Hills Road. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on August 22, 2006 to establish traffic regulations in Harmon Hills Subdivision. All voting "Aye".



23592 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON OLD STAGECOACH RD. (CR 136) [T1-157]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 40 mph from Post Road/CR140 to Opal Lane/CR138. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish traffic regulation of 40 MPH speed limit on Old Stagecoach Road (CR136) from Post Road/CR140 to Opal Lane/CR138. All voting "Aye".**

23593 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN DEER RUN SUBDIVISION [T1-174]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a speed limit of 30 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulation of 30MPH speed limit in Deer Run Subdivision. All voting "Aye".**

23594 THE PARKLANDS - APPROVE ONE YEAR EXTENSION OF LETTER OF CREDIT FOR PARKLANDS SUBDIVISION PHASE I [T1-185]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval of one year extension to Letter of Credit for Parklands Subdivision Phase 1. **A motion was made by Judge Powers, seconded by Commissioner Conley to approve one year extension of Letter of Credit for "The Parklands Subdivision Phase I". All voting "Aye".**

23595 ACTION TO MOVE FORWARD TO THE NEXT PHASE FOR THE PCT. 2 OFFICE BUILDING TO START DESIGN DEVELOPMENT [T1-203]

Sam Pate and Juliee Beyt (3D/I) gave a power point presentation regarding the new Pct. 2 office building. They are recommending a building of approximately 8860 square feet based on requirements documented. J. P. Pct. 2 Beth Smith asked the court to move ahead with this project. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to move forward to the next phase for the Pct. 2 office building to start design development. All voting "Aye".**

23596 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) FOR THE PURCHASE OF 2 USED BUSES FOR USE AT THE SHERIFF'S DEPARTMENT [T1-411]

One of the buses will be used for the transportation of inmates and the other will be used to replace the SWAT vehicle. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute an interlocal agreement with the Capital Area Rural Transportation System (CARTS) for the purchase of two (2) used buses for use at the Sheriff's Department. All voting "Aye".**

23597 APPROVE A LICENSE AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 2 [T1-422]

Road Supt/Engineer Jerry Borcharding explained that this releases the county from liability for private facilities inside of the county right-of-way and allows the county to remove if not maintained. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve a license agreement between Hays County and the Hays County Water Control & Improvement District No. 2. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23598 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REAL ESTATE CONTRACT WITH JOHN D. START RELATING TO THE SALE OF HAYS COUNTY PROPERTY LOCATED AT 13500 RR 12 IN WIMBERLEY, TEXAS [T1-496]

Commissioner Conley spoke of need to amend the closing date to August 31st. This facility is no longer needed by the county. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a real estate contract with John D. Start relating to the sale of Hays County property located at 13500 Ranch Road 12 in Wimberley, Texas. All voting "Aye".**

23599 APPROVAL UTILITY ADJUSTMENT AGREEMENT ON DRY HOLE RD. (NO. HC-BOND-22) WITH PEDERNALES ELECTRIC COOPERATIVE (PEC) (HAYS COUNTY/TCB/PEC) [T1-516]

This is to relocate utilities to widen Dry Hole Road to three lanes per request of the City of Kyle and is contingent on receipt of funds from the City of Kyle. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Adjustment Agreement on Dry Hole Road (No. HC Bond-22) with Pedernales Electric Cooperative (PEC) (Hays County/TCB/PEC) with final approval of agreement contingent upon receipt of additional funds to pay for utility relocation from the City of Kyle. All voting "Aye".**



23600 APPROVE UTILITY ADJUSTMENT AGREEMENT ON DRY HOLE RD. (NO. HC-BOND-24) WITH MONARCH UTILITIES I, LP (HAYS COUNTY/TCB/ MONARCH UTILITIES I, LP). FINAL APPROVAL OF AGREEMENT CONTINGENT ON RECEIPT OF ADDITIONAL FUNDS TO PAY FOR UTILITY RELOCATION FROM THE CITY OF KYLE [T1-566]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Adjustment Agreement on Dry Hole Road (No. HC-Bond 24) with Monarch Utilities I, LP (Hays County/TCB/Monarch Utilities I LP), with final approval of agreement contingent on receipt of additional funds to pay for utility relocation from the City of Kyle. All voting "Aye".

23601 APPROVE A RESOLUTION CONCERNING HAYS COUNTY ROAD NO. 132 REALIGNMENT AND EXPANSION ROADWAY PLAN [T1-583]

Brad Bailey, Executive Assistant to the County Judge, advised that the court is being asked to adopt this resolution (adopted by the City of Buda on August 1, 2006) regarding Hays County Road #132 realignment and expansion. The court has already agreed to participate in this project. The WCID and the City of Buda will be paying for this project which will go before the transportation commission. A motion was made by Judge Powers, seconded by Commissioner Carter to approve a resolution concerning Hays County Road No. 132 realignment and expansion roadway plan. All voting "Aye".

23602 PRESENTATION OF PRELIMINARY FY 2006-2007 BUDGET SETTING OF WORKSHOP DATES [T1-612]

Judge Powers provided members of the court with his proposed FY2006-2007 budget. A motion was made by Judge Powers, seconded by Commissioner Conley to set budget workshop dates for Monday – Aug 14th @ 10 a.m., Tuesday – Aug 15th after Commissioners' Court, Monday – Aug 21st @ 10 a.m., and Tuesday – Aug 22nd after Commissioners' Court. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 8, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order.

23603 FY2006-2007 BUDGET WORKSHOP

District Clerk

Cecelia Adair spoke of request for salary increase for District Clerk. Human Resources Director Dee Dee Baen spoke of survey that was done of elected officials: District Clerk county average is \$58,381 and Hays actual is \$55,943, County Clerk average is \$59,998 and Hays actual is \$55,943, Tax A/C average is \$62,612 and Hays actual is \$60,701, and County Judge average is \$75,369 and Hays actual is 70,577. Cecelia Adair spoke of travel expense (\$3600) requested. She spoke of office equipment requested (modular furniture) that was cut. Continuing education expenses are short this year – it is necessary to send employees to conferences. She spoke of re-grade that was requested – she has reorganized her office and she needs the lower ranking positions to all be the same.

Collections Dept

[T1-392] District Clerk Cecelia Adair spoke of committee that met. **SB1863** requires a collection system be in place by April 2007. She spoke of outsourcing. Commissioner Conley spoke of system used by the J.P. offices and he spoke of outsourcing. Discussion was had regarding creating a separate county department. Tax A/C Luanne Caraway spoke of being able to deny motor vehicle registration if a person is delinquent in fines and fees. Cecelia Adair spoke of computer program being obtained by a grant. County Auditor Bill Herzog advised that \$150,000 has been put in contingencies in the budget for this. Commissioner Molenaar spoke of creating a Public Defenders office that could handle collections.

County Clerk

[T1-805] County Clerk Lee Carlisle thanked Human Resources for the survey that was done. He spoke of a promotion being requested in his office which would create two grade 917 Chief Deputy positions (upgrade a 916 to 917). One Chief Deputy for the Records Division and one Chief Deputy for the Courts Division. Human Resources supports this request.

Tax Assessor-Collector

[T1-899] Tax Assessor-Collector Luanne Caraway spoke of difficulty in finding qualified people to work in her office. She asked for flexibility to increase salary, above the minimum, after they are trained. Human Resources Director Dee Dee Baen spoke of this being a request by most elected officials. Discussion was had regarding merit increases and how they can be done equitably.

APPROVE PROPOSED TAX RATE

[T1-1300] **A motion was made by Judge Powers, seconded by Commissioner Carter to approve the proposed tax rate of 45 cents. All voting "Aye".** The proposed tax rate of 45 cents represents a 1.3% decrease in the current tax rate of 45.54 cents and a 1.3% increase over the estimated Effective Tax Rate.

Commissioner Conley left the meeting at this time.

Health Department

[T1-1325] Health Department Director Nick IcoSSIPentarios thanked Human Resources for their assistance. He requested an increase in salary for Family Planning Certified Nurse Practitioner (16% increase).

Salaries [Merit Pool]

[T1-1451] 4% increase was put in the budget for salary adjustments (\$1 million +) for employees, department heads and elected officials (except for CCL Judges who are getting a different increase). Merits for employees to be determined by elected officials and department heads. The 4% for elected officials and department heads will be considered separate from employees and determined by Commissioners' Court. Elected Officials salary increases must be published. The money in the budget is based on positions that are currently filled and not those that are vacant.



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Juvenile Probation Office

[T1-1707] Commissioner Ingalsbe asked about detention funds (\$75,000). County Auditor Bill Herzog advised that grant money is spent first and at the end of the year they start spending the budgeted funds.

Indigent Care

[T1-1750] Commissioner Ingalsbe asked about the Internet Database Services. County Auditor Bill Herzog spoke of this being a tracking software.

Travel allowance

[T1-1786] Commissioner Ingalsbe asked who used the travel expense in the Environmental Health budget. County Auditor Bill Herzog advised that the travel expense of \$15,000 is being shared by several employees.

Countywide Operating

[T1-1795] Commissioner Ingalsbe asked about autopsy & inquest expense and committal expense.

Sheriff's Office

[T1-1825] Commissioner Ingalsbe spoke of request for more dispatchers to be paid for out of overtime expenses. If not out of overtime, they could give up a Sgt. Or Lt. position.

Jail Operations

[T1-1852] Commissioner Ingalsbe pointed out the increase in Medical/Dental services.

District Attorney's Office

[T1-1865] Commissioner Ingalsbe asked about line item 5219 Misc/General supplies of \$10,500. County Auditor Bill Herzog advised that this is to pay for VOCA expenses - money was moved from the grant into this budget.

Constable Pct. 3

[T1-1880] Commissioner Ingalsbe spoke of backup saying they don't have a secretary. Judge Powers advised that Commissioner Conley's secretary is being shared with the Constable. Judge Powers requested that Constable Ayres be notified to appear regarding his budget request.

District Court Operations

[T1-1926] Commissioner Ingalsbe asked about line item #5306 CPS/Cluster Court Expense. County Auditor Bill Herzog spoke of CPS administering this. He will check into this. Commissioner Ingalsbe also asked about the Court appointed attorney fees that were increased. Commissioner Molenaar wants to leave this money in the budget and look into creating a public defenders office.

Veteran's Adm Office

[T1-1984] Commissioner Ingalsbe spoke about fuel expense for the VA office - she suggested increasing this. Judge Powers recommended increasing this amount to \$6,000.

Judge/Family Law

[T1-2012] Commissioner Ingalsbe asked about Associate Judge Brenda Smith salary increase. County Auditor Bill Herzog advised that she has increased the number of hours she works.

Commissioners' Court Expenses

[T1-2062] Commissioner Ingalsbe asked about travel allowance that was put into the budget that has not been there before. Brad Bailey, County Judge's Executive Assistant, advised that he had been getting travel out of the County Judge's budget (shared between Judge Powers and Brad) but his portion will now be shown in the Commissioners' Court expense budget.

Parks Administration

[T1-2085] Commissioner Ingalsbe asked about the cut made in line item #5745 Improvements/LCRA grant. She advised that the money currently budgeted was not spent because the master plan had not yet been improved.

Juvenile Center

[T1-2107] Commissioner Ingalsbe asked about Postage line item - she wanted to know why they need that much postage. She also asked about the building maintenance line item #5241 in the amount of \$58,000.00.

Justice of Peace Pct. 4

JP Pct. 4 office did not fill the new position and Pct. 2 needs that position - Commissioner Molenaar suggested transferring that employee slot from JP4 to JP2.

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 14, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 15th DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
DEBBIE GONZALES INGALSBE
WILL CONLEY
RUSS G. MOLENAAR
LEE CARLISLE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 2 H. S. "SUSIE" CARTER;
WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23604 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$948,703.80 as presented by the County Auditor. All present voting "Aye".

23605 APPROVE BUDGET AMENDMENT # 06-36

Budgets being amended: R&B Operations = \$102,578 for overtime, fencing & materials from personnel and other savings; Juvenile Center = \$5,800 for needed expense from uniform savings; Historical Comm/Special Fund = \$7,510 for authorized transfer for old jail; Elections Office = \$3,800 for awnings for loading & door protection & framing and cover to connect buildings; Human Resources = \$500 for needed expense from personnel savings; Sheriff = \$2,500 for needed expense from detention savings; Commissioner 4 = \$200 for needed expense; Extension Office = \$120 for balance of training; Countywide & Historical Commission = \$ 7,910 transfer HC funds to special HC account for old jail as previously authorized. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment #06-36 as proposed by the County Auditor. All present voting "Aye".

23606 APPROVE AMENDMENT OF ESCROW AGREEMENT WITH CHASE EQUIPMENT LEASING, INC., FOR THE EXTENSION OF THE AGREEMENT UNTIL 12/30/2006 AND AUTHORIZE THE COUNTY JUDGE TO SIGN

Our lease purchase agreement for the purchase of the LCRA radios & the TSG software & hardware for the criminal justice system had a one year expiration clause for the escrow fund. We need to extend the agreement to 12/30/06 since the installation of the TSG system has not been completed. Once the system is installed completely, we will be able to pay TSG and will no longer need the escrow account. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve amendment of escrow agreement with Chase Equipment Leasing Inc. for the extension of the agreement until 12/30/06 and authorize the County Judge to sign. All present voting "Aye".

23607 APPROVE AWARD OF BID #2006-B19 "METAL PIPE" FOR HAYS COUNTY ROAD DEPARTMENT TO WILSON CULVERTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve award of bid #2006-B19 "Metal Pipe" for Hays County Road Department to Wilson Culverts. All present voting "Aye".

23608 APPROVE SPECIFICATIONS FOR RFQ FOR HYDRO-GEOLOGIST FOR THE PURPOSE OF "REVIEWING WATER AVAILABILITY REPORTS" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve specifications for RFQ for Hydro-geologist for the purpose of "reviewing water availability reports" and authorize Purchasing to solicit for proposal and advertise. All present voting "Aye".

23609 APPROVE PURCHASE OF A USED, 26 FOOT STORAGE CONTAINER FOR THE WIMBERLEY (PCT. 3) ROAD DEPT. MAINTENANCE YARD ON JACOBS WELL RD.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of a used 26 foot storage container for the Wimberley (Pct. 3) Road Dept. Maintenance yard on Jacobs Well Road. All present voting "Aye".



23610 ACCEPT TRACTOR DONATIONS FROM AMC TRACTOR SALES IN EXCHANGE FOR EXISTING KUBOTA TRACTOR AND OR PLACEMENT OF BANNERS AT THE HAYS COUNTY CIVIC CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept tractor donations from AMC Tractor Sales in exchange for existing Kubota Tractor and or placement of banners at the Hays County Civic Center. All present voting "Aye".

23611 AUTHORIZE THE COUNTY EMERGENCY MANAGEMENT COORDINATOR TO PURCHASE A VIDEO MONITORING SYSTEM TO MONITOR WEATHER AND NATIONAL SITUATIONS DAILY AS OUTLINED IN EMC DUTIES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Emergency Management Coordinator to purchase a video monitoring system to monitor weather and national situations daily as outlined in EMC duties. All present voting "Aye".

23612 APPROVE PURCHASE OF CONVECTION OVEN FOR JUVENILE DETENTION CENTER IN THE AMOUNT OF \$2,699.98 FROM ACE MART SUPPLY OFF STATE CONTRACT

Due to the increase of population at the detention center, the current oven is not large enough to keep up with the demand. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of convection oven for Juvenile Detention Center in the amount of \$2,699.98 from Ace Mart Supply off state contract. All present voting "Aye".

23613 AUTHORIZE THE PURCHASING DEPARTMENT TO CONSULT WITH BYRN & ASSOCIATES IN PREPARING BID SPECIFICATIONS FOR REPAIRS AT THE JUVENILE DETENTION CENTER BUILDING

This project will be to put a drainage channel around the detention center so that water does not enter the building. It is estimated to cost \$315,000 and includes replacing the concrete driveway. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the Purchasing Department to consult with Byrn & Associates in preparing bid specifications for repairs at the Juvenile Detention Center building. All present voting "Aye".

23614 [PCT. 2 #06-2-030, 4 LOTS] CORONADO HILLS SECTION II - APPROVE FINAL PLAT [T1-90]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve final plat of "Coronado Hills Section II". All present voting "Aye".

23615 [PCT. 4 #05-4-066] THE VINEYARD - APPROVE EXTENSION OF PRELIMINARY PLAN

[T1-100] Environmental Health Director Allen Walther gave staff recommendation for extension of preliminary plan. The roads are currently under construction and will be built before seeking final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve extension of preliminary plan for 90 days for "The Vineyard". All present voting "Aye".

23616 [PCT. 4 #06-4-040, 2 LOTS] DEERFIELD ESTATES SECTION II LOT 24 AND PATRICIA FALLS LOT 3 - RESUBDIVISION VACATING A PORTION OF PATRICIA FALLS - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-114]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that Lot 3 adjoins Lot 24 and action will vacate a portion of Patricia Falls Lot 3 (2.75 ac) and add it to Deerfield Estates Section II Lot 24. He gave staff recommendation for approval. [T1-180] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Deerfield Estates Section II Lot 24 and Patricia Falls Lot 3 resubdivision vacating a portion of Patricia Falls". All present voting "Aye".

Clerk's Note: Agenda Item #14 RE: DISCUSSION AND POSSIBLE TO CONSIDER INCREASING THE HAYS COUNTY HOMESTEAD EXEMPTION FROM \$5,000 TO \$25,000 was PULLED. No discussion and no action taken.



23617 APPROVE A RESOLUTION AUTHORIZING SENDING NOTICE TO ALL HEALTHCARE PROVIDERS AND PHARMACIES AUTHORIZING HAYS COUNTY TO PAY INDIGENT AND MEDICAID RATES FOR THE CARE OF INMATES IN THE CUSTODY OF HAYS COUNTY [T1-137]

County Auditor Bill Herzog spoke of comparing current rates with Medicaid rates which would save the county money. The resolution authorizes the sending of written notice by the Director of Purchasing to all healthcare providers and pharmacies notifying them that Hays County will only pay current indigent or Medicaid rates for all healthcare and drugs provided to inmates who are in the custody of Hays County effective October 1, 2006. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve a resolution authorizing sending notice to all healthcare providers and pharmacies authorizing Hays County to pay indigent and Medicaid rates for the care of inmates in the custody of Hays County. All present voting "Aye".**

23618 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TEMPORARY ANIMAL SERVICES AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS [T1-166]

There was a recent outbreak of distemper at the PAWS facility and Hays County currently cannot shelter its stray animals at this facility, therefore, the City of San Marcos has agreed to a temporary animal services agreement. This agreement will terminate on October 9, 2006. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute a temporary animal services agreement between Hays County and the City of San Marcos. All present voting "Aye".**

PUBLIC COMMENTS

[T1-191] Dubb Smith thanked the court for doing their job. He spoke of all the codes and statutes that have to be followed by the court and that decisions are made by the majority of the court. It is not the courts fault that the water levels are low.

[T1-258] Andrew Backus (Board President of the Hays Trinity Groundwater Conservation District) also thanked the court for doing their job. He spoke of science regarding water issues. The aquifer is affected by wells that are to close together. He believes the intent of the creation of the groundwater district was to create a groundwater conservation district that has the power and authority to manage the aquifer. Single family residential wells are beyond their purview. He spoke of need for surface water and greater reuse of waste water and rain water collection.

The court completed the REGULAR meeting and immediately convened into BUDGET WORKSHOP as follows.

23619 FY2006-2007 BUDGET WORKSHOP

Environmental Health Dept – GIS/911 Addressing

[T1-423] Steve Floyd spoke of funds needed for software maintenance (\$14,300) that appears to have been cut out of the budget. County Auditor Bill Herzog spoke of IT budget that has software maintenance. He will get together with Jeff Magill and Steve Floyd to see if this is funded in the IT budget. Jeff Magill appeared and advised that this request is included in the IT budget. All the county software maintenance and license fees are included in his countywide line item.

Sheriff's Dept. - Dispatch

County Auditor Bill Herzog advised that the 2 new Dispatchers (\$83,422) will be paid out of overtime expenses [increase staff and decrease overtime].

Bill Herzog spoke of need to vote on the tax rate on Sept. 12 and to schedule two public hearings on Aug 29th and Sept 5th.

[T1-614] **A motion was made by Judge Powers, seconded by Commissioner Conley to place a proposal to adopt a tax rate of 45 cents on September 12, 2006 agenda. All present voting "Aye"**

[T1-630] **A motion was made by Judge Powers, seconded by Commissioner Conley to schedule two public hearings on the FY2006-2007 budget on August 29, 2006 at 1:30 p.m. and September 5, 2006 at 1:30 p.m. All present voting "Aye".**

[T1-645] Commissioner Ingalsbe spoke of request in the Personal Health Dept. (\$1900) – she suggested reducing line item #5391.

[T1-700] Commissioner Conley asked about flat screen monitors that are being purchased. IT Director Jeff Magill spoke of old bigger computer monitors that are being replaced by flat screen monitors primarily for need for desk space. Tube monitors are becoming obsolete.



BUILDING MAINTENANCE

[T1-830] Maintenance Supervisor Ron Knott spoke of \$600 to put lawn mowers back into operation. He spoke of line items #5419 & 5242. There has been an increase in utilities. He spoke of request for increase in salaries and construction that his department is doing that other county's maintenance staff do not do. Human Resources Director Dee Dee Baen spoke of request – court needs to decide if they are building maintenance (914) or skilled finishing craftsmen (915). Ron Knott spoke of possible projects that may come up in the next fiscal year. Dee Dee Baen spoke of cost to increase staff one grade (\$2000) and two grades (\$10,500). Ron Knott would like to see their salaries increased \$1.89 per hour.

COUNTY COURT AT LAW

[T1-1138] Judge Howard Warner spoke of number of staff in his office (1 Court Administrator, 1 Asst. Court Administrator, and 1 Court Reporter), the District Attorneys office, and County Clerk's office in 1990 and at the present time. He spoke of funds that have been collected over the years and number of cases disposed and filed. He also spoke of number of jury trials being held. Judge Warner spoke of other offices that have doubled and tripled their staff over the years and his office has not increased at all since 1990. He spoke of overtime that his staff is performing and the need for additional staff. Judge Linda Rodriguez spoke of separate dockets that each judge maintains and sharing of staff. They have a very busy office and have tried to streamline operations. She would be satisfied if they could at least get clerical staff to answer phones and assist with other office work. Judge Warner is asking for an Assistant Court Administrator.

COMMISSIONER PCT. 3

[T1-1520] Commissioner Conley spoke of his request (\$1500) for travel increase in the budget (\$200 budgeted). County Auditor Bill Herzog stated that travel outside of Hays County, but not to a conference, are paid out of travel line item and is separate from travel allowance that covers in-county travel.

Commissioner Molenaar spoke of his office paying for a copier that is used by other county offices.

JUVENILE DETENTION CENTER

[T1-1658] Brett Littlejohn spoke of line item #5713 request for a vehicle for transport (more economical to use a car than using the van). Commissioner Ingalsbe asked about increase requested for postage. Brett Littlejohn advised that they are obligated to provide 2 letters per week for each resident. This is a reimbursable expense. The building maintenance request of \$52,000 is to be used for repairs such as for air conditioning.

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 15, 2006.



**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order.

FY2006-2007 BUDGET WORKSHOP

Constable Pct. 3

Constable Ayers spoke of being able to find a time stamp and desk & chair so the court can reduce that line item. He would like to have a new deputy position. He spoke of size of Precinct 3 compared to other precincts and he spoke of number of warrants that need to be served. Commissioner Conley spoke in support of this request. Charlie Johnson (Woodcreek resident) spoke in support of Constable Pct. 3.

Retiree Benefits

Britney Richey (Treasurers office) spoke of Retiree Committee meeting and presented their recommendations. The committee is requesting to remove the restriction that they have to meet in August. They would like to be able to meet more than once if necessary to discuss these items before budget time. The committee is requesting to continue benefits at this point until the GASB actuarial study is back. The committee is requesting to keep the \$100 benefit for those retirees on our CIGNA plan continuing the current conditions specified in the Personnel Policy. The commission is requesting to remove UNICARE from the list of Medicare Supplemental plans for retirees and add Blue Cross Blue Shield, Humana, and Golden Rule in addition to the Humana prescription drug plan that coincides with Medicare D. (and the current Silver Choice through TAC). The committee is requesting to make it a requirement for all retirees that are eligible for Medicare to see Scott Yarbrough by December 31, 2006. The committee would like to request an incentive for Medicare eligible retirees to move off of our group coverage by offering a county contribution for the full premium of the supplement (up to Cigna premium of \$452.40). The committee is requesting a 3% C.O.L.A. for the retirees which would raise the contribution rate from 9.29% (in judge's budget) to 9.3% and cost @ \$20,766.96 for FY2007 (\$27,689.28 annually).

Environmental Health

[T1-375] Tom Pope appeared requesting additional postage - \$6,000 was budgeted. They originally requested \$7,000, however, it now appears that they need at least \$9,000. It is necessary that citations be mailed by certified mail in order for the Justice of the Peace to take action against them.

Justice of the Peace Pct. 1 Place 2

[T1-565] Judge Margie Hernandez appeared requesting that the part-time clerk position of 18 hours be increased to 30 hours. She provided numbers for cases filed and individuals that are serviced at her window.

Information Technology (Computer Services)

[T1-616] Jeff McGill appeared requesting salary upgrades. Shari Miller (HR) spoke of looking at these upgrades and their study shows that the range is appropriate at this time. Jeff McGill asked that his employees at least be at midpoint on the pay scale.

DISTRICT ATTORNEY

[T1-934] District Attorney Mike Wenk spoke of proposed budget for the District Attorney's office. No staffing requests were approved. He spoke of being grossly understaffed several years ago and he put together information based on comparison with other counties. He felt like there was a commitment from the court to bring them closer to where they needed to be. He spoke of the added District Court which leaves little time to prepare for cases. He spoke of need for additional staff: 1 Felony Asst. D.A. (grand jury prosecutor) @ \$55,350, a legal assistant (\$25,385), and an Investigator (\$34,560). He suggested using the following funding sources: \$106,119.89 from bail bond forfeiture and \$18,600 from salary surplus. Shari Miller (HR) spoke of regrading VAWA position (Linda Mace) and to bring 2 lowest level positions up to a Grade 914. They also looked at Investigators staff with no recommended change in grade.



Parks Administration

[T1-1162] Commissioner Ingalsbe spoke of request by Jerry Pinnix.

County Auditor Bill Herzog provided members of the court a copy of the Notice of Public hearing on Tax Increase which was published in the Sunday Newspaper, a list of requested changes to the budget and the proposed elected officials salaries.

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 21, 2006.



A handwritten signature in cursive script that reads "Lee Carlisle".

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22nd DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Toby Hooper, Community Outreach Manager for Insure*A*Kid, spoke of drop in enrollment in Hays County for Medicaid and CHIP. He spoke of problems with current procedures. He encouraged the court to monitor the program.

23620 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$331,531.57 as presented by the County Auditor. All voting "Aye".

23621 APPROVE BUDGET AMENDMENT # 06-37

Budgets being amended: Grants = \$134 for postage & grant advertising, JP 2 = \$802 for balance of bond & books from postage, Constable Pct. 4 = \$1,000 for balance of fuel FY06, Indigent Care = \$10,000 for prescriptions/medical supplies from clinic services, District Attorney/CJD VOCA/CJD VAWA = \$26,221 transfer for various expense, Emerg Mng Coord & CJD Juvenile Accountability = \$800 for video monitoring equipment for EMC, CAPCOG 911 Mtc. Grant = \$630 for balance of telephone and needed supplies from training, County Wide = \$50,000 for maintenance on 5 water shed dams from Gen fund to R&B, R&B Operations = \$106,500 for maintenance of 5 dam sites to Road Dept for needed hauling & road work from materials. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-37 as proposed by the County Auditor. All voting "Aye".

23622 APPROVE THE PURCHASE OF A NEW, 68" (INCH) FLAT-WHEEL ROLLER FOR THE ROAD DEPARTMENT OFF STATE CONTRACT

There are funds in the equipment line item to cover the cost of \$56,000.00. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve the purchase of a new 68" flat-wheel roller for the Road Department off state contract. All voting "Aye".

23623 APPROVE AWARD OF BID #2006-B20 FOR REGULATORY, WARNING AND ROAD SIGNS FOR THE ROAD DEPARTMENT TO MULTIPLE VENDORS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of bid #2006-B20 for regulatory, warning and road signs for the Road Department to multiple vendors. All voting "Aye".

23624 APPROVE REQUEST FOR A ONE-YEAR EXTENSION ON THE COUNTY'S LETTER OF COMMITMENT FOR THE CITY OF DRIPPING SPRINGS SPORTS PARK PROJECT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve request for a one-year extension on the County's Letter of Commitment for the City of Dripping Springs Sports Park Project. All voting "Aye".

23625 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH CONNECTICUT GENERAL LIFE INSURANCE COMPANY (CIGNA) TO PROVIDE ASO SERVICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to enter into a contract with Connecticut General Life Insurance Company (CIGNA) to provide ASO (Administrative Services Only) Services. All voting "Aye".



23626 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH MILLIMAN, INC. TO PROVIDE ACTUARIAL EQUIVALENCE TESTING FOR THE RETIREE DRUG SUBSIDY (RDS)

Milliman Inc. will determine whether the Hays County retiree pharmacy plan provides creditable coverage and are actuarially equivalent to the standard Medicare Part D plan as defined by the Centers for Medicare and Medicaid Services. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to enter into a contract with Milliman Inc. to provide actuarial equivalence testing for the Retiree Drug Subsidy (RDS). All voting "Aye".

23627 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO \$73,289.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR TITLE V FAMILY PLANNING SERVICES.

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a contract for up to \$73,289.00 from the Department of State Health Services for Title V Family Planning Services. All voting "Aye".

23628 AUTHORIZE THE COUNTY JUDGE TO EXECUTE INTERLOCAL CONTRACT FOR UP TO \$13,755.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR TUBERCULOSIS PREVENTION AND CONTROL

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute interlocal contract for up to \$13,755.00 from the Texas Department of State Health Services for Tuberculosis Prevention and Control. All voting "Aye".

23629 APPROVE REAPPOINTMENT OF DR. CHARLES ANDERSON AS THE HAYS COUNTY LOCAL HEALTH AUTHORITY

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve reappointment of Dr. Charles Anderson as the Hays County Local Health Authority. All voting "Aye".

23630 APPROVE PHYSICIAN RENEWAL AGREEMENTS WITH DOCTORS PARKS, SANTOS, REID, JACOBSON, AND IRWIN RELATING TO MEDICAL SERVICES PROVIDED TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve physician renewal agreements with Doctors Parks, Santos, Reid, Jacobson, and Irwin relating to medical services provided to the Hays County Personal Health Department. All voting "Aye".

23631 [PCT. 2 #06-2-042, 2 LOTS] THE RIDGE RESUBDIVISION OF LOT 6 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-89]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "The Ridge Resubdivision of Lot 6". All voting "Aye".

23632 [PCT. 3 #06-3-047, 2 LOTS] BRIDLEWOOD RANCHES RESUBDIVISION OF SECTION I LOT 8 AND SECTION II LOTS 17 AND 18 - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-105]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Bridlewood Ranches Resubdivision of Lot 8 Section 1 and Lots 17 & 18 Section 2" and call for a public hearing on September 5, 2006. All voting "Aye".

23633 [PCT. 4 #06-4-046, 14 LOTS] CREEK ROAD RANCH SECTION 3 - ACCEPT FISCAL SECURITY AND APPROVE FINAL PLAT

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept fiscal security for construction of road and drainage improvements and approve final plat of "Creek Road Ranch Section 3". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".



23634 [PCT. 4 #06-4-041, 1 LOT] SIERRA WEST SECTION II REPLAT OF LOT 29 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-144]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Sierra West Section II Replat of Lot 29". All voting "Aye".

23635 APPROVE RELEASE OF MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION PHASE 2 SECTION 2 [T1-159]

Road Supt/Engineer Jerry Borchering gave staff recommendation for release of maintenance bond and acceptance of R&D improvements. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve release of maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for Belterra Subdivision Phase 2 Section 2. All voting "Aye".

23636 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE TEXAS TRANSPORTATION COMMISSION RELATING TO A PASS-THROUGH FINANCING AGREEMENT PRESENTED BY THE COMMISSION ON MAY 25, 2006; FURTHER AUTHORIZING ALLOCATION OF REMAINING 2001 BOND FUNDS EARMARKED FOR STATE ROAD IMPROVEMENTS TOWARDS SAID PROGRAM; FURTHER AUTHORIZING THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH PRIME STRATEGIES INTERNATIONAL FOR PROJECT MANAGER OF THE HAYS COUNTY PASS-THROUGH FINANCING PROGRAM

Commissioner Conley spoke of blue ribbon committee that was created (2000) and bond election that was held in 2001. The court then asked the State for assistance in these projects. In 2003 HB3588 changed the financing mechanism for state highways. In 2004 TxDot advised the court of shortfalls in funding and possible options. The county made three appearances before the State Transportation Commission. A pass-through financing agreement was presented by the Texas Transportation Commission on May 25, 2006. Commissioner Conley spoke of improvements to be made to Ranch Road 12, construction of east side of San Marcos Loop, improvements to State Highway 21, and FM1626 improvements. He thanked the many people who have worked on this project for the last six years. Bob Daigh, TxDot representative, spoke in support of this agreement – it will advance these project by decades. He commended the court for the planning that has been done. He spoke of state funds that are being spent on SH21 due to safety issues. Mr. Daigh spoke of limited funds available for the three county CAMPO area (Williamson, Travis, & Hays Counties). Commissioner Conley spoke of streamlining the process by entering into this agreement. Payment to Hays County will be based on traffic counts and in the agreement there is a minimum amount to protect the county and a maximum amount to protect the State. Commissioner Molenaar spoke of other projects that have received a cost share agreement. [T1-945] Woodcreek Mayor Haggerton spoke in support of this agreement. Constable Pct. 3 Darrell Ayres spoke in support of RR12 improvements (safety issues). Commissioner Conley read a letter from JP3 supporting improvements to RR12. Sheriff Allen Bridges spoke of this being a public safety issue and he encouraged the court to move forward as fast as possible. Umland Mayor Daniel Heideman spoke in support of improvements on SH21. San Marcos Mayor Susan Narvaiz encouraged the court to enter into the proposed agreement. Buda Mayor Trube spoke in support of the agreement and commended the court for their efforts. [T1-1236] Jane Hughson, San Marcos Transportation Advisory Board, spoke in support of the FM110 project. Nick Icosipentarios spoke in support of improvements to Ranch Road 12. Sherri Bilson commended the court for their work on this project and supports additional public hearings in the evenings. Commissioner Conley spoke briefly of FM110 project. Charles O'Dell, President of Hays CAN, spoke of not hearing any safety studies on these roadways and his concerns about the county financing state roads. [T1-1433] Bob Flocke spoke in support of this agreement. Charlie Johnson spoke in support of RR12 improvements. Commissioner Molenaar spoke of process that is being followed – there will be an election after all the information is obtained that is needed to be presented to the voters. Reed Carr spoke of being on the Blue Ribbon Committee in 2000 and changes regarding FM110 and he spoke of traffic onto SH123. [T1-1665] Bill Cunningham spoke of the voters having already voted on these road improvements and he commended Commissioner Conley on the work he has done on this project. Eric Heggie, Texas State College Democrats, spoke of fellow students that have had accidents on RR12 and he spoke in support of infrastructure improvements. [T1-1777] Dan Wegmiller, First Southwest Co., spoke of putting together a finance plan and presenting options to the county. Each project will come before the court for action. Local Government Corporation may be a consideration. Mike Weaver spoke of difference between a Minute Order and a Pass-through Financing Agreement. He commended the court for their perseverance. Commissioner Molenaar spoke of this being a partnership and we are moving together for improving our infrastructure – he thanked the Mayors for appearing today and showing their support. Judge Powers thanked former Commissioner Bill Burnett for his efforts. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute an agreement with the Texas Transportation Commission relating to a Pass-Through Financing Agreement presented by the Commissioner on May 25, 2006; and furthermore authorizing allocation of remaining 2001 Bond Funds earmarked for State Road improvements towards said program; and furthermore authorizing the County Judge to execute a contract with Prime Strategies International for Project Manager of the Hays County Pass-Through Financing Program. All voting "Aye".



- 23637 AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE WITH PRESERVATION ASSOCIATES FOR TRANSFER OF THE OLD HAYS COUNTY JAIL AND OLD KYLE JAIL TO HAYS COUNTY FOR FUTURE RENOVATIONS AND/OR RESTORATION THROUGH THE HAYS COUNTY HISTORICAL COMMISSION [T1-2235]**

Lila Knight, President of Preservation Associates, spoke of donating this property back to the county along with \$20,000 for restoration. Some repairs have been made. **A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize the County Judge to negotiate with Preservation Associates for transfer of the old Hays County Jail and old Kyle Jail to Hays County for future renovations and/or restoration through the Hays County Historical Commission. All voting "Aye".**

- 23638 IMPLEMENT THE HAYS COUNTY LINKED DEPOSIT PROGRAM FOR WATER AND ENERGY RELATED PROJECTS [T1-2323]**

Grants Administrator Richard Salmon spoke of linked deposit program being a mechanism for providing financial incentives. Instead of borrowing directly from a county fund, a loan is made to the applicant by a local lending institution. The below market rate of the loan is supported by a certificate of deposit, provided in this case by the county. The certificate of deposit does not guarantee or secure the loan, it does however reduce the interest rate of the loan. Linked Deposits have been used by a number of entities to promote everything from job creation, small business creation, agriculture diversification, forestry and land management practices and student loans. The recommended purposes are: to connect residents on a well to a public water system, to remove cedar from property, to remove mesquite from property, to install a rainwater collection system, to install a photovoltaic solar cell system, to install a fuel cell system, to install a drip irrigation system, to install a low-water use landscape, to install a wind energy system, and to install a solar water pumping system. Charles O'Dell spoke of this being an innovative program. Andrew Backus, Board President of the Hays Trinity Groundwater Conservation District spoke of this being an innovative approach to addressing water issues. **A motion was made by Judge Powers, seconded by Commissioner Conley to implement the Hays County linked deposit program for water and energy related projects. All voting "Aye".**

Clerk's Note: Agenda Item #20 RE: INCREASE IN HAYS COUNTY PROPERTY TAX EXEMPTIONS FOR OVER 65 FROM \$25,000 TO \$45,000 AND FOR ELIGIBLE DISABLED FROM \$0 TO \$45,000 was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #21 RE: INCREASE THE HAYS COUNTY HOMESTEAD EXEMPTION FROM \$5,000 TO 20% WITH \$5000 MINIMUM. COMAL CO. & TRAVIS CO. ARE AMONG THE COUNTIES USING THIS AMOUNT was PULLED. No discussion and no action taken.

- 23639 APPROVE \$10,000 INCREASE IN FUNDING TO CAMP BEN MCCULLOCH PARK AND TO ALLOCATE REMAINING AND FUTURE INTEREST INCOME FROM HAYS COUNTY PARKS & OPEN SPACE BOND FUNDS TO THE COUNTY'S 5-MILE DAM PROJECT [T1-2687]**

Grants Administrator Richard Salmon spoke of \$150,000 that was contributed by Hays County to Camp Ben McCulloch Park. They are now asking for an additional \$10,000 to help complete their current project of rebuilding the septic and restroom facilities which is more expensive than originally anticipated. Richard Salmon also requested that the remaining and future interest income from the county bonds be allocated to the county's 5-Mile Dam Park Project where renovations are extensive and we will need all available funds to complete the project. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve \$10,000 increase in funding to Camp Ben McCulloch Park and to allocate remaining and future interest income from Hays County Parks & Open Space Bond funds to the county's 5-Mile Dam Project. All voting "Aye".**

- 23640 APPROVE PAYMENT OF AN INVOICE FROM THE DISTRICT CLERK'S OFFICE WHICH EXCEEDS THE AMOUNT PREVIOUSLY APPROVED BY COMMISSIONER'S COURT [T1-2727]**

County Auditor Bill Herzog spoke of a \$58,000 project that came in at \$89,525.85 (\$31,524.35 over the approved amount). There are additional budgeted funds of \$28,000 in 09-444-5215 that could be allocated but the court will need to approve an additional \$3,524.35 from other funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of an invoice from the District Clerk's office which exceeds the amount previously approved by Commissioner's Court to be paid out of 09-444-5215 (\$28,000) and the countywide budget (\$3,524.35). Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Conley voting "No".**



Court convened into closed executive session at 12:05 p.m and reconvened into open meeting at :12:20 p.m.

23641 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS THOMAS V. HAYS COUNTY. ACTION MAY FOLLOW IN OPEN COURT [T1-2863]

A motion was made by Judge Powers, seconded by Commissioner Carter To settle and sign an agreement regarding Thomas vs. Hays County lawsuit. All voting "Aye".

The Court adjourned the regular meeting and convened into budget workshop at 1:30 p.m.

23642 BUDGET WORKSHOP FY2006-2007

Road Department

Road Supt/Engineer Jerry Borcharding presented a list of projects by Precinct = 87 miles of paved roads. A discussion was had regarding the price increase for paving oil. Jerry Borcharding spoke of hot mix overlay that could be done in-house cheaper than contracting out. \$340,000 is needed to purchase equipment for hot mix paving. He feels like they will be able to work with the recommended budget. Line item 5354 roadway striping – he asked for \$80,000 (for BeBack Inn Road, McCarty Lane, High Road, Goforth Road, Chaparral Road, McCarty Lane West, Fischer Store Road, Post Road and Darden Hill Road) - \$20,000 was cut from this line item. Line item 5443 consulting expense was cut. He spoke of consulting services needed for Kyle yard, McCarty Lane, and McGregor Lane bridge. Equipment line item 5714 – needs an additional \$93,000 for a rubber tire wheel loader. He is asking for a foreman slot and two senior slots – add 3 people to the concrete crew and with new foreman he could create two concrete crews. Jerry Borcharding spoke of request by EMC Jeff Turner to have 8 radios in the road department to be used for emergency situations (\$28,000).

J.P. Pct. 2

Judge Beth Smith appeared requesting a staff person to start in January 2007. Commissioner Molenaar spoke of transferring a position from JP4 into JP2. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to transfer a clerk from JP4 into JP2 effective January 1, 2007. All voting "Aye".

Human Resources [T2-420]

Human Resources Director Dee Dee Baen spoke of employee recognition program funds that were cut down to \$1,000.

Sheriff's Dept./Jail

Shari Miller spoke of personnel request – bring up a lead communicator and establish a new position. Sheriff Bridges spoke of restructuring – upgrade 4 positions up to a Lt. Position, upgrade a Lead Communicator from grade 917 to 918 as Operation Supervisor (additional responsibilities). Will need to move a Dispatcher from 916 to 917 a Lead position. He would like to upgrade 4 Sgts. to Lt. slots and would like to increase Capt. in jail to same salary as Capt. in patrol. [T2-780] Chief Deputy Sam Williams spoke of infirmary at the jail. He presented a new flow chart and spoke about medic positions – they are currently unable to get LVN's. These people are having to deal with serious situations. He would like to upgrade Medical Supervisor from 916 to 917 and upgrade a medic grade 915 to a LVN grade 916 position.

[T2-1000] A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the regrades requested this date for the Sheriff's Dept. & Jail = \$23,588. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Building Maintenance

[T2-1093] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve grade changes for building maintenance skilled craft personnel from grade 913 to 915 in the amount of \$9876. All voting "Aye".

Merit Pool

[T2-1176] A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve a 4% merit pool for employees and department heads. All voting "Aye".

Elected Officials Salary

[T2-1295] A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve a 4% salary increase for elected officials. Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Ingalsbe, Commissioner Carter, and Commissioner Conley voting "No". MOTION FAILED.

Tax Rate

[T2-1339] A motion was made by Commissioner Carter to adopt the effective tax rate of 43.25 cents. MOTION FAILED FOR LACK OF A SECOND.

**New Positions/Employees**

[T2-1404] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to have all new positions/employees to start January 1, 2007. All voting "Aye".

District & County Clerk Salaries

[T2-1459] A motion was made by Judge Powers to approve salary increase for District Clerk and County Clerk to \$60,000. MOTION DIED FOR LACK OF SECOND

District Clerk

[T2-1614] A motion was made by Judge Powers to approve increase in travel allowance, office equipment, and continuing education as requested by District Clerk. MOTION DIED FOR LACK OF SECOND.

COLA for Retirees

[T2-1679] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve 3% COLA for retirees through attrition. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.

Personal Health

[T2-1718] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to equalize Certified Nurse Practitioner in the Personal Health budget (\$1,904). All voting "Aye".

Sheriff's Dept.

[T2-1733] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve two (2) new dispatcher position (\$83,422) and reduce overtime by \$83,422. All voting "Aye".

Veteran's Administration

[T2-1748] A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve \$1,000 for fuel for the Veteran's Administration. All voting "Aye".

Parks

[T2-1754] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve \$20,000 for parkland & improvement. All voting "Aye".

Juvenile Detention

[T2-1765] A motion was made by Judge Powers, seconded by Commissioner Molenaar, to approve \$18,000 for a new vehicle for Juvenile Detention to come out of their budget. All voting "Aye".

County Court at Law

[T2-1797] A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve a new Assistant Court Administrator for the County Court at Law office (\$36,376). All voting "Aye".

Election Fund

[T2-1816] A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to purchase additional election equipment (\$31,904). All voting "Aye".

Constable Pct. 3

[T2-1847] A motion was made by Commissioner Molenaar, seconded by Judge Powers to withdraw office equipment request (\$1,100). All voting "Aye".

Environmental Health

[T2-1858] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve additional postage of \$3,000 for the Environmental Health Dept. All voting "Aye".

Justice of the Peace Pct. 1 Place 2

[T2-1870] A motion was made by Commissioner Ingalsbe to increase part-time position from 18 to 30 hours in JP1-2. MOTION DIED FOR LACK OF A SECOND.

Information Technology

[T2-1873] A motion was made by Commissioner Carter, seconded by Judge Powers to approve increase in staff salaries for Information Technology. Judge Powers WITHDREW HIS SECOND AND MOTION DIED FOR LACK OF SECOND. Human Resources needs to look at this closer.

District Attorney

[T2-2105] A motion was made by Judge Powers, seconded by Commissioner Conley to approve request from District Attorney for a Felony Assistant District Attorney, a legal assistant, and an Investigator. Commissioner Conley and Judge Powers voting "Aye". Commissioner Ingalsbe, Commissioner Carter and Commissioner Molenaar voting "No". MOTION FAILED.

**Social Services**

[T2-2160] A motion was made by Ingalsbe, seconded by Judge Powers to approve social services as budgeted. Commissioner Ingalsbe, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No". Carter absent for vote

Elected Officials Salaries

[T2-2270] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve a 3% salary increase for elected officials. Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter voting "No".

Commissioner's Court

[T2-2311] A motion was made by Commissioner Molenaar, seconded by Judge Powers to add a line item to Commissioners Court budget for travel in the amount of \$1300. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

Information Technology

[T2-2407] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to increase IT salary by ½ the amount requested. Motions withdrawn.

Road Dept - Striping

[T2-2530] A motion was made by Judge Powers, Seconded by Commissioner Molenaar to approve \$20,000 for Striping for the Road Dept. All voting "Aye".

Consulting Services

[T2-2655] A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve \$20,000 For consulting services in the general funds
All voting "Aye".

Road Dept - Radios

[T2-2716] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve purchase of 8 radios out of lease purchase funds not yet spent. All voting "Aye".

Road Dept - Equipment

[T2-2741] A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve \$93,000 for equipment (rubber wheeled tire loader) out of reserves. All voting "Aye".

Adopt Proposed FY2006-2007 Budget

[T2-2794] A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt the Proposed FY2006-2007 Hays County Budget. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Set Public Hearing on Budget

[T2-2895] A motion was made by Commissioner Molenaar, seconded by Judge Powers to set the public hearing on the FY2006-2007 budget for Sept. 10, 2006 at 10:00 o'clock A.M. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 22, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF AUGUST A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23643 APPROVE PROCLAMATION DECLARING SEPTEMBER 10-16, 2006 AS "DISASTER PREPAREDNESS WEEK"

Richard Parrish (4-H Extension Service County Agent) and Jeff Turner (Emergency Management Coordinator) appeared before the court. Richard Parrish spoke of Extension Office providing education for disaster preparedness. Jeff Turner spoke of being ready to train people to be prepared. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve Proclamation declaring September 10-16, 2006 as "Disaster Preparedness Week". All voting "Aye".

PUBLIC COMMENTS

[T1-421] Marcy Ellensohn spoke in opposition to repairing roads in the Goforth Village subdivision. Commissioner Carter spoke of working with people to make these roads county roads.

23644 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog advised that the check to PAWS (\$12,500) is being pulled since we are not currently taking animals to them. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$355,537.69 (\$368,037.69 less payment to PAWS = \$12,500.00) as presented by the County Auditor. All voting "Aye".

23645 APPROVE BUDGET AMENDMENT # 06-38

Budgets being amended: Extension = \$400 for needed supplies, Indigent Care = \$32,000 for supplies from clinic services, Building Maintenance = \$9,270 for chair purchase, janitorial/pest control and to repair a/c units, Environmental Health = \$7,575 for balance of vehicle and needed utilities from personnel savings, Jail/Information Technology = \$5,400 for classroom/video system and software upgrades, Fire Marshal = \$ 65 for balance of dog expense, Civic Center = \$1,200 for needed supplies, JP 1-2 = \$1,600 for needed supplies, copier & telephone expense, Information Technology = \$4,049 for required equipment for Odyssey, County Wide = \$ 10,000 for computers required for new system from savings. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #06-38 as proposed by the County Auditor. All voting "Aye".

23646 APPROVE AWARD OF BID #2006-B18 ROAD IMPROVEMENT FOR DRY HOLE ROAD (CR 210) TO SMITH CONTRACTING COMPANY IN THE AMOUNT OF \$1,188,585.46 CONTINGENT ON RECEIPT OF FUNDING FROM THE CITY OF KYLE PER THE ORIGINAL CONTRACT

Bids were received from Smith Contracting Co. (\$1,188,585.46), Capital Excavation Co. (\$1,518,163.87), Texas Sterling Construction (\$1,588,323.37), and RGM Contractors (\$1,778,560.82). County Auditor Bill Herzog advised that the posted agenda shows an amount of \$1,288,585.46, however, the correct amount of the recommended bid is \$1,188,585.46. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to award bid #2006-B18 Road Improvement for Dry Hole Road (CR210) to Smith Contracting Company in the amount of \$1,188,585.46 contingent on receipt of funding from the City of Kyle per the original contract. All voting "Aye".

23647 APPROVE SPECIFICATIONS FOR RFP FOR "PHARMACEUTICALS FOR INMATES AT THE HAYS COUNTY JAIL" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve specifications for RFP for "Pharmaceuticals for Inmates at the Hays County Jail" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".



23648 AUTHORIZE THE COUNTY JUDGE TO ACCEPT INTERLOCAL CONTRACT FOR UP TO \$93,545 FROM CAPCOG FOR THE 9-1-1 EMERGENCY TELEPHONE SERVICES AND EXECUTE CONTRACT

Environmental Health Director Allen Walther advised that this contract is for enhanced 9-1-1 database program with his department and not the sheriff's department. In the contract, the county agrees to coordinate implementation of the GIS on a countywide basis in accordance with the standards adopted for CAPCOG's GIS Program. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to accept interlocal contract for up to \$93,545 from CAPCOG for the 9-1-1 Emergency Telephone Services and execute the contract. All voting "Aye".

23649 AUTHORIZE THE COUNTY JUDGE TO ACCEPT INTERLOCAL CONTRACT FOR UP TO \$500.00 FROM CAPCOG FOR PUBLIC SERVICE ANSWERING POINTS (PSAPS)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept interlocal contract for up to \$500.00 from CAPCOG for public service answering points (PSAPS) subject to contract review process. All voting "Aye".

23650 APPROVE CONTRACT RENEWAL WITH DENTRUST DENTAL INTERNATIONAL, INC. FOR DENTAL SERVICES AT THE HAYS COUNTY JAIL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve contract renewal with Dentrust Dental International Inc. for dental services at the Hays County Jail subject to contract review process. All voting "Aye".

23651 [PCT. 2 #05-2-073] RESUBDIVISION OF GOFORTH HILLS LOT 29 - CALL FOR PUBLIC HEARING [T1-194]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on September 12, 2006 regarding "Resubdivision of Goforth Hills Lot 29". All voting "Aye".

23652 [PCT. 4 #05-4-070, 105 LOTS] BUSH RANCH PHASE I - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY [T1-203]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat and accept construction fiscal security on "Bush Ranch Phase I". All voting "Aye".

23653 RELEASE CONSTRUCTION BOND AND MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW, AND CALL FOR A PUBLIC HEARING ON SEPTEMBER 12, 2006 TO ESTABLISH TRAFFIC REGULATIONS FOR GREAT HILLS SUBDIVISION [T1-215]

Jerry Borcherding gave staff recommendation for release of construction and maintenance bonds and acceptance of roads and drainage improvements within county right-of-way. Roads being accepted are: Stag Horn Pass, Waterfall Lane, Mercedes Lane, Shasta Cove, Sadie Hollow, and Railyard Drive. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release construction bond and maintenance bond, accept for maintenance all roads and drainage improvements within county right-of-way, and call for a public hearing on September 12, 2006 to establish traffic regulations for "Great Hills" Subdivision. All voting "Aye".

23654 AUTHORIZE THE PURCHASE OF EQUIPMENT FOR A TIMEKEEPING SYSTEM

[T1-236] Commissioner Ingalsbe spoke of Victoria County developing this program and they are offering it free to any county wanting to use it. County Treasurer Michele Tuttle spoke of system automatically creating the timesheet (swipe in and out) and would create ID card for each employee and could be used for security to get into county buildings in the future. She spoke of live demonstrations that could be done. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to encumber the money to purchase necessary equipment for a timekeeping system in the amount of \$35,000. All voting "Aye".

23655 APPROVE LEGAL SERVICES AGREEMENT WITH EDMOND MCCARTHY TO PROVIDE LEGAL COUNSEL TO HAYS COUNTY FOR WATER RELATED CONTRACTS [T1-306]

Charles O'Dell (Hays CAN) stated that he would like to be involved in the efforts of exploring options for bringing water into Hays County. Judge Powers spoke of wastewater authority that was created by the court in 2000. He felt like it was important that we have legal counsel. Information will be brought back to the court for discussion. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve legal services agreement with Edmond McCarthy to provide legal counsel to Hays County for water related contracts. All voting "Aye".



23656 HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TAXES FROM FISCAL YEAR 2006 BY 4.05% AND ANNOUNCE THE DATE OF THE MEETING TO VOTE ON THE TAX RATE AS SEPTEMBER 12, 2006 AT 1:00 PM IN THE COMMISSIONERS COURT ROOM OF THE HAYS COUNTY COURTHOUSE [T1-455]

Judge Powers declared the public hearing open. Sherri Bilson asked the court to hold a public hearing in the evening. She spoke of increases she has seen in the budget and the number of people that are leaving the community because of taxes. Discussion was had regarding services that must be provided and unfunded mandates. Commissioner Carter spoke in favor of adopting the effective tax rate. [T1-600] Commissioner Conley spoke of tax burden on senior citizens and proposed tax exemption for seniors and the disabled. He spoke of increase in health care for employees and the fact that we are a growing county and additional personnel is required. County Auditor Bill Herzog spoke of voter approved bonds that increase the budget. [T1-758] Charlie Johnson spoke of notice in the newspaper regarding the effective tax rate and he requested that the court adopt the effective tax rate. Commissioner Conley spoke of laws that are passed that put a burden on local government. Commissioner Carter spoke of deferring some projects (ie Pct. 2 building). [T1-975] Charles O'Dell recommended that the court adopt the effective tax rate. Judge Powers closed the public hearing. [T1-1026] A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to vote on the tax rate on September 12, 2006 at 1:00 p.m. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 AUGUST 29, 2006.



LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5TH DAY OF SEPTEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23657 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 372,053.26 as presented by the County Auditor. All voting "Aye".

23658 APPROVE BUDGET AMENDMENT # 06-39

This budget amendment reflects salary adjustments for FY06. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-39 as proposed by the County Auditor. All voting "Aye".

23659 APPROVE BUDGET AMENDMENT # 06-40

Budgets being amended: District Clerk = \$ 2,700 for needed postage & supplies from copier reimbursement & personnel savings; County Judge = \$ 938 transfer for needed expense; County Court at Law 1/Information Technology = \$2,407 transfer for office furniture & computer system for new personnel; Countywide = \$ 65,160 transfer for authorized time-keeping machine, balance of fumigation expense @ justice center, and overage in District Clerk's contract; Constable 2 = \$900 for fuel from personnel savings; DPS/Traffic Convictions Reporting = \$34,415 for software services by agency; Records Mng/Records Archive = \$ 2590 for needed expenses; Records Preservation = \$3,525 for authorized overage/District Clerk imaging; Juvenile Center = \$369 for drill press; Park Bonds '03 = \$10,000 for additional funding from interest proceeds (Camp Ben McCollough); Personal Health = \$400 accept & record donation of ultrasound and sterilizer to clinic. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-40 as proposed by the County Auditor. All voting "Aye".

23660 APPROVE UTILITY PERMITS #01898 & #01899

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01898 on Posey Road issued to Enterprise Products Operating and #01899 on CR210 issued to Murfee Engineering Co. Inc. All voting "Aye".

23661 APPROVE CONTRACT RENEWAL WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR TRIPLE O FUNDING IN THE AMOUNT OF \$63,535.00 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal with the Department of State Health Services for Triple O funding in the amount of \$63,535.00 and authorize the County Judge to execute. All voting "Aye".

23662 APPROVE CONTRACT RENEWAL BETWEEN HAYS COUNTY PERSONAL HEALTH AND COMMUNITY ACTION, INC., OF HAYS, CALDWELL, & BLANCO COUNTIES TO PROVIDE PHYSICAL EXAMS UNDER THE HEAD START PROGRAM

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal between Hays County Personal Health and Community Action Inc. of Hays, Caldwell, & Blanco Counties to provide physical exams under the Head Start Program. All voting "Aye".



23663 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE OFFICE OF RURAL AFFAIRS - COMMUNITY DEVELOPMENT PROGRAM FOR UP TO \$250,000 FOR A WATER IMPROVEMENT PROJECT FOR CEDAR OAKS MESA

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve resolution authorizing the County Judge to submit Grant application to the Office of Rural Affairs - Community Development Program for up to \$250,000 for a Water Improvement Project for Cedar Oaks Mesa. All voting "Aye".

23664 AUTHORIZE THE DISTRICT ATTORNEY'S OFFICE TO EXPEND FUNDS OUT OF THE LEGAL SERVICES LINE ITEM IN AN AMOUNT NOT TO EXCEED \$50,000 TO APPOINT A SPECIAL PROSECUTOR [T1-44]

Special Counsel Jacqueline Cullom Murphy spoke of criminal investigation pending in the District Attorney's office where they may need to appoint a special prosecutor (relating to voter fraud allegations). This action would allow the District Attorney to use these funds if necessary. Charles O'Dell voiced his concerns. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the District Attorney's office to expend funds out of the legal services line item in an amount not to exceed \$50,000.00 to appoint a Special Prosecutor. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

23665 [PCT. 2 #06-2-043, 2 LOTS] SUNRISE ACRES RESUBDIVISION OF LOT 85 - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-160]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan for "Sunrise Acres Resubdivision of Lot 85" and call for a public hearing on September 19, 2006. All voting "Aye".

23666 AUTHORIZE THE EXPENDITURE OF \$58,383 RELATING TO THE RELOCATION OF UTILITIES BY CENTURYTEL AND CRYSTAL CLEAR WATER CORP. ALONG BEBACK INN ROAD [T1-171]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. The monies required for this project are in the FY07 budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the expenditure of \$58,383 relating to the relocation of utilities by CenturyTel and Crystal Clear Water Corp. along Beback Inn Road. All voting "Aye".

23667 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION, PHASE 2, SECTION 9A [T1-188]

Charles O'Dell spoke of phased development and trucks beating up the existing roads going to new phases. Road Supt/Engineer Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance bond and acceptance of roads. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all roads and drainage improvements within county right-of-way for Belterra Subdivision Phase 2 Section 9A. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No". [T1-1071] Commissioner Molenaar reported later in the meeting that the road in question that was damaged is not a county road and the developer is aware of the problem and is addressing it.

23668 CALL FOR A PUBLIC HEARING ON SEPTEMBER 19, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN THOMPSON RANCH ESTATES SUBDIVISION [T1-228]

The proposed traffic regulation is: 30 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on September 19, 2006 to establish traffic regulations in Thompson Ranch Estates Subdivision. All voting "Aye".

23669 CALL FOR A PUBLIC HEARING ON SEPTEMBER 19, 2006, TO ESTABLISH TRAFFIC REGULATIONS IN CLEAR LAKE ESTATES SUBDIVISION [T1-235]

The proposed traffic regulation is: 30 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on September 19, 2006 to establish traffic regulations in Clear Lake Estates Subdivision. All voting "Aye".



23670 APPROVE A RESOLUTION ACCEPTING THE PROVISIONS OF THE TEXAS TRANSPORTATION COMMISSION MINUTE ORDER # 110508, RELATING TO THE REALIGNMENT OF A SECTION OF FM 2001 EAST OF I-35 AND EXTENSION OF MAIN STREET FROM I-35 TO SH 45 [T1-246]

Buda City Administrator Robert Camareno spoke of agreements in place. There is no financial obligation to the county. The developers (IHP) are the sole financial providers. Administrative Assistant Brad Bailey suggested amending the resolution to reflect that the County has no financial obligation. The resolution was amended to read that "Hays County shall incur no financial obligation for these projects but has agreed to accept the abandoned portion of FM2001 as prescribed in Minute Order 110508". A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a resolution accepting the provisions of the Texas Transportation Commission Minutes Order #110508, relating to the realignment of a Section of FM2001 East of I-35 and extension of Main Street from I-35 to SH 45. All voting "Aye"

23671 APPROVE AN AMENDED LICENSE AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1, TO INCLUDE FIVE ADDITIONAL SECTIONS WITHIN BELTERRA SUBDIVISION [T1-367]

Five additional sections (Belterra Phase 2 Sections 9B, 4, 5B, 5C & 5D) have been filed which have improvements in the county right-of-way. The agreement allows, at the Licensee expense, the installation & maintenance of landscaping, lighting, fencing, entryway monuments, marketing signage, sidewalks and irrigation into the right-of-way of which are not intended or used for vehicular traffic. Road Supt/Engineer Jerry Borchering gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an amended License Agreement between Hays County and the Hays County Water Control & Improvement District No. 1 to include five additional sections within Belterra Subdivision. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23672 TRANSFER THE TITLE ON A SHERIFF'S DEPARTMENT VEHICLE TO EMERGENCY SERVICES DISTRICT #3

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to transfer the title on a Sheriff's Department Vehicle [Vehicle Unit #802 VIN #2FAFP71W9X161982 Lic#738-823] to the Emergency Services District #3. All voting "Aye".

23673 APPROVE REVISED HAYS COUNTY HAZARD MITIGATION ACTION PLAN AND RESOLUTION AUTHORIZING THE COUNTY JUDGE TO RE-SUBMIT TO FEMA

[T1-391] Grants Administrator Richard Salmon recommended approval of the Revised Hazard Mitigation Action Plan and Resolution. TxDEM and FEMA have reviewed and approved the plan subject to receiving new resolutions from all local jurisdictions. A motion was made by Judge Powers, seconded by Commissioner Conley to approve Revised Hays County Hazard Mitigation Action Plan and resolution authorizing the County Judge to re-submit to FEMA. All voting "Aye".

Clerk's Note: Agenda Item #18 RE: RECONSIDER APPROVAL OF PAYMENT OF INVOICE FROM THE DISTRICT CLERK'S OFFICE WHICH EXCEEDS THE AMOUNT PREVIOUSLY APPROVED BY THE COMMISSIONERS COURT was PULLED. No discussion and no action taken.

23674 APPOINT ELECTION JUDGES AND ALTERNATE JUDGES FOR AUGUST 1, 2006 THROUGH JULY 31, 2008 [T1-440]

A motion was made by Judge Powers, seconded by Commissioner Carter to appoint Election Judges and Alternate Judges for August 1, 2006 through July 31, 2008. All voting "Aye".

PCT#	JUDGE	ALTERNATE	PCT.#	JUDGE	ALTERNATE
110	Jerri Harper -R	Judy Telford -D	111	Sue Cohen - D	Shirley Austin -R
112	Joe Gonzales - D	Rosa Aldape - R	113	Rose Brooks - D	Charlotte Dallas - R
114	Rosemary Suniga -D	Jimmie Everts - R	116	Johnnie Armstead - D	Clyde Caffey - R
120	MaryHelen Martinez- D	James Molnoskey - R	121	MaryHelenMartinez-D	James Molnoskey - R
127	Vicki Simpson - D	Richard Takac - R	128	Vicki Simpson - D	Richard Takac - R
221	Jerry Weathers - D	Christine Ross - R	223	Penny Krug - D	Leslie Gough - R
224	Pat Heath - R	Toni Milam - D	225	Stuart Hoyt - R	Minerva Falcon - D
226	Mark Brinkley - R	Audrey Elder - D	228	Terri Bomberger - D	Rick Coleman - R
229	Rosie Villalobos - D	Kara Kay Skaggs - R	230	Tomas Doebner - R	Jo Burdette - D
232	Tomas Doebner - R	Jo Burdette - D	234	Brenda Schломach-R	Arthur Braud - D
315	Dana McAuliffe - R	Carol Kutscher - D	330	Dottie Barnes - R	Steve Warren - D
331	Dewey Whisenant - R	Patty Polk - D	332	Eric Hudgins - R	Gloria Aranda - D
334	Harold Shelton - R	Aart Millecam - D	335	Judy Dunn - R	Jean Ross - D
336	Jesse Estrada - R	Susan Jarrett - D	337	Frank Puckett - R	Sharon Campbell - D
440	James Butler - R	Karen Glass - D	441	Charles Bonney - R	Richard Boltz - D
442	Harvey Bell - R	Dale Nave - D	443	Mary Clarkson - R	Pat Gibson - D
446	Peggy Griffin - R	Lupe Hernandez - D	447	Dræe Willard - R	Jimmie Hilton - D
448	Paula Anderlitch - R	Jocelyn Guajardo - D	449	Phyllis Campbell - R	Sybil Floyd - D



23675 ADOPT EARLY VOTING SCHEDULE FOR THE NOVEMBER 7, 2006, GENERAL & SPECIAL CONGRESSIONAL ELECTIONS [T1-495]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt Early Voting Schedule for the November 7, 2006 General & Special Congressional Elections. All voting "Aye".

Location, Dates & Hours of Main Early Voting Polling Place

County Elections Administration's Office 401-C Broadway St. San Marcos, Texas 78666-7751	Oct. 23 through Oct. 27, 2006, 8:0 A.M. to 5:00 P.M. (Except weekends & legal holidays) Oct. 28, 2006 (Saturday), 10:00 A.M. to 4:00 P.M. Oct. 30 through Nov. 3, 2006, 7:00 A.M. to 7:00 P.M.
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Temporary Branches for Early Voting

<u>Voting Polling Place</u>	<u>Dates and Hours for Early Voting</u>
San Marcos City Hall 630 E. Hopkins Street San Marcos, Texas 78666	Oct. 23 through Oct. 27, 2006, 8:00 A.M. to 5:00 P.M. (Except weekends & legal holidays) Oct. 28, 2006 (Saturday), 10:00 A.M. to 4:00 P.M. Oct. 30 through Nov. 3, 2006, 7:00 A.M. to 7:00 P.M.
HCISD Administration Office 21003 IH 35 Kyle, Texas 78640	Oct. 23 through Nov. 3, 2006, 8:00 A.M. to 4:30 P.M. (Except weekends & legal holidays)
Kyle City Hall 101 South Burluson St. Kyle, TX 78640	Oct. 23, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Oct. 30, 2006, 11:00 A.M. to 7:00 P.M.
Dripping Springs ISD Office 510 W Mercer St Dripping Springs, TX 78620	Oct. 24, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Oct. 31, 2006, 11:00 A.M. to 7:00 P.M.
LBJ Student Center 700 Student Center Dr. San Marcos, TX 78666	Oct. 25, 2006, 8:00 A.M. to 5:00 P.M. Oct. 26, 2006, 8:00 A.M. to 5:00 P.M.
Wimberley Community Center 14068 River Road Wimberley, TX 78676	Oct. 26, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Nov. 2, 2006, 11:00 A.M. to 7:00 P.M.
Buda City Hall 121 N. Main St. Buda, TX 78610	Oct. 27, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Nov. 3, 2006, 11:00 A.M. to 7:00 P.M.

Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site.

Address for Applications for Early Voting by Mail

Hays County Elections Administrator
401 C Broadway St., San Marcos, Texas 78667-7751
Attention: Early Voting Clerk

23676 ADOPT THE ELECTION DAY POLLING LOCATIONS FOR THE NOVEMBER 7, 2006, GENERAL ELECTION & SPECIAL CONGRESSIONAL ELECTION [T1-577]

Three locations changed: Pct. 335 from Chapel in the Hills to Wimberley Community Center, Pct. 336 from Crockett Elementary School to Merrill Gardens at San Marcos, and Pct. 48 from Rolling Oaks Clubhouse to St. Stephens Episcopal Church/School. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt the Election Day Polling Locations for the November 7, 2006 General Election & Special Congressional Election. All voting "Aye".

110	Masonic Temple, San Marcos	111	Dunbar Center, San Marcos
112	Guadalupe Hall, San Marcos	113	Elections Office, San Marcos
114	Allenwood Homes Auditorium, San Marcos	116	Hernandez Interm. School, San Marcos
120/121	San Marcos Housing, Residents Ofc, San Marcos		
127/128	Tobias Elementary School, Kyle	221	Performing Arts Center, Kyle
223	Old Kyle City Hall, Kyle	224	Buda City Hall, Buda
225	Hays High School, Buda	226	Hays Hills Baptist Church, Buda
228	Tom Green Elem. School, Buda	229	St. John United Church, Uhland
230/232	Dahlstrom Middle School, Buda	234	Goforth Water Supply, Niederwald
315	Doris Miller Jr. High School, San Marcos	330	Lamar Central Office Annex, San Marcos
331	Grace Bible Church, San Marcos	332	First Lutheran Church, San Marcos
334	Old Fish Hatchery Bldg., San Marcos	335	Wimberley Community Center, Wimberley
336	Merrill Gardens @ San Marcos	337	St. Mary's Catholic Church, Wimberley
440	Henly Baptist Church, Henly	441	Dripping Springs High School, Dripping Sprgs
442	Driftwood Community Center, Driftwood	443	Sunset Canyon Baptist Church, Dripping Springs
446	Travis Elem School, San Marcos	447	South Hays County Fire Station, San Marcos
448	St. Stephen's Episcopal Ch, Wimberley	449	DSISD Admin Office, Dripping Springs



23677 INCREASE IN HAYS COUNTY PROPERTY TAX EXEMPTIONS FOR OVER 65 FROM \$25,000 TO \$45,000 AND FOR ELIGIBLE DISABLED FROM \$0 TO \$45,000 [T1-642]

Charlie Johnson recommended the court adopt the effective tax rate. Lila Knight spoke in support of a property tax exemption for taxpayers over 65 and the disabled. Commissioner Carter spoke of appraisals increasing for everyone. Commissioner Conley spoke of increases in the budget to provide services to the citizens of Hays County. He spoke of tax burden on senior citizens. Commissioner Ingalsbe spoke in support of tax exemptions for over 65 and the disabled. She would like to see everyone else get a higher exemption next year. **A motion was made by Judge Powers, seconded by Commissioner Conley to increase the Hays County Property Tax Exemptions for over 65 from \$25,000 to \$45,000 and for eligible disabled from \$0 to \$45,000 to be effective in the 2007 tax year. All voting "Aye".**

DISCUSSION REGARDING AN INCREASE IN HAYS CO. HOMESTEAD EXEMPTION FOR ALL HOMESTEADS FROM 1% (WITH \$5,000 MINIMUM) TO 20% (WITH \$5000 MINIMUM) [T1-938]

Commissioner Carter spoke of research she did regarding an across-the-board 20% exemption. This would cost \$2 million in the FY2007-2008 county budget – there is currently \$15 million in reserves. County Auditor Bill Herzog spoke of taking money out of reserves – it would require you to take out of reserves every year. Commissioner Conley spoke in opposition to taking this action. **A motion was made by Commissioner Carter to increase the Hays County homestead exemption for all homesteads from 1% (with \$5,000 minimum) to 20% (with \$5,000 minimum). Motion died for lack of a second.**

HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TAXES FROM FISCAL YEAR 2006 BY 4.05% (1:30 PM) [T1-1096]

Commissioner Carter was not present for the public hearing. Judge Powers declared the public hearing open. Charlie Johnson urged the court to adopt the effective tax rate. Sherri Bilson urged the court to make cuts and adopt the effective tax rate. Janet Hauber (La Ventana resident) spoke of her concern about increased taxes. Commissioner Conley spoke of earlier action today that was taken by the court to double the over 65 exemption. County Auditor Bill Herzog advised that the tax rate will be voted on at 1:00 p.m. on September 12, 2006. Commissioner Conley spoke of elected officials that are requesting more in their budgets. Tax Assessor-Collector Luanne Caraway spoke of error in her office in the notice of public hearing that was printed in the newspaper: total appraised value of all property for the preceding year should have been \$7,838,995,749, the figure in the notice is actually the taxable and not the appraised value for this year – this error was not meant to deceive anyone. Judge Powers declared the public hearing closed.

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 5, 2006.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF SEPTEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED HAYS COUNTY EMPLOYEES

Chief Juvenile Probation Officer Ed Cooper introduced **Jennifer Clark** (staff asst) and **Brian Hobbs** (Juvenile Prob Ofcr). Health Dept. Director Nick Icosipentanhos introduced **Rebecca Wiswall** (TB Nurse), **Chris Wentz-Duvall** (Nurse), and **Roger Hull** (Coord. Nurse). Deputy Constable Pct. 1 Steve Velasquez introduced **Sandra Lopez** (Office Admin). Environmental Health Department Allen Walther introduced **Lydia Longoria** (EH Technician), **Sandy Erwin** (Sanitarian in training), **Chris Reed** (Code Enf Ofcr), **Charles Hall** (Sanitarian) and **Roland Vazquez** (Code Enf Ofcr). Commissioner Russ Molenaar introduced **Cindy Henneke** (Office Admin).

PUBLIC COMMENTS

[T1-106] **Charles O'Dell** (President of Hays CAN) spoke of Hays CAN being a non-profit tax-exempt public education organization – their mission is to educate the public. [T1-153] **Rickey Bowen** (Rocky Ranch Acres resident) spoke regarding his concern about a deer lease on four acres. He would like to see the court adopt regulations to prohibit discharge of firearms pursuant to Local Government Code §235.022. He spoke of other violations that are occurring. Commissioner Carter spoke of subdivision restrictions that can be enforced as a civil matter.

23678 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$454,955.22 as presented by the County Auditor. All voting "Aye".

23679 APPROVE BUDGET AMENDMENT # 06-41

Budgets being amended: Information Technology = \$ 29,302 for needed expenses, Constable Pct. 1 = \$ 25 for balance of phone, Constable Pct. 2 = \$100 for balance of invoice, Commissioner Pct. 1 = \$78 for needed expense, CJD/Juvenile Accountability = \$742 administration fees from Juvenile Accountability grant, Transfer Station/Countywide Operation = \$53,000 transfer for trash hauling, retiree insurance & lese payments from salary savings. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-41 as proposed by the County Auditor. All voting "Aye".

23680 APPROVE PURCHASE OF A SIGMA 10-20 MM CAMERA LENS (WIDE) FOR \$499 FOR HAYS COUNTY SHERIFF'S OFFICE

This camera lens will be used for criminal investigation crime scene photos. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve purchase of a Sigma 10-20mm camera lens (wide) for \$499.00 for the Hays County Sheriff's office. All voting "Aye".

23681 APPROVE SPECIFICATIONS FOR ROAD IMPROVEMENTS PROJECT FOR SAWYER RANCH ROAD (CR 164) AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for road improvements project for Sawyer Ranch Road (CR164) and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23682 APPROVE CONTRACT RENEWAL INTERLOCAL ASSISTANCE AGREEMENT WITH THE REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE FOR FY 2007

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal interlocal assistance agreement with the Regional Auto Theft Enforcement Task Force for FY2007. All voting "Aye".



23683 APPROVE CONTRACT CONTINUATION WITH THE DEPARTMENT OF STATE HEALTH SERVICES, COMMUNITY PREPAREDNESS SECTION (BIOTERRORISM PROGRAM) FOR JANUARY 1, 2007 TO AUGUST 31, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract continuation with the Department of State Health Services, Community Preparedness Section (BioTerrorism Program) for January 1, 2007 to August 31, 2007. All voting "Aye".

23684 APPROVE CONTRACT RENEWAL WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE HAYS COUNTY IMMUNIZATION PROGRAM

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal with the Department of State Health Services for the Hays County Immunization Program. All voting "Aye".

23685 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR \$800,00 TO CONSTRUCT A BIKE/PEDESTRIAN FACILITY FROM RR12 ALONG WINTERS MILL BYPASS TO OLD KYLE ROAD

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Resolution authorizing the County Judge to execute reimbursement contract with the Texas Department of Transportation for \$800,000 to construct a bike/pedestrian facility from RR12 along Winters Mill By Pass to Old Kyle Road. All voting "Aye".

23686 APPROVE RESOLUTION AUTHORIZING COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR \$4,000 TO CONSTRUCT A BIKE/PEDESTRIAN FACILITY TO CONNECT OLD STAGECOACH ROAD TO NEW STAGECOACH ROAD

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Resolution authorizing County Judge to execute Reimbursement Contract with Texas Department of Transportation for \$4,000 to construct a Bike/Pedestrian Facility to connect Old Stagecoach Road to new Stagecoach Road. All voting "Aye".

23687 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR \$4,000 TO INSTALL SAFETY FEATURES ON BOTH SIDES OF THE LOW-WATER CROSSING ON POST ROAD FROM CR 136 SOUTHWARD APPROXIMATELY 1,300 FEET

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Resolution authorizing the County Judge to execute Reimbursement Contract with Texas Department of Transportation for \$4,000 to install safety features on both sides of the low-water crossing on Post Road from CR136 southward approximately 1,300 feet. All voting "Aye".

23688 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR \$4,000 TO INSTALL SAFETY FEATURES ON BOTH SIDES OF LOW-WATER CROSSING ON WAYSIDE AT BENDIGO LANE WEST APPROXIMATELY 500 FEET

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Resolution authorizing the County Judge to execute Reimbursement Contract with Texas Department of Transportation for \$4,000 to install safety features on both sides of low-water crossing on Wayside at Bendigo Lane West approximately 500 feet. All voting "Aye".

23689 APPROVE SELECTION OF ENGINEERING AND RIGHT OF WAY FIRMS FOR THE PASS THROUGH FINANCING PROGRAM AS RECOMMENDED BY THE COMMITTEE MEMBERS AND PROGRAM MANAGER, PRIME STRATEGIES

[T1-325] Charles O'Dell, President of Hays CAN, spoke of limited information for public to make a judgment or to participate. He spoke of problem he has with one of the firms and with the process. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve selection of Engineering and Right-of-Way Firms for the Pass Through Financing Program as recommended by the Committee members and Program Manager Prime Strategies. All voting "Aye".



23690 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR \$120,000 TO CONSTRUCT A RIGHT TURN LANE ON BEEBE AT DACY LANE

Grants Administrator Richard Salmon spoke of increase in matching funds required from the County (increase from \$51,000 to \$135,000). Commissioner Ingalsbe spoke of this being a safety issue. Grant amount is \$120,000. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Resolution authorizing the County Judge to execute Reimbursement Agreement with Texas Department of Transportation for \$120,000 to construct a right turn lane on Beebe Road at Dacy Lane. All voting "Aye".

23691 [PCT. 2 #05-2-073, 1 LOT] RESUBDIVISION OF GOFORTH HILLS LOT 29 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-404]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Goforth Hills Lot 29". All voting "Aye".

23692 [PCT. 3 #06-3-047, 2 LOTS] BRIDLEWOOD RANCHES RESUBDIVISION OF SECTION I LOT 8 & SECTION II LOTS 17 AND 18 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-422]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Bridlewood Ranches Resubdivision of Section I Lot 8 & Section II Lots 17 & 18". All voting "Aye".

23693 [PCT. 4 #05-4-026] WALT GRAINER UNIT 1 SUBDIVISION - APPROVE EXTENSION OF CONSTRUCTION SURETY [T1-439]

Environmental Health Director Allen Walther gave staff recommendation to approve extension of construction security. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve extension of construction security for "Walt Grainer Unit 1 Subdivision". All voting "Aye".

23694 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS FOR GREAT HILLS SUBDIVISION [T1-450]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering recommended a speed limit of 25MPH and STOP signs. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations for Great Hills Subdivision as follows: STOP sign on Railyard Drive at intersection of High Road, STOP sign on Stag Horn Pass at intersection of High Road, 2-way STOP sign on Stag Horn Pass at intersection of Railyard Drive, 2-way STOP sign on Mercedes Lane at intersection of Railyard Drive, STOP sign on Sadie Hollow at intersection of Stag Horn Pass, STOP sign on Waterfall Lane at intersection of Railyard Drive, STOP sign on Shasta Cove at intersection of Waterfall Lane, and set speed limit of 25 MPH. All voting "Aye".

23695 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN COUNTY ROW, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION, PHASE 3, SECTION 11A [T1-465]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements in county right-of-way, release the construction bond, and accept the maintenance bond for two years for "Belterra Phase 3 Section 11A" subdivision. All voting "Aye".



ACTION FAILED TO PLACE THE AGENDA BACKUP INFORMATION FOR COMMISSIONERS COURT ON THE HAYS COUNTY WEBSITE, ALONG WITH THE CURRENT LISTING OF AGENDA ITEMS [T1-489]

Commissioner Carter suggested providing agenda backup information on the county website. Judge Powers spoke of problems he sees with this. Commissioner Molenaar spoke of it being difficult on staff and he would like more time to consider this request. IT Director Jeff McGill advised that all the backup would have to be scanned into a PDF format and sent to IT Department. Executive Assistant Brad Bailey spoke of agenda preparation and last minute additions. Special Counsel Jacqueline Cullom Murphy spoke of this being above and beyond what the open meetings act requires and need to be consistent if you start this. Brad Bailey advised that he would like to try this out before a final decision is made. Charles O'Dell (President of Hays CAN) encouraged the court to approve this. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to place the agenda backup information for Commissioners' Court on the Hays County website, along with the current listing of agenda items. Commissioner Ingalsbe and Commissioner Carter voting "Aye". Judge Powers, Commissioner Conley, and Commissioner Molenaar voting "No". MOTIONS FAILED.**

PRESENTATION AND UPDATE BY NAISMITH ENGINEERING ON ONGOING HAYS COUNTY DEVELOPMENT STANDARDS STAKEHOLDER PROCESS [T1-939]

Tom Brown (Naismith Engineering) provided an update on the ongoing Hays County development standards stakeholder process. A stakeholders meeting was held on August 10, 2006 (63 people in attendance). Eight stakeholder groups were identified: concerned citizens; cities; governmental entities (including school districts and emergency management districts); utility providers (including wholesale and retail water/wastewater providers, electric, gas, telephone & cable providers); neighborhood interests, local environmental/public interest organizations, development & economic interests, and property owner & agricultural interests. At the breakout session these groups selected 3 members and an alternate to serve on the stakeholders committee. Some groups did not select an alternate and they must be appointed by the Commissioners' Court (one for the cities and one for utility providers). Mr. Brown spoke of major items for the milestone report: (1) outline the process (2) outline the issues identified by each stakeholder group (3) examine existing development regulations of the cities in Hays County and comparing with other counties (Comal, Travis, Bastrop, Denton, & Williamson) around the state .

23696 AUTHORIZE SPECIAL COUNSEL TO INFORM PAWS, INC. THAT THE COUNTY WILL NO LONGER UTILIZE ITS FACILITY FOR ANIMAL SHELTERING SERVICES

[T1-1165] Commissioner Ingalsbe spoke of the County not utilizing the PAWS shelter due to an outbreak of distemper and had approved a short-term agreement with the City of San Marcos for animal sheltering services. We are currently paying \$25 per animal to the City of San Marcos. She advised that she will be bringing back a long term agreement with the City of San Marcos for consideration. Commissioner Carter spoke of her concerns and spoke in support of PAWS. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize Special Counsel to inform PAWS Inc. that the County will no longer utilize its facility for animal sheltering services. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23697 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LOOMIS AUSTIN, INC., RELATING TO IMPLEMENTATION OF THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T1-1285]

Charles O'Dell (President of Hays CAN) voiced his concern about the selection process – he would like to be able to participate. Special Counsel Jacqueline Cullom Murphy spoke of procedure that has been followed. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a professional services agreement with Loomis Austin, Inc. relating to implementation of the Hays County Regional Habitat Conservation Plan. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

PUBLIC HEARING ON THE FY2007 BUDGET [T1-1469]

Judge Powers declared the public hearing open. Constable Pct. 2 James Kohler spoke in support of a new office building in Precinct 2. Linda Turley (Adult Probation Dept) spoke of need for additional and adequate office space in Kyle. She spoke of increase in caseload in the Kyle area. George Hernandez, Chief Probation Officer, spoke of increase in crime in the IH35 corridor – additional staff is needed, therefore, additional office space is needed. [T1-1574] J.P. Pct. 2 Beth Smith spoke of need for additional office space in Precinct 2 and the conditions at the current location. Boys & Girls Club members spoke in support of their club. Mary Gutierrez spoke of wanting to increase their programs in Hays County. Most of the kids in this club go to a charter school. Health Dept. Director Nick Icosipentarios spoke of numbers increasing in the Kyle Clinic. Brad Bailey spoke of \$16,000 budgeted for the Umland VFD – Kyle & Chisum Trail Fire Departments are taking over their area. Asst. Fire Marshal Bo Montague spoke of Umland VFD no longer being a fire dept. – the budgeted funds could be used to help fund the Kyle Fire Dept. & Chisum Trail Fire Dept. Judge Powers declared the public hearing closed. [T1-2041] Commissioner Molenaar asked for \$4300 for the Hays Child Welfare Board. They requested \$10,000 and received only \$5,700. JP2 Beth Smith spoke of services provided through the Hays Child Welfare Board (CPS).



23698 ACTION TO SET SALARIES AND ALLOWANCES OF HAYS COUNTY ELECTED OFFICIALS FOR FY2007 [T1-2140]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to set salaries and allowances of Hays County Elected Officials for FY2007. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23699 ADOPT THE FY2007 HAYS COUNTY BUDGET WITH FINAL CHANGES [T1-2154]

A motion was made by Commissioner Molenaar, seconded by Judge Powers to allocate an additional \$4300 for Hays Child Welfare Board. All voting "Aye".

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve additional position for Road & Bridge Dept. (\$27,720). Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Commissioner Molenaar voting "Aye". Judge Powers voting "No".

County Auditor Bill Herzog presented a list of budget considerations:

	<u>M&O TAXES</u>	<u>OTHER FUNDS</u>	<u>GENERAL FUND RESERVES</u>
COURTS BUDGET	\$ (43,801)		\$ 452,129
	\$ (97,871)		\$ 97,871
DEPARTMENTS (GENERAL FUND)			
<u>Countywide</u>			
Proceeds from sale of Pct. 3 Barn Animal Shelter			\$ 107,000
			\$ 400,000
<u>Road & Bridge</u>			
Matching funds – hazard elimination grants		\$ 117,000	
Additional Position (01/01/07)		\$ 27,720	
<u>Personal Health</u>			
Bioterrorism Grant	\$ 35,014		
Delete Admin Coord 01/01/07	\$(21,871)		
Additional Funds for Vaccines	\$ 25,000		
Nurse Practitioner	\$ 7,066		
<u>Human Resources</u>			
Continuing Education	\$ 1,100		
<u>District Attorney</u>			
ADA Felony (01/01/07)	\$ 53,574		
Legal Ass't (01/01/07)	\$ 27,282		
Investigator (01/01/07)	\$ 35,321		
<u>Sheriff</u>			
Vehicles & Equipment	\$ 64,667		
<u>County Clerk Records Preservation</u>			
Office Supplies		\$ 3,000	
<u>Park Bond Funds</u>			
5 Mile Dam Park Project		\$ 40,800	
<u>Historical Commission</u>			
Jail Restoration Project		\$ 7,510	
<u>Road Bonds</u>			
Fund 40		\$4,000,000	
Fund 42		\$4,000,000	
<u>Juvenile Detention Center</u>			
Director Salary		\$ (2,550)	
Salary Adjustments		\$ 2,550	
<u>Infrastructure Improvement</u>			
Revenue		\$ (100,000)	
Special Projects		\$ 100,000	
TOTALS	<u>\$ 85,481</u>		<u>\$1,057,000</u>

[T1-2483] A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve list provided by the County Auditor for consideration with the following changes: fund Sheriff's vehicles (3) in the amount of \$56,394 out of reserves, fund an additional \$5,000 for Vaccines instead of \$25,000, delete District Attorney Investigator (\$35,321), and add \$4,300 to Hays Child Welfare Board. All voting "Aye".

Jeff McGill, IT Department Director, spoke of salary (re-grades) comparisons with Comal County and City of San Marcos. Shari Miller (Human Resources) spoke of matching jobs with the City of San Marcos (no regrade) and 10 other counties (regrade). Jeff McGill spoke of technology level being higher than those being compared to. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve regrade of four (4) positions in the IT Department in the amount of \$8,926. All voting "Aye".



[T1-2825] County Auditor Bill Herzog spoke of Beebe Road turn lane at Dacy Lane = \$135,000. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to fund \$135,000 out of R&B General Reserves for the Beebe Road turn lane project. All voting "Aye".

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to fund the \$16,000 budgeted for the Uhland VFD to be allocated to the Kyle Fire Department & Chisum Trail Fire Department as requested. All voting "Aye".

Commissioner Conley spoke of "Angels for Elders" in the Wimberley area that provides transportation services. CARTS will try to get to the area. He spoke of services being provided by Angels for Elders. They are requesting \$3,000. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to fund \$3,000 to "Angels for Elders". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

Britney Richey spoke of questions regarding merit increases. The court advised the following: 4% merit does not apply to vacant positions – no merit for new employees hired on or after Oct 1st – no merit for County Extension Agents & District Judges. Human Resources Director Dee Dee Baen advised that employees maxed at their grade may be eligible for a lump sum payment that will not extend the grade range. It was stated that performance reviews are required before merit increases are awarded. [T1-3632] A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve a lump sum 4% merit for employees that are at the maximum of their grade to be paid October 1st. All voting "Aye".

[T1-3694] A motion was made by Judge Powers, Seconded by Commissioner Molenaar to adopt the FY07 Hays County Budget with changes made this date. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23700 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY2007 AND LEVY THE TAXES [T2-1

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt the tax rate of 45.00 cents for FY2007 and levy the taxes with the breakdown as follows: 31.14 cents for general maintenance and operations, 6.76 cents for general debt, and 7.10 cents for road and bridge maintenance and operations. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 12, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 19TH DAY OF SEPTEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION AND UPDATE OF HAYS COUNTY RECYCLING OPERATIONS

Resource Management Director Jerry Pinnix gave a powerpoint presentation regarding Hays County Recycling. They have been able to obtain grants to fund programs: 2004 = \$48,300 for buildings at the Transfer Station and Citizens Collection Station, 2005 = \$27,500 for 2 fork lifts (one for each site) and installed balers @ Citizens Collection Station, 2006 = \$34,000 for a new ¾ ton Chevy diesel pickup truck and 2 14' dump trailers to begin taking glass for recycling. The glass will be delivered to Blanco County to be pulverized at their site and we will return with a load of pulverized glass which will be used by the road department in their road mixes. Abitibi Consolidated now picks up the paper products and pays the county \$15 per ton with no transportation costs. We now bale our aluminum cans and deliver them to Kyle where we receive 60 cents per pound. The cardboard is also baled and picked up by Allie Waste/ACCO Recycling and the county receives \$60 per ton without transportation costs. Scrap metals and aluminum scrap is loaded into a 40 cubic yard container box which is provided by Comal Iron of New Braunfels – the county receives \$1 per 100 pounds with no transportation costs. H & H Oil Recycling picks up used motor oil, used oil filters and used anti-freeze and there is no fee – we are paid \$0.40 @ gallon county wide. We now have our used batteries picked up by Interstate Batteries and the county receives \$5 per battery.

PUBLIC COMMENT

[T1-194] Rick Bowen spoke of people hunting on a 4 acre tract near his home. He spoke of discussions with PEC and CenturyTel regarding damage to power/telephone lines caused by buckshot and he spoke of action that can be taken by the Court regarding hunting on less than 10 acres of land and restricting of lease license.

[T1-254] Andrew Backus (Hays Trinity Groundwater Conservation District) spoke of water availability requirements. He feels like there is a flaw in the county water availability rules. He spoke of LCG 232.0032 and 30 TAC 230 and Chapter 32 Water Code and he encouraged the court to adopt 30 TAC 230 rules (same as Comal County rules).

23701 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog requested that an invoice in the amount of \$5249.70 to Gene Lee be added to the batch. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 1,529,054.92 with the addition of an invoice in the amount of \$5,249.70 as presented by the County Auditor. All voting "Aye".

23702 APPROVE BUDGET AMENDMENT # 06-42

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-42 as proposed by the County Auditor. All voting "Aye".

23703 APPROVE THE SHERIFF AND CONSTABLE FEES FOR 2007

The law requires that the Sheriff and Constable Fees be adopted prior to October 1st of each year. There are no requested changes for 2007 – they will remain the same as they are at this time. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the Sheriff and Constable Fees for 2007. All voting "Aye".

23704 APPROVE FY2006-2007 FEE SCHEDULE FOR HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve FY2006-2007 Fee Schedule for Hays County Personal Health Department as presented. All voting "Aye".



Revenue Codes	Rates	Revenue Codes	Rates
TB CONTROL		FAMILY SERVICES	
06 X-Rays	\$ 40.00	01 B/P	\$ 5.00
07 TB Skin Tests	\$ 15.00	02 Cholesterol	\$ 20.00
		03 Patient Education	
IMMUNIZATIONS		04 Diabetes	\$ 10.00
10 VFC	\$ 15.00	05 HIV	\$ 20.00
10 VFC	\$ 20.00	05 STD	\$ 25.00
10A VFC Medcd		08 Adult HepB	\$ 50.00
12 Copies	\$ 2.00	08 Adult HepA	\$ 40.00
		09 Flu	\$ 20.00
		09A - Pneumonia	\$ 30.00
TITLE V		13 Womens Hlth Exam	\$ 70.00
11 Pregnancy	\$ 15.00	13 WH Problem	\$ 40.00
21 Sick Child	\$ 12.00	13L WH Labs	
21 Well Child	\$ 15.00	14 Mat Admit	\$ 70.00
21 Mat Admid	\$ 17.00	14 Maternity	\$ 40.00
21 Mat Return	\$ 10.00	14A Mat. 3 rd	
21 Ultrasound	\$ 25.00	15 Well Child	\$ 40.00
21 FamPlanExam	\$ 12.00	15 Newborn	\$ 30.00
		15A Well Child 3 rd	
		16A Case Mgmt	
		17 DePo	\$ 50.00
		17 Pills	\$ 5.00
		18 FP Exam	\$ 70.00
		19 Other	
		14-18 L Labs	
		FAMILY PRAC CLINIC	
		20 Primary Care	
		20A PHC 3 rd	
		20L Labs	

REVENUE CODES - Sliding Scale - Monthly Income - Family Size

FAMILY SIZE	LEVEL 1	LEVEL 2	LEVEL 3
	0-100%	101-185%	185-250%
1	0-\$817	\$818-\$1511	\$1512-\$2042
2	0-\$1100	\$1101-\$2035	\$2036-\$2750
3	0-\$1384	\$1385-\$2560	\$2561-\$3459
4	0-\$1667	\$1668-\$3084	\$3085-\$4167
5	0-\$1950	\$1951-\$3608	\$3609-\$4875
6	0-\$2234	\$2235-\$4132	\$4133-\$5584
7	0-\$2517	\$2518-\$4656	\$4657-\$6292
8	0-\$2800	\$2801-\$5180	\$5181-\$7000
9	0-\$3084	\$3085-\$5705	\$5706-\$7709
10	0-\$3367	\$3368-6229	\$6230-\$8417
Family Practice Clinic			
CPT CODE	LEVEL 1	LEVEL 2	LEVEL 3
99201	\$ 30.00	\$ 37.00	\$ 45.00
99202	\$ 35.00	\$ 43.00	\$ 53.00
99203	\$ 45.00	\$ 55.00	\$ 67.00
99204	\$ 67.00	\$ 83.00	\$ 101.00
99205	\$ 85.00	\$ 105.00	\$ 130.00
99211	\$ 23.00	\$ 25.00	\$ 31.00
99212	\$ 30.00	\$ 37.00	\$ 45.00
99213	\$ 43.00	\$ 53.00	\$ 65.00
99214	\$ 49.00	\$ 61.00	\$ 75.00
99215	\$ 67.00	\$ 85.00	\$ 105.00

23705

AUTHORIZE ONLINE AUCTION WITH RENE BATES AUCTIONEERS TO DISPOSE OF SURPLUS VEHICLES AND MISC. COMPUTER EQUIPMENT AND SUPPLIES

A list of auction items can be seen in the Purchasing Office. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize online auction with Rene Bates Auctioneers to dispose of surplus vehicles and misc. computer equipment and supplies. All voting "Aye".



23706 APPROVE SPECIFICATIONS FOR ROAD IMPROVEMENT PROJECT / REDWOOD ROAD (CR232) AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve specifications for Road Improvement Project/Redwood Road (CR232) and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23707 APPROVE SPECIFICATIONS FOR "ROAD BUILDING MATERIALS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve specifications for "Road Building Materials" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23708 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCOG TO EXPAND THE EXISTING COUNTYWIDE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) FOR UP TO \$26,218.00

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to CAPCOG to expand the existing countywide Community Emergency Response Team (CERT) for up to \$26,218.00. All voting "Aye".

23709 APPROVE FINANCIAL SUMMARY OF CONTRACTED AND ANTICIPATED COSTS RELATED TO THE 2001 HAYS COUNTY BOND PROGRAM

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve financial summary of contracted and anticipated costs related to the 2001 Hays County Bond Program. All voting "Aye".

23710 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE FOR UP TO \$63,140.00

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve resolution authorizing the County Judge to submit a grant application to the Texas Judicial Council - Task Force on Indigent Defense for up to \$63,140.00. All voting "Aye".

23711 [PCT. 2 #06-2-043, 2 LOTS] SUNRISE ACRES RESUBDIVISION OF LOT 85 - PUBLIC HEARING AND APPROVAL OF THE FINAL PLAT [T1-316]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. Commissioner Carter spoke of giving greater density based on surface water. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Sunrise Acres Resubdivision of Lot 85". All voting "Aye".

23712 [PCT. 4 #06-4-045, 2 LOTS] TRES ARROYOS RESUBDIVISION OF LOT 3 - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-344]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on October 3, 2006 and approve preliminary plan for "Tres Arroyos Resubdivision of Lot 3". All voting "Aye".

23713 WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY [T1-357]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive development fees for the Wimberley Valley Habitat for Humanity. All voting "Aye".



23714 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THOMPSON RANCH ESTATES SUBDIVISION [T1-362]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 30 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Carter to establish traffic regulation of 30 MPH speed limit in Thompson Ranch Estates Subdivision. All voting "Aye".

23715 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN CLEAR LAKE ESTATES SUBDIVISION [T1-375]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 30 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Carter to establish traffic regulation of 30 MPH speed limit in Clear Lake Estates Subdivision. All voting "Aye".

23716 AWARD A CONTRACT FOR BUILDING A CHAIN LINK FENCE AT THE ROAD DEPARTMENT'S PRECINCT 3 MAINTENANCE YARD TO AAA FENCE COMPANY IN THE AMOUNT OF \$20,475.00 [T1-387]

Road Supt/Engineer Jerry Borcharding spoke of this being a budgeted project. AAA Fence Company had the lowest of 3 bids received. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to award a contract for building a chain link fence at the Road Department's Precinct 3 maintenance yard to AAA Fence Company in the amount of \$20,475.00. All voting "Aye".

DISCUSSION REGARDING 9-1-1 ADDRESSING SERVICES WITH THE CITY OF KYLE (ITEM TABLED ON 08-01-2006) [T1-401]

GIS Program Manager/911 Addressing Steve Floyd advised the court that we have received annexation ordinances for 2005 & 2006 from the City of Kyle and the digital data needed for 9-1-1 addressing services is being provided. No action is needed.

23717 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE GUADALUPE-BLANCO RIVER AUTHORITY AND THE HAYS COUNTY COMMISSIONERS COURT TO COOPERATE TO ADDRESS THE IMMEDIATE AND LONG-TERM WATER AND WASTEWATER NEEDS OF HAYS COUNTY [T1-455]

This agreement is the first step towards the following: (1) Cooperative Planning in and between Hays County and GBRA, (2) Development of long-term planning initiatives; and (3) Coordination of water and wastewater services in unincorporated areas of Hays County through service contracts among the Court and customers. Charles O'Dell, President of Hays CAN, spoke of items in the interlocal agreement. Bill West, with GBRA, spoke of the interlocal agreement being considered. Specific projects will be addressed with a separate contract/agreement. Mr. West spoke of agreement with City of San Marcos utilizing surface water from Lake Dunlap. The immediate supply for Hays County would come from Canyon Lake and the Guadalupe River. Judge Powers spoke of need to begin planning. Discussion was had regarding creation of more reservoirs which is not a popular option. A motion was made by Judge Powers, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement between the Guadalupe-Blanco River Authority and the Hays County Commissioners' Court to cooperate to address the immediate and long-term water and wastewater needs of Hays County. All voting "Aye".

PRESENTATION BY SUSTAINABLE WATER RESOURCES LLC (SWR) CONCERNING THEIR EFFORTS TO BRING NEW, DIVERSE, AND SUSTAINABLE WATER RESOURCES UP THE GROWING IH-35 CORRIDOR [T1-846]

Charles O'Dell, President of Hays CAN, spoke of changing the density and population growth by adding surface water. Andrew Backus (Hays Trinity Groundwater Conservation District) spoke of need to improve the subdivision ordinance for Hays County and need for joint planning. Lynn Sherman (SWR) spoke of Hays County needing more water. He spoke of estimated growth in the area and he spoke of five sources. [T1-1090] Mr. Sherman spoke of LCRA only being able to provide water to northern Hays County (Colorado basin) and not the southern portion or Wimberley. He spoke of the Barton Springs Edwards Aquifer (prohibited from issuing any more permits), Edwards Aquifer (prohibited from issuing any more permits), and the Trinity Aquifer (cannot sustain growth). Mr. Sherman spoke of water available from the Simsboro portion of the Carrizo-Wilcox Aquifer. They want to bring 65,000 acre feet of water to Hays County to be delivered by 2011 at a cost of less than \$3 per thousand gallons with a long term contract (40-50 years) with similar renewal period. The supply is 70 - 80 miles away and is a sustainable long term resource. Environmental Health Director Allen Walther spoke of water tables dropping in Hays County - our aquifers are in bad shape.



SEPTEMBER 19, 2006

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CONSIDER OPTIONS RELATED TO REVIEW OF POTENTIAL WATER AND WASTEWATER PROJECTS [T1-1692]

On August 29, 2006, the Hays County Commissioners' Court authorized the hiring of Edmond McCarthy to review the legal aspect of potential water projects and providers in Hays County. Since that time, numerous entities have been identified that are working on projects in and around Hays County. As the identification process continues, it is highly likely that several feasible projects may be presented. Projects the court may be asked to consider in the future should include short-term and long-term solutions. Projects should also be evaluated for inter-connectivity with other providers in the County and fit into long-range plans for the various jurisdictions. Options being considered today are: (1) to authorize Purchasing to develop an RFQ to hire an engineering firm to help identify water and wastewater needs and provide a technical review of potential projects, or (2) consider short-term and long-term options with regard to staff development (hire internal personnel to help with inter-jurisdictional planning or hire a planner). Charles O'Dell, President of Hays CAN, spoke of cost for water. Commissioner Molenaar spoke of what the court has been doing to bring water into Hays County. Environmental Health Director Allen Walther spoke of using staff to address these planning issues. He suggested developing a job description for a planning position for water/wastewater issues. Commissioner Conley spoke of need to gather information now in order to develop short term and long term plans. Commissioner Carter spoke of need in the future for an engineering department. NO ACTION TAKEN THIS DATE

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 19, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26TH DAY OF SEPTEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

23718 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$388,222.09 as presented by the County Auditor. All voting "Aye".

23719 APPROVE BUDGET AMENDMENT # 06-43

Budgets being amended: Grants = \$117 transfer for required grant advertising, Information Technology = \$661 transfer for HR & Jail replacement software, Parks = \$485 transfer for misc. supplies & fuel, Law Library = \$750 transfer for computer programming expense, and Juvenile Center = \$ 20,500 transfer for needed utilities. A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve Budget Amendment #06-43 as proposed by the County Auditor. All voting "Aye".

23720 AWARD CONTRACT FOR "PHARMACEUTICALS FOR INMATES AT THE HAYS COUNTY JAIL" TO DIAMOND PHARMACY SERVICES

Diamond Pharmacy Services was the only vendor who responded with a bid offer. A motion was made by Commissioner Conley, seconded by Commissioner Carter to award contract for "Pharmaceuticals for Inmates at the Hays County Jail" to Diamond Pharmacy Services. All voting "Aye".

23721 APPROVE SPECIFICATIONS FOR "UNIFORM RENTAL FOR EMPLOYEES OF HAYS COUNTY" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve bid specifications for "Uniform Rental for Employees of Hays County" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23722 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310, 3037 AND 5317 PROGRAMS TO REPLACE THE COUNTY VETERANS AFFAIRS BUS

A motion was made by Commissioner Conley, seconded by Commissioner Carter to authorize the County Judge to submit grant application to the Texas Department of Transportation Section 5310, 3037 and 5317 Programs to replace the County Veterans Affairs Bus. All voting "Aye".

23723 APPROVE LEASE ADDENDUM AND LEASE EXTENSION FOR HAYS COUNTY, PRECINCT 3 OFFICES

This lease addendum extends the current lease for one year (12 months) at a new rental rate of \$1,255 per month through September 2007. A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve lease addendum and lease extension for Hays County, Precinct 3 offices. All voting "Aye".

23724 APPROVE CONTRACT WITH GLOBALSTAR USA FOR SATELLITE PHONE SERVICE AS PER BT GRANT REQUIREMENTS

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve contract with Globalstar USA for satellite phone service as per BT Grant requirements. All voting "Aye".



- 23725 APPROVE INTERLOCAL CONTRACT BETWEEN DEPARTMENT OF STATE HEALTH SERVICES AND THE HAYS COUNTY HEALTH DEPARTMENT RELATING TO TUBERCULOSIS (TB) OR LATENT TB INFECTION TESTING FOR PREVENTION AND CONTROL OF TB IN LOCAL JURISDICTIONS (DRAFT APPROVED BY COMMISSIONERS COURT ON AUGUST 22, 2006)**

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve interlocal contract between Department of State Health Services and the Hays County Health Department relating to tuberculosis (TB) or Latent TB infection testing for Prevention and Control of TB in local jurisdictions (Draft approved by Commissioners Court on August 22, 2006). All voting "Aye".

- 23726 APPROVE PURCHASE OF ONE (1) 5 HP 14.8 CFM 80 GALLON INGERSOL RAND AIR COMPRESSOR (\$999.99) FROM TRACTOR SUPPLY STORE FOR THE HAYS COUNTY JUVENILE DETENTION CENTER**

A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve purchase of one (1) 5 HP 14.8 CFM 80 gallon Ingersol Rand Air Compressor (\$999.99) from the San Marcos Tractor Supply Store for the Juvenile Detention Center. All voting "Aye".

- 23727 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION - HAZARD ELIMINATION PROGRAM (HES) FOR \$105,193 TO CONSTRUCT SAFETY FEATURES ON CR 220 (JACOBS WELL ROAD) FROM RM 12 TO RM 2325**

Grants Administrator Richard Salmon advised that this is for signage and other issues and not the bridge on Jacobs Well Road. Hays County will provide 10% match and TxDOT will provide engineering, design, bid letting, awarding, supervision and inspecting. A motion was made by Commissioner Conley seconded by Commissioner Molenaar to approve resolution authorizing the County Judge to execute reimbursement contract with Texas Department of Transportation - Hazard Elimination Program (HES) for \$105,193 to construct safety features on CR 220 (Jacobs Well Road) from RM 12 to RM 2325. All voting "Aye".

- 23728 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION - HAZARD ELIMINATION PROGRAM (HES) FOR \$880,320 TO CONSTRUCT GUARDRAIL IMPROVEMENTS, SAFETY TREATMENT OF FIXED OBJECTS & RESURFACING ON CR 131 (WINDY HILL) FROM FM 2001 TO I-35**

Hays County will provide 10% match and TxDOT will provide engineering, design, bid letting, awarding, supervision and inspecting. A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve resolution authorizing the County Judge to execute reimbursement contract with Texas Department of Transportation - Hazard Elimination Program (HES) for \$880,320 to construct guardrail improvements, safety treatment of fixed objects and resurfacing on CR 131 (Windy Hill) from FM2001 to I-35. All voting "Aye".

- 23729 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION - HAZARD ELIMINATION PROGRAM (HES) FOR \$134,013 TO CONSTRUCT A SAFETY TREATMENT OF FIXED OBJECTS ON PALOMINO RD. FROM WINDY HILL TO GOFORTH ROAD**

Hays County will provide 10% match and TxDOT will provide engineering, design, bid letting, awarding, supervision and inspecting. A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve resolution authorizing the County Judge to execute Reimbursement Contract with the Texas Department of Transportation - Hazard Elimination Program (HES) for \$134,013 to construct a safety treatment of fixed objects on Palomino Road from Windy Hill to Goforth Road. All voting "Aye".

- 23730 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION - HAZARD ELIMINATION PROGRAM (HES) FOR \$54,758 TO INSTALL A FLASHING BEACON AT THE INTERSECTION OF BEBEE RD., AND DACY LANE**

Hays County will provide 10% match and TxDOT will provide engineering, design, bid letting, awarding, supervision and inspecting. A motion was made by Commissioner Conley, seconded by Commissioner Carter to approve resolution authorizing the County Judge to execute Reimbursement Contract with Texas Department of Transportation - Hazard Elimination Program (HES) for \$54,758 to install a flashing beacon at the intersection of Bebee Road and Dacy Lane. All voting "Aye".



23731 [PCT. 4 #06-4-022, 2 LOTS] BARTON CREEK MEADOWS – APPROVE FINAL PLAT [T1-55]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Barton Creek Meadows". All voting "Aye".**

23732 [PCT. 4 #06-4-048, 5 LOTS] SUNSET HILLS – APPROVE PRELIMINARY PLAN [T1-64]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. This subdivision is taking advantage of our rebate program (cedar eradication). **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Sunset Hills" subdivision. All voting "Aye".**

23733 CALL FOR A PUBLIC HEARING ON OCTOBER 10, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION PHASE III SECTION 11A [T1-80]

The proposed traffic regulations are: a STOP sign on Harris Drive at Belterra Drive, a STOP sign on Saint Richie Lane at Harris Drive (one on each end), a STOP sign on Kiras Court at Harris Drive, a STOP sign on Kiras Court at Saint Richie Lane, a speed limit of 30 MPH on Belterra Drive and a speed limit of 25 MPH on Harris Drive, Saint Richie Lane, and Kiras Court. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on October 10, 2006 to establish traffic regulations in "Belterra Phase III Section 11A" subdivision. All voting "Aye".**

23734 ACTION RELATING TO THE HAYS COUNTY CIVIC CENTER TO INCLUDE AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH CHARLES NAGEL RELATING TO THE MANAGEMENT OF THE HAYS COUNTY CIVIC CENTER [T1-89]

Gwen Norris spoke on behalf of 4-H and the Texas Buckskin Horse Assoc. in support of the proposed agreement. Monica Bryant (4-H member in Matagorda County and her daughter is now a 4-H member in Hays County) spoke of the civic center being the sports arena for these kids. Joy Norris (West SM 4-H club member) spoke of her involvement in events at the civic center and in support of Mr. Nagel. Cresse McGee spoke in support of Mr. Nagel and for the improvements that have been made. Kim McGee, VP of Hays County Horse Committee, spoke of Monday night rides hosted at the civic center and tremendous increase in numbers using the facility. [T1-232] Ruben Garza spoke of money that has been lost over the past 5 years and he proposed that instead of a management company that a stakeholders committee be created to be made up of groups that currently use the facility (i.e. 4-H, LULAC, etc.). The County would fund the operation and maintenance as currently funded along with one salaried position of \$35,000. He spoke of currently paying the management company \$120,000 to run a \$91,000 operation. [T1-294] Charles Nagel spoke of customer base at the Civic Center and events that have been held at the facility. He spoke of improvements that have been made to the facility and predicts that it will be self-sustaining in the next year. \$157,000 is projected for revenue this coming year. Mr. Nagel spoke of how the \$120,000 is spent that he is paid (insurance, personnel, contract workers, etc.). He spoke of items that have been donated and rental rates. Commissioner Molenaar spoke of battles he has fought over the civic center and he feels like the community benefits from this facility (hotels, restaurants, outlet mall, etc.). He supports continuing with Charles Nagel's management. Road Dept. Supt/Engineer Jerry Borcharding spoke of projects the road department has done at the civic center. Mr. Nagel advised that he will no longer need help from the Road Dept. Commissioner Carter spoke of need for improvements and she spoke of reducing his fee. Commissioner Ingalsbe spoke of emails that were sent out regarding closure of the civic center and she spoke of the auditor's office showing that we are losing more money than ever. Judge Powers spoke of need to have a break-even approach to this facility. The court requested a plan from Mr. Nagel and monthly reports. Commissioner Conley spoke of using this location to bring in a big business that would generate jobs and revenue to the community and find a new location for our facility west of IH35 that would be a newer facility that would be more profitable. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to extend the civic center management contract with Charles Nagel for one more year, form a stakeholders committee, and have the County Judge's office work with the City of San Marcos and our Economic Development Council to look at and formulate some possible ideas and plans on using the civic center for a higher and better use as it concerns to economic development. All voting "Aye".**

23735 APPROVE APPOINTMENT OF AMY RUTHRAUFF AND BRANDY HARRIS TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL VACANT SEATS THROUGH DECEMBER 31, 2006 [T1-1198]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve appointment of Amy Ruthrauff and Brandy Harris to the Hays County Historical Commission to fill vacant seats through December 31, 2006. All voting "Aye".



CLERK'S NOTE: AGENDA ITEM # 18 RE: ACTION REGARDING A REQUEST BY MISCELLANEOUS STEEL INDUSTRIES SEEKING A REFUND OF PENALTIES, INTEREST AND ATTORNEY'S FEES PURSUANT TO SECTION 33.011, TEXAS PROPERTY TAX CODE was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

23736 WAIVE DEVELOPMENT FEES FOR ST. MARK'S EPISCOPAL CHURCH [T1-1213]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to waive development fees for St. Mark's Episcopal Church. All voting "Aye".

23737 ALLOW JUSTICE OF THE PEACE PCT. 1 PLACE 1 TO HIRE A TEMPORARY CLERK [T1-1223]

J.P. Pct. 1 Place 1 currently has two Clerks and one will be off due to surgery for at least 6 weeks (from October 2 – November 13). Judge Prado is requesting funds to hire a temporary clerk for up to 8 weeks to be paid out of FY07 contingencies. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to allow J.P. Pct. 1 Place 1 to hire a temporary clerk as requested. All voting "Aye".

23738 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT WITH ROGER HANKS PARK, INC., RELATING TO THE PROPOSED PRECINCT 4 OFFICE BUILDING [T1-1282]

The agreement is modified to provide that the \$10,000 reimbursement described therein may be applied towards the cost of the survey, architectural fees, design review fees assessed under the Declaration, cost estimating and other design or construction services; and provides that the closing date shall occur no later than October 10, 2006. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to move forward with the office building for Pct. 4, authorize the County Judge to execute the First Amendment to Purchase and Sale Agreement with Roger Hanks Park, Inc., and to close no later than October 10, 2006. All voting "Aye".

23739 AUTHORIZE \$35,000 FROM THE LCRA WATER FUND TOWARD THE FIRST YEARS OPERATIONS COST OF THE COUNTY LINKED DEPOSIT LOAN PROGRAM

[T1-1332] this is the first year cost to the county to operate the linked deposit loan program. Thereafter, grants and or interest on grants will cover operating expenses. Use of funds is \$30,000 for contractor and \$5,000 for equipment. A motion was made by Commissioner Conley, seconded by Judge Powers to authorize \$35,000 form the LCRA Water Fund toward the first years operations cost of the County Linked Deposit Loan Program. All voting "Aye".

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO EVALUATE DEPARTMENT HEADS

The court convened into closed executive session pursuant to Section 551, 074, Texas Government Code, to evaluate county department heads. No action was taken.

Court was adjourned.

I, LEE CARLISLE, 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 SEPTEMBER 26, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3rd DAY OF OCTOBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

23740 ADOPT A PROCLAMATION SUPPORTING THE TEXAS BENEFITS EVENT IN HAYS COUNTY ON OCTOBER 7, 2006

A Texas Benefits Event will be held on Saturday, October 7th, from 8:00 a.m. to 2:00 p.m. at the San Marcos High School Cafeteria to assist people who need help applying for CHIP (Children's Health Insurance Program), Medicaid, Food Stamps, and TANF (Temporary Aid for Needy Families). The sponsors of this project include Texas Senator Jeff Wentworth, State Representative Patrick Rose, Hays County Judge Jim Powers and the Hays County Commissioners, Mayor Susan Narvaiz and the San Marcos City Council, the Texas Health and Human Services Commission, San Marcos CISD, United Way of Hays County, The San Marcos Daily Record, Gary Job Corps Center, Insure-a-Kid, and the Children's Defense Fund. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to adopt a Proclamation supporting the Texas Benefits Event in Hays County on October 6, 2006. All voting "Aye".**

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

The following county employees were presented with Hays County Service Awards:

- 5 years service pin to Deputy Constable Pt. 1 Clemente Verastegui
- 5 years service pin to Deputy Constable Pct. 5 William Simpson
- 5 years service pin to Environmental Health Sanitarian Brent Raschke
- 10 years service pin to Tax Office Motor Vehicle Supervisor Rebekah Ramos
- 10 years service pin to Deputy County Clerk Alfredo Sanchez
- 15 years service pin to Deputy Constable Pct 1 Stephen Velasquez
- 15 years service pin to Accountant Berry James
- 15 years service pin to Commissioner Precinct 2 Russ Molenaar
- 20 years service pin to VA Officer Thomas Tvrdik
- 25 years service plaque to Constable Pct. 1 Lupe Cruz

23741 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$999,459.60 as presented by the County Auditor. All voting "Aye".

23742 APPROVE BUDGET AMENDMENT # 06-44

Budgets being amended: Building Maintenance = \$2,633 for needed supplies & pest control treatment, Road & Bridge Operations = \$17,000 reimbursement payment from City of San Marcos on Posey Road (non-bond portion), Juvenile Center = \$ 1,000 for approved compressor (fixed asset), and C.O. 2005 Proceeds = \$38,811 transfer for BRG contract payment. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #06-44 as proposed by the County Auditor. All voting "Aye".**

23743 APPROVE UTILITY PERMITS #01900 & 01901

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Permit #01900 on CR132 issued to Plum Creek Water/Monarch Utilities and #01901 on CR157/Goforth Road issued to Verizon. All voting "Aye".



23744 AUTHORIZE CANCELLATION OF COMMISSIONERS COURT ON NOVEMBER 7, 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize cancellation of Commissioners' Court on November 7, 2006. All voting "Aye".

23745 APPROVE SPECIFICATIONS FOR BID #2007-B01 "ANNUAL CONTRACTOR FOR AIR CONDITIONING AND HEATING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve specifications for Bid #2007-B01 "annual contractor for air conditioning and heating services" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23746 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA PLANNING COUNCIL OF GOVT. (CAPCOG) - SOLID WASTE GRANT PROGRAM FOR UP TO \$18,000

Grant funds will be used to purchase a baler, electrical hookup, and two dump hoppers for the transfer station in Wimberley. There is no match required. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the Capital Area Planning Council of Govt. (CAPCOG) - Solid Waste Grant Program for up to \$18,000. All voting "Aye".

23747 AUTHORIZE BUILDING MAINTENANCE DEPARTMENT TO MAKE MINOR RENOVATIONS AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Maintenance Supervisor Ron Knott advised that this project will be paid out of the Building Maintenance budget. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the Building Maintenance Department to make minor renovations at the Hays County Personal Health Department. All voting "Aye".

23748 [PCT. 4 #06-4-045, 2 LOTS] TRES ARROYOS SUBDIVISION REPLAT OF LOT 3 - PUBLIC HEARING AND APPROVAL OF THE FINAL PLAT [T1-291]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. This is a 52+ acre tract owned by Lois Puryear being divided into two lots with a shared access drive off CR170. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Tres Arroyos Subdivision Replat of Lot 3". All voting "Aye".

23749 [PCT. 4 #06-4-048, 5 LOTS] SUNSET HILLS - APPROVAL OF FINAL PLAT [T1-306]

This is a 5 lot subdivision located on Canyonwood Drive. Water service will be provided by LCRA and no individual water wells will be allowed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Sunset Hills" subdivision. All voting "Aye".

23750 [PCT. 4 #06-4-052, 4 LOTS] SHERMAN OAKS - APPROVE PRELIMINARY PLAN [T1-318]

This is a 4 lot subdivision located on Elder Hill Road with a shared access driveway. All lots are over 5 acres in size. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Sherman Oaks". All voting "Aye".

23751 [PCT. 2] CALL FOR A PUBLIC HEARING ON OCTOBER 17, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON JENNIFER DRIVE AT CODY LANE

The Road Dept. is proposing to establish a STOP sign on Jennifer Drive at its intersection with Cody Lane and Christopher Drive. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on October 17, 2006 to establish traffic regulations on Jennifer Drive at Cody Lane. All voting "Aye".



23752 AUTHORIZE THE HAYS COUNTY SHERIFF'S OFFICE TO PROCEED WITH NEGOTIATIONS WITH THE CITY OF BUDA TO PROVIDE CONTRACT LAW ENFORCEMENT INSIDE THE CORPORATE LIMITS OF THE CITY OF BUDA [T1-339]

The Hays County Sheriff's office is seeking permission to move forward with the development of an interlocal agreement to provide the City of Buda with law enforcement services. Upon completion of negotiations, the agreement will be sent to the Commissioner's Court for final approval. Sheriff Allen Bridges spoke of contracts that provide quality law enforcement in municipalities. Buda City Administrator Robert Camerino spoke of tremendous growth in Buda and money that has been allocated for this service. They do not have the infrastructure necessary for this service and are looking at this being a long term situation. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the Hays County Sheriff's office to proceed with negotiations with the City of Buda to provide contract law enforcement inside the corporate limits of the City of Buda. All voting "Aye".**

23753 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TAX ABATEMENT AGREEMENT WITH GENLYTE THOMAS GROUP, LLC RELATING TO THE DEVELOPMENT OF A MANUFACTURING FACILITY [T1-525]

HADCO, a division of Genlyte, is a manufacturer of outdoor lighting. They are requesting a five year 100% tax abatement (excluding I&S and road & bridge ad valorem tax). If approved, HADCO will consider relocating to the former Wide-Lite Corp. building on Wonder World Drive and invest 1 million dollars on improvements to the property. HADCO currently has 51 full time jobs and will be adding 10 more by the end of next year and must maintain 61 full-time jobs in order for the agreement to stay in effect. HADCO has been in business for over 52 years and has been in San Marcos for 9 years. The company will relocate to Shelby North Carolina if this agreement is not approved. The City of San Marcos recently passed a similar agreement. Charles O'Dell, President of Hays CAN, spoke of generally being opposed to tax abatements and he urged the court to delay action for more information or deny request. Commissioner Ingalsbe spoke in support of the tax abatement agreement. Dennis Inman spoke of Genlyte being the parent company of Wide-lite and HADCO. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a tax abatement agreement with Genlyte Thomas Group, LLC relating to the development of a manufacturing facility. All voting "Aye".**

23754 APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS, HAYS COUNTY, AND THE CITY OF KYLE FOR THE PROVISION OF ANIMAL SHELTER SERVICES [T1-794]

The City of San Marcos is currently housing our animals at \$25 per animal. After months of negotiating with the cities of San Marcos and Kyle, an agreement has been developed that is fair and equitable to all entities. The cost for the first year is \$748,269 (includes an addition to the shelter) and we currently have \$523,000 (the \$123,000 budgeted for PAWS and \$400,000 that was set aside for this project) budgeted and an additional \$225,000 is needed. Commissioner Ingalsbe spoke in support of the proposed agreement. County Auditor Bill Herzog spoke of borrowing funds. Mark Brinkley, San Marcos EH Director, spoke in support of interlocal agreements and he advised that the city of San Marcos has a comprehensive plan for their animal shelter facility. The County and City of Kyle will have representation on the Animal Shelter Advisory Board. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar, to approve an interlocal agreement between the City of San Marcos, Hays County, and the City of Kyle for the provision of animal shelter services. All voting "Aye".**

23755 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SOFTWARE LICENSE AGREEMENT WITH POSTINK TECHNOLOGY GROUP, L.P. RELATING TO THE COUNTY'S PARTICIPATION IN A PILOT PROJECT TO AID LAW ENFORCEMENT IN THE COLLECTION AND STORAGE OF DATA [T1-992]

Chief Deputy Sheriff Sam Williams spoke in support of the proposed project. Most of the infrastructure is already in place and there will be no cost to the county except for some cost for peripherals and integration into the Odyssey system. This will be a regional information system. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute a software license agreement with Postlink Technology Group LP relating to the County's participation in a pilot project to aid law enforcement in the collection and storage of data. All voting "Aye".**

23756 AUTHORIZE THE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENTS WITH HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 2 AND HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 4 FOR COLLECTION OF PROPERTY TAXES [T1-1310]

These districts are requesting that Hays County collect their property taxes beginning with tax year 2006 – fees will be charged on a per parcel basis. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to sign interlocal agreements with Hays County Water Control & Improvement District No. 2 and Hays County Municipal Utility District No. 4 for collection of property taxes. All voting "Aye".**



23757 APPROVE APPOINTMENT OF BRAD BROWN TO REPLACE RONNIE WILSON ON THE HAYS COUNTY DEVELOPMENT RULES REVISION COMMITTEE [T1-1321]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve appointment of Brad Brown to replace Ronnie Wilson on the Hays County Development Rules Revision Committee. All voting "Aye".

23758 ACCEPT AGREEMENT WITH CRYSTAL CLEAR WATER CORP. CONCERNING RELOCATION OF UTILITIES ALONG BEBACK INN ROAD [T1-1352]

Road Supt/Engineer Jerry Borchering advised that Crystal Clear Water Supply Corp. is proposing to immediately commence utility work related to the widening of Beback Inn Road. This agreement allows them to install their utilities in County r-o-w with formal easement documents to be filed at a later date. The money required for this work is included in the FY07 budge (NTE \$15,000). This action also authorizes the Road Engineer to give Crystal Clear Water permission to immediately proceed with construction with billing to be received after September 30, 2006. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept agreement with Crystal Clear Water Corp. concerning relocation of utilities along Beback Inn Road. All voting "Aye".**

23759 HIRE GEO-SOURCE ENVIRONMENTAL TO TEST SOIL AT THE PROPOSED NEW PCT.2 OFFICE SITE [T1-1383]

Road Supt/Engineer Jerry Borchering advised that this site evaluation is needed in order to investigate whether an environmental cleanup is needed prior to beginning construction of the office complex. The site evaluation is estimated to cost \$1565. Additional costs will be incurred if it becomes necessary to report to TCEQ and/or dispose of contaminated materials. Court action will allow the Road Dept. to spend up to \$10,000 for reporting and disposal costs. These funds were anticipated in the FY07 budget. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to hire Geo-Source Environmental to test soil at the proposed new Pct. 2 office site. All voting "Aye".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO EVALUATE DEPARTMENT HEADS

Court convened into closed executive session pursuant to Section 551.974 of the Texas Government Code to evaluate Department Heads. Upon completion of the closed session, the court was adjourned.

Court was adjourned.

I, LEE CARLISLE, 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 3, 2006.



Lee Carlisle

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**

Clerk's Note: A special meeting of the Hays County Commissioners' Court was scheduled for October 5, 2006 to hold an executive session pursuant to Section 551.074 Texas Government Code to evaluate Department Heads. That meeting was cancelled on October 4, 2006 by the County Judge.



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF OCTOBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23760 ADOPT A PROCLAMATION DECLARING OCTOBER 15-21, 2006 AS SCHOOL BUS SAFETY WEEK; "STOP FOR RED....KIDS AHEAD" IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to adopt a Proclamation declaring October 15-21, 2006 as School Bus Safety Week "Stop for Red...Kids Ahead" in Hays County. All voting "Aye".

PRESENTATION OF HAYS COUNTY RETIREMENT PLAQUE TO JENNIFER SMITH

Commissioner Ingalsbe presented a retirement plaque to Health Department Director Nick Icossipentarhos on behalf of Jennifer Smith who has served Hays County for 25 years.

PRESENTATION AND UPDATE OF ADVANCE LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAMS AND INITIATIVES

Sheriff Allen Bridges spoke in support of the ALERRT programs and initiatives. Former Sheriff Don Montague was not able to appear because he was called to Washington D.C. He will make a presentation at a later date.

PUBLIC COMMENT

[T1-117] Charles O'Dell spoke of it being the last day to register to vote in the November 7th general election and he urged participation.

23761 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$949,214.28 as presented by the County Auditor. All voting "Aye".

23762 APPROVE UTILITY PERMITS #01902-01904

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01902 on CR235/Posey Road issued to CenturyTel of San Marcos, Inc.; #01903 on CR162/Sawyer Ranch Road issued to P.E.C.; and #01904 on CR205/Dacy Lane issued to Goforth Water Supply Corp. All voting "Aye".

23763 APPROVE SPECIFICATIONS FOR BID #2007-B02 "POLICE MOTORCYCLES FOR HAYS COUNTY SHERIFF'S DEPARTMENT" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Bid #2007-B02 "Police Motorcycles for Hays County Sheriff's Department" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23764 APPROVE SPECIFICATIONS FOR BID #2007-B03 "TWO (2) USED TANDEM AXLE, DIESEL POWERED SEMI TRACTORS W/FIFTH WHEEL" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Bid #2007-B03 "Two (2) Used Tandem Axle Diesel Powered Semi Tractors w/Fifth Wheel" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



23765 APPROVE RENEWAL OF BUSINESS TERM AGREEMENT WITH CENTURYTEL TO CONTINUE TO RECEIVE OUR 20% DISCOUNT FOR ONE (1) ADDITIONAL YEAR AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve renewal of business term agreement with CenturyTel to continue to receive our 20% discount for one (1) additional year and authorize County Judge to execute same. All voting "Aye".

23766 APPROVE REVISED LETTER AGREEMENT WITH CAPITAL AREA COUNCIL OF GOVERNMENTS RELATING TO THE EMERGENCY NOTIFICATION SYSTEM (REVERSE 911)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve revised Letter Agreement with Capital Area Council of Governments relating to the Emergency Notification System (Reverse 911). All voting "Aye".

23767 APPROVE JOINT ELECTION AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND HAYS COUNTY FOR THE NOVEMBER 7, 2006, GENERAL ELECTION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a joint election agreement between the City of San Marcos and Hays County for the November 7, 2006 General Election. All voting "Aye".

23768 APPROVE THE JOINT ELECTION AGREEMENT BETWEEN THE HAYS CONSOLIDATED ISD AND HAYS COUNTY FOR THE NOVEMBER 7, 2006 GENERAL ELECTION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Joint Election Agreement between the Hays Consolidated ISD and Hays County for the November 7, 2006 General Election. All voting "Aye".

23769 AUTHORIZE THE COUNTY JUDGE TO EXECUTE PROFESSIONAL SERVICE AGREEMENT WITH LAND DESIGN PARTNERS, INC. RELATING TO LANDSCAPE ARCHITECTURAL SERVICES FOR THE SECOND PHASE OF FIVE-MILE DAM COMPLEX PROJECT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute a Professional Service Agreement with Land Design Partners Inc. relating to landscape architectural services for the second phase of Five-Mile Dam Complex Project. All voting "Aye".

23770 [PCT. 4 #06-4-031, 4 LOTS] SPRINGLAKE RESUBDIVISION OF LOT 122-A - APPROVE PRELIMINARY PLAN [T1-140]

Property owner NLH Investments proposes to divide Lot 122-A into four lots with a 25 ft. shared access easement for Lots 122-A3 & 122-A4. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Springlake Resubdivision of Lot 122-A". All voting "Aye".

23771 [PCT. 4 #06-4-057, 1 LOT] REPLAT OF LA VENTANA PHASE I HOMESITES 1 AND 2 - WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT [T1-151]

Property owners Michael & Jennifer Kiley propose to combine two lots into one (3.54 acres). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to waive public hearing and approve final plat of "Replat of La Ventana Phase I Homesites 1 & 2". All voting "Aye".

23772 [PCT. 4 #06-4-055, 4 LOTS] MARTIN VIEW SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-162]

Property owner William F. Daniels proposes to create a (4) four lot subdivision out of a 8.20 acre tract (AKA Tract 12 of Pioneer Ranch Section 2, an unrecorded subdivision) located on CR188/Martin Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Martin View Subdivision". All voting "Aye".



23773 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION PHASE III SEC. 11A [T1-172]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for speed limits and stop signs. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations in Belterra Subdivision Phase III Section 11A as follows: STOP sign on Harris Drive at Belterra Drive; STOP sign on Saint Richie Lane at Harris Drive (on both ends of Saint Richie Lane); STOP sign on Kiras Court at Harris Drive; STOP sign on Kiras Court at Saint Richie Lane; set speed limit at 25MPH on Harris Drive, Saint Richie Lane, and Kiras Court; and set speed limit at 30MPH on Belterra Drive. All voting "Aye".

23774 AUTHORIZE THE PURCHASE OF UNIFORMS FOR THE DETENTION OFFICERS AT THE JUVENILE DETENTION CENTER [T1-187]

Juvenile Detention Center Director Brett Littlejohn spoke of need for uniforms to identify detention officers. Funds are available in the budget. This will provide 3 sets of uniforms for 57 employees and is less costly than paying a uniform allowance. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the purchase of uniforms for the detention officers at the Juvenile Detention Center. All voting "Aye".

23775 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY RELATING TO TRAFFIC ENFORCEMENT

[T1-235] Commissioner Conley spoke of request by the Village of Wimberley – it is the same as the agreement with the City of Woodcreek. The Sheriff agrees to provide traffic related law enforcement services within the city limits and traffic citations shall be filed in the Precinct 3 Justice of the Peace court. A motion was made by Commissioner Conley, seconded by Judge Powers to authorize the County Judge to execute an interlocal agreement with the Village of Wimberley relating to traffic enforcement. All voting "Aye".

BRIEFING ON WATER RESOURCE AND INFRASTRUCTURE ISSUES BY ED MCCARTHY, SPECIAL WATER COUNSEL FOR HAYS COUNTY [T1-262]

Special Water Counsel Ed McCarthy spoke of use of ground water by many residents of Hays County. He also spoke of need to identify other resources, demands and location for water. We have immediate needs that need to be addressed and long term plans that need to be made. The county will need a team of qualified professionals that will evaluate how the county coordinates and distributes water throughout the county. He spoke of need for an in-house engineer that will be focused on water issues. Mr. McCarthy will assist with contracting, permitting and advise on financing. He spoke of need to develop a list of stakeholders and prepare an RFP for engineering services. He provided information regarding Regional Facility Planning Grant through the Texas Water Development Board (50% matching grant for government entities). The purpose of the program is for the State to assist local governments to prepare plans that document water supply and/or wastewater service facility needs, identify feasible regional alternatives to meet water supply and/or wastewater facility needs, and present estimates of costs associated with providing regional water supply facilities and distribution lines and/or regional wastewater treatment plants and collection systems. Hays County and GBRA would be the applicants for the grant and other entities could be included.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO EVALUATE DEPARTMENT HEADS

Court convened into closed executive session pursuant to Section 551.074, Texas Government Code, to evaluate Department Heads at 10:00 o'clock A.M. Upon completion of closed session, court was adjourned.

Court was adjourned.

I, LEE CARLISLE, 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 10, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17th DAY OF OCTOBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23776 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 21-27, 2006 AS "RED RIBBON WEEK" IN HAYS COUNTY

Sue Cohen appeared with students from Hernandez Intermediate School and presented members of the court with Red Ribbon Week packets. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring the week of October 21-27, 2006 as "Red Ribbon Week" in Hays County. All voting "Aye".

PUBLIC COMMENTS

Tax Assessor-Collector Luanne Caraway advised that she will be closing the tax office on Thursday for staff training regarding new laws that are going into effect.

23777 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$1,061,323.88 as presented by the County Auditor. All voting "Aye".

23778 APPROVE BUDGET AMENDMENT #07-01

Budgets being amended: J.P. 1-1 = \$3,445 for approved part-time personnel; Health Svcs Grants/DSHS Bioterrorism = \$ 28,233 budget carry forward FY06 to FY07 per agency; LCRA Service Fee = \$5,000 for approved equipment for contractor; TxDot/CAMPO Projects Grant = \$ 1,281,500 for grant matching and budget new TxDot/CAMPO grants; TxDot/Hazard Elimination Grants = \$117,429 match for hazard elimination Grant. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #07-01 as proposed by the County Auditor. All voting "Aye".

23779 APPROVE UTILITY PERMIT #01905

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01905 on Old Stagecoach Road issued to CenturyTel of San Marcos. All voting "Aye".

23780 AUTHORIZE FLU VACCINATIONS FOR COUNTY EMPLOYEES BY THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize flu vaccinations for county employees by the Hays County Personal Health Department. All voting "Aye".

23781 APPROVE AWARD OF BID#2006-B23 "ROAD BUILDING MATERIALS" TO MULTIPLE VENDORS

Bids were received from Colorado Materials, Industrial Asphalt, KC Materials, Semmaterials, Ergon Asphalt & Emulsions, P2 Emulsions, Tex-Mix Concrete, and Transit Mix. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of Bid #2006-B23 "Road Building Materials" to multiple vendors. All voting "Aye".



23782 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT APPLICATION FROM CAPCOG TO EXPAND THE EXISTING COUNTYWIDE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) FOR \$20,000.00

The Hays County CERT has a local management team similar in makeup to a city council, but with first responder leaders acting as an advisory board for the citizen leadership. The objective of a CERT is to organize and provide trained volunteers to assist first responders: in helping their communities prepare for emergencies, providing assistance in emergencies, organizing spontaneous volunteers who have not had training, and to assist in the aftermath of emergencies. The first and second grants established to group and this grant would be used to expand the organization, purchase additional gear and training equipment. The Hays County CERT is a 501c(2) organization and is involved in local fundraisers as well as submitting applications to other entities for grant funds. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept a grant application from CAPCOG to expand the existing countywide Community Emergency Response Team (CERT) for \$20,000.00. All voting "Aye".**

23783 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$40,556 GRANT FROM THE OFFICE OF GOVERNOR/CRIMINAL JUSTICE DIVISION

The Safe Drug-Free Schools & Communities Act (SDFSC) grant in the amount of \$40,556 will help maintain the SRO officer in Wimberley ISD secondary schools. The SRO officer is placed on campus to work with and assist students, their families, teachers and other school officials to reduce crime and increase school safety. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept \$40,556 grant from the Office of Governor/Criminal Justice Division. All voting "Aye".**

23784 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$54,531 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, VIOLENCE AGAINST WOMEN ACT AND TO EXECUTE CONTRACT

Federal law mandates the Violence Against Women Act (VAWA) program. Hays County has been using grant funds and county matching funds to operate each year. Hays County has received grant funds to operate our program for the past 9 years. The VAWA Prosecution Project operates as a specialized unit within the Hays County District Attorney's office. The grant application covers the period 09/01/06 through 08/31/07. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept \$54,531 grant from the Office of the Governor, Criminal Justice Division, Violence Against Women Act and to execute contract. All voting "Aye".**

23785 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$15,768 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM AND TO EXECUTE CONTRACT

An increasing number of juveniles are either in need of mental health evaluations or continued mental health services. The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. The local MHMR only provides services to those residents that live in Hays County. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept \$15,768 grant from the Office of the Governor, Criminal Justice Division, Juvenile Justice and Delinquency Prevention Program and to execute contract. All voting "Aye".**

23786 APPROVE CONTRACT WITH INDIGENT HEALTHCARE SOLUTIONS, LTD. FOR DATA PROCESSING SERVICES OF INDIGENT PROGRAM FOR PERSONAL HEALTH DEPARTMENT AND SHERIFF'S DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract with Indigent Healthcare Solutions, Ltd. for data processing services of indigent program for Personal Health Department and Sheriff's Department. All voting "Aye".

23787 APPROVE 2006 STOP LOSS POLICY AND CONTRACT RENEWAL WITH CONNECTICUT GENERAL LIFE INSURANCE COMPANY FOR HAYS COUNTY'S STOP LOSS INSURANCE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve 2006 Stop Loss Policy and contract renewal with Connecticut General Life Insurance Company for Hays County's Stop Loss Insurance. All voting "Aye".



12788 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH ROBERT KENNEDY TO IMPLEMENT THE COUNTY'S LINK DEPOSIT PROGRAM

Funds were allocated by the court on September 26, 2006 and will come from the LCRA Water Fund. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a contract with Robert Kennedy to implement the County's Link Deposit Program. All voting "Aye".

23789 APPROVE OUT OF STATE TRAVEL REQUEST FOR LOGAN LEATHERWOOD TO ATTEND TRAINING CONFERENCE

Request is for out of state travel for Sheriff's Dept. CID Criminalist Logan Leatherwood to attend the Sirchie's Crime Scene Technology Course in Youngsville, North Carolina. The Sheriff's office has committed to use currently budgeted training funds to cover the costs. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve out of state travel request for Logan Leatherwood to attend training conference. All voting "Aye".

23790 APPROVE COUNTY HOLIDAY SCHEDULE FOR FY 2007

Commissioner Molenaar spoke in opposition to half days before Thanksgiving & Christmas and suggested deleting the Columbus Day holiday. Commissioner Ingalsbe spoke of phone calls she receives before these holidays that some offices are closing their offices one-half a day. Commissioner Conley spoke of deleting Columbus Day and allowing the half-day off before Thanksgiving and Christmas. A motion was made by Commissioner Molenaar to approve holidays with exception of half days before Thanksgiving and change the Christmas holiday to December 24 & 25. MOTION DIED FOR LACK OF A SECOND. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve proposed holiday schedule for 2007. Commissioner Molenaar and Commissioner Conley voting "NO". Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "Aye".

HAYS COUNTY HOLIDAYS FOR 2007

NEW YEARS	JAN	1	MON
MARTIN LUTHER KING'S BIRTHDAY.....	JAN	15	MON
PRESIDENT'S DAY.....	FEB	19	MON
TEXAS INDEPENDENCE DAY.....	MAR	2	FRI
GOOD FRIDAY.....	APR	13	FRI
MEMORIAL DAY.....	MAY	28	MON
INDEPENDENCE DAY.....	JUL	4	WED
LABOR DAY.....	SEP	3	MON
COLUMBUS DAY.....	OCT	8	MON
VETERAN'S DAY.....	NOV	12	MON
THANKSGIVING.....	NOV	21	WED (1/2 day)
	NOV	22	THU
	NOV	23	FRI
CHRISTMAS.....	DEC	24	MON (1/2 day)
	DEC	25	TUE
	DEC	26	WED

23791 [PCT. 3 #05-3-043, 2 LOTS] DEWITT GAYLE SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-240]

This is a two lot subdivision located on Wayside drive with a 30 ft. shared access easement. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for "Dewitt Gayle Subdivision". All voting "Aye".

23792 [PCT. 4 #06-4-051, 2 LOTS] BLACK KING BARTON - APPROVE PRELIMINARY PLAN [T1-250]

This is a two lot subdivision located on Trautwein Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan for "Black King Barton". All voting "Aye".



23793 [PCT. 4 #06-4-053, 1 LOT] BELTERRA PHASE 4 SECTION 1- APPROVE FINAL PLAT

[T1-260] This lot is a roadway (Belterra Drive). Environmental Health Director Allen Walther gave staff recommendation for final plat approval and accept construction security. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Belterra Phase 4 Section 1" and accept construction security. All voting "Aye".

23794 [PCT. 4 #06-4-052, 4 LOTS] SHERMAN OAKS - APPROVE FINAL PLAT [T1-273]

This is a four lot subdivision located on Elder Hill Road with a 30 ft. wide shared access driveway. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat for "Sherman Oaks". All voting "Aye".

Clerk's Note: Agenda Item #20 RE: PCT. 4 #06-4-031, 4 LOTS] SPRINGLAKE RESUBDIVISION OF LOT 122-A - APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

23795 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON JENNIFER DRIVE AT CODY LANE [T1-283]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering gave staff recommendation for placement of a STOP sign on Jennifer Drive at the intersection of Cody Lane & Christopher Lane. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of a STOP sign on Jennifer Drive at its intersection with Cody Lane and Christopher Lane. All voting "Aye".

23796 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN COUNTY ROW, RELEASE OF THE CONSTRUCTION BOND, CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS, AND ACCEPT THE MAINTENANCE BOND FOR TWO YEARS FOR WALKING W RANCH SUBDIVISION, PHASE C [T1-293]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements in county right-of-way, release the construction bond, call for a public hearing on October 31, 2006 to establish traffic regulations, and accept the maintenance bond for two years for "Walking W Ranch Phase C" subdivision. All voting "Aye".

23797 RELEASE THE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW, AND CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS FOR WALKING W RANCH SUBDIVISION, PHASE B [T1-308]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release the maintenance bond, accept for maintenance all roads and drainage improvements within county right-of-way, and call for a public hearing on October 31, 2006 to establish traffic regulations for "Walking W Ranch Phase B" subdivision. All voting "Aye".

23798 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 1 WITH PRIME STRATEGIES RELATING TO THE PASS THROUGH FINANCING PROJECT [T1-317]

Charles O'Dell (Hays CAN) spoke of Section 3 regarding public involvement. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute Work Authorization No. 1 with Prime Strategies relating to the Pass Through Financing Project. All voting "Aye".

23799 APPROVE APPOINTMENT OF EUGENE FOSTER TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL VACANT PLACE THROUGH DECEMBER 31, 2006 [T1-402]

A motion was made by Judge Powers, seconded by Commissioner Conley to approve appointment of Eugene Foster to the Hays County Historical Commission to fill vacant place through December 31, 2006. All voting "Aye".



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23800 **AUTHORIZE THE COUNTY JUDGE AND THE COUNTY'S SPECIAL WATER COUNSEL, ED MCCARTHY, TO APPROACH LCRA TO NEGOTIATE THE MODIFICATION OF THE EXISTING "AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE" TO PROVIDE GREATER FLEXIBILITY TO THE COUNTY IN THE UTILIZATION OF FUTURE REVENUES GENERATED BY THE AGREEMENT TO FACILITATE REGIONALIZED WATER AND WASTEWATER SERVICES WITHIN HAYS COUNTY, AND TO BRING SUCH AGREEMENT BACK TO THE COMMISSIONERS COURT FOR APPROVAL** [T1-410]

Ed McCarthy spoke of previous agreement with LCRA needing to be expanded. Charles O'Dell (Hays CAN) spoke. Possible changes include: updating the agreement to make it consistent with county efforts to modify Hays County Development Standards and address water quality protection efforts. Final approval of any modifications would be brought to the Commissioners' Court for acceptance and approval, followed by acceptance and approval by the LCRA. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge and the County's Special Water Counsel Ed McCarthy to approach LCRA to negotiate the modification of the existing "Agreement Regarding Provision of Water and Wastewater Service" to provide greater flexibility to the County in the utilization of future revenues generated by the agreement to facilitate regionalized water and wastewater services within Hays County and to bring such agreement back to the Commissioners' Court for approval. All voting "Aye".**


Court was adjourned.

I, LEE CARLISLE, 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 17, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th DAY OF OCTOBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23801 ADOPT A PROCLAMATION DECLARING OCTOBER 2006 AS "NATIONAL DOWN SYNDROME AWARENESS MONTH"

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring October 2006 as "National Down Syndrome Awareness Month". All voting "Aye".

23802 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$1,141,189.38 as presented by the County Auditor. All voting "Aye".

23803 APPROVE UTILITY PERMITS #01906

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01906 on Davy Crockett issued to P.E.C. All voting "Aye".

Clerk's Note: Agenda Item #5 RE: AWARD BID #2006-B21, SAWYER RANCH ROAD TO FT WOODS IN THE AMOUNT OF \$3,381,511.95 was PULLED. No discussion and no action taken.

23804 AUTHORIZE EXECUTION OF PROFESSIONAL SERVICE AGREEMENTS RELATING TO THE PASS THROUGH FINANCING PROGRAM WITH THE FOLLOWING FIRMS: CARTER :: BURGESS, INC. (FM 1626 FROM FM 967 TO BLISS SPILLAR ROAD), KLOTZ ASSOCIATES, INC. (FM 1626 FROM FM 2770 TO FM 967), LOCKWOOD, ANDREWS & NEWNAM, INC. (SH 21), AND DANNENBAUM ENGINEERING (FM 110)

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize execution of Professional Service Agreements relating to the Pass Through Financing Program with the following firms: Carter::Burgess Inc. (FM1626 from FM967 to Bliss Spillar Road), Klotz Associates Inc. (FM1626 from FM2770 to FM967), Lockwood Andrews & Newman Inc. (SH21), and Dannenbaum Engineering (FM110). All voting "Aye".

23805 APPROVE OPERATING RULES FOR HAYS COUNTY LINKED DEPOSIT LOAN PROGRAM FOR WATER AND ENERGY RELATED PROJECTS FOR COUNTY RESIDENTS

This is an interest buy down program only and the county will not be making guaranteeing or servicing loans. Program funds will continue to earn interest while in either the county reserve account and/or the lenders bank. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve operating rules for Hays County Linked Deposit Loan Program for water and energy related projects for county residents. All voting "Aye".

Clerk's Note: Agenda #8 RE: APPROVE HIRING HERITAGE APPRAISAL GROUP, INC., TO CONDUCT APPRAISALS OF THREE PROPERTY SITES POSSIBLY SUITABLE FOR THE DEVELOPMENT OF THE HAYS COUNTY OFFICE COMPLEX, PER QUOTE OF \$750 PER PROPERTY FOR A TOTAL OF \$2,250 was PULLED. No discussion and no action taken.



23806 AUTHORIZE THE SHERIFF'S DEPARTMENT TO DISPOSE OF BURNED FORD CROWN VICTORIA AND APPROVE FUNDS TO REPLACE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the Sheriff's Department to dispose of burned 2004 Ford Crown Victoria and approve funds to replace. All voting "Aye".

23807 AUTHORIZE 3DI TO COMMENCE DESIGN PHASE OF THE PRECINCT 2 OFFICE BUILDING AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize 3DI to commence design phase of the Precinct 2 office building and authorize the County Judge to execute same. All voting "Aye".

23808 APPROVE PHYSICIAN SERVICE AGREEMENT WITH MICHAEL KELLY, M.D. FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TB CLINIC

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Physician Service Agreement with Michael Kelly M.D. for the Hays County Personal Health Department TB Clinic. All voting "Aye".

23809 AUTHORIZE THE COUNTY JUDGE TO TERMINATE THE AGREEMENT WITH NETPLEA SERVICES OF PLANO RELATING TO DEBT COLLECTION SERVICES FOR JUSTICE OF THE PEACE COURTS AND AUTHORIZE JUDGE RAMAGE TO NEGOTIATE A REPLACEMENT CONTRACT WITH MCCREARY, VASELKA, BRAGG & ALLEN

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to terminate the agreement with Netplea Services of Plano relating to Debt Collection Services for Justice of the Peace Courts and authorize Judge Ramage to negotiate a replacement contract with McCreary, Vaselka, Bragg & Allen. All voting "Aye".

23810 APPROVE A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF BEAR CREEK AND THE HAYS COUNTY JUDGE TO ALLOW THE VILLAGE OF BEAR CREEK TO BE INCLUDED IN AN INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM.

The inter-jurisdictional emergency management program is currently in place with multiple jurisdictions within the county. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve a Resolution authorizing the Mayor of the Village of Bear Creek and the Hays County Judge to allow the Village of Bear Creek to be included in an inter-jurisdictional emergency management program. All voting "Aye".

PRESENTATION AND UPDATE OF ADVANCE LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT) PROGRAMS AND INITIATIVES

Former Sheriff Don Montague gave an update of ALERRT Programs and initiatives. He spoke of it being a joint effort of Hays County, Texas State University and the City of San Marcos. He spoke of the Columbine incident that caused law enforcement to look at training needed in response to situations like that. In 2002 Governor Rick Perry awarded funds to provide necessary training. He wanted the court to know that the ALERRT program is a program the county can be proud of. Commissioner Conley spoke of need for the public to know the importance of this program and he commended those involved.

23811 AUTHORIZE USE OF CONTINGENCY FUNDS IN THE AMOUNT OF \$12,487.80 TO PAY FOR A PERIMETER FENCE AT THE NEW COUNTY CEMETERY ON OLD BASTROP HIGHWAY (CR 266) [T1-330]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize use of contingency funds in the amount of \$12,487.80 to pay for a perimeter fence at the new county cemetery on Old Bastrop Highway (CR266). All voting "Aye".

23812 HIRE STAUDT SURVEYING TO PROVIDE A TOPOGRAPHIC SURVEY OF THE FUTURE PCT. 4 BUILDING SITE [T1-353]

This survey is required as part of the site plan requirements. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to hire Staudt Surveying to provide a topographic survey of the future Pct. 4 building site. All voting "Aye".



23813 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY RELATING TO TRAFFIC ENFORCEMENT SERVICES TO BE PROVIDED BY CONSTABLE DARRELL AYRES [T1-384]

The Village of Wimberley and Constable Ayres are requesting that the Court authorize a traffic enforcement interlocal agreement similar to the one approved for the Sheriff's Dept. recently. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the Village of Wimberley relating to traffic enforcement services to be provided by Constable Darrell Ayres. All voting "Aye".

23814 APPROVE RESOLUTION REQUESTING THE 80TH TEXAS LEGISLATURE TO SUPPORT INCREASE FUNDING FOR THE TEXAS RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAM AND THE TEXAS STATE PARK SYSTEM [T1-404]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve resolution requesting the 80th Texas Legislature to support increased funding for the Texas Recreation and Parks Account Local Park Grant Program and the Texas State Park System. All voting "Aye".

23815 ADOPT THE WORK PLAN FOR THE HAYS COUNTY HABITAT CONSERVATION PLAN [T1-366]

Cliff Ladd (Loomis Austin Biologist) gave a powerpoint presentation regarding the Hays County Habitat Conservation Plan. He went over the Purpose, Reasons for a County Plan (*endangered species, open space, population growth, land use changes, & conservation gap*), Endangered Species Act, Opportunities & Benefits, Project Objectives, Core Team & Committees, Work Plan Components, Estimated Project Schedule (ready to start Phase 2), Estimated Project Budget, and Project Oversight (progress reports). Commissioner Conley spoke in support of the work plan. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to adopt the work plan for the Hays County Habitat Conservation Plan. All voting "Aye".

23816 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 WITH LOOMIS AUSTIN, INC., RELATING TO THE HAYS COUNTY HABITAT CONSERVATION PLAN [T1-762]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute Amendment No. 1 with Loomis Austin, Inc. relating to the Hays County Habitat Conservation Plan. All voting "Aye".

23817 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 TEXAS GOVERNMENT CODE TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE A PROPOSED SETTLEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. (PBS&J) WITH ACTION

Court convened into closed executive session at 10:05 a.m. and reconvened into open meeting at 10:15 a.m. A motion was made by Judge Powers, seconded by Commissioner Conley to authorize the County Judge to execute the proposed settlement agreement with PBS&J. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 24, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 31st DAY OF OCTOBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23818 ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2006 AS LUNG CANCER AWARENESS MONTH IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a Proclamation declaring the month of November 2006 as "Lung Cancer Awareness Month" for Hays County. All voting "Aye".

23819 ADOPT A PROCLAMATION DECLARING THE WEEK OF NOVEMBER 6-12, 2006 AS NATIONAL NURSE PRACTITIONER WEEK IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt a Proclamation declaring the week of November 6-12, 2006 as "National Nurse Practitioner Week" in Hays County. All voting "Aye".

PUBLIC COMMENT

Charles O'Dell [T1-88] spoke of construction on Nutty Brown Road causing drainage problems. He spoke of culverts and guardrails that are needed. Commissioner Molenaar advised that he is addressing the problems.

23820 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$404,787.30 as presented by the County Auditor. All voting "Aye".

23821 APPROVE UTILITY PERMIT #01907

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01907 on Tiger Lane issued to Time Warner Cable. All voting "Aye".

23822 APPROVE BID AWARD TO LOWEST BIDDER FOR THE PURCHASE OF TWO (2) USED TANDEM AXEL, DIESEL POWERED TRACTORS WITH FIFTH WHEEL

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve bid award to lowest bidder for the purchase of two (2) used tandem axel diesel powered tractors with fifth wheel. All voting "Aye".

23823 APPROVE JUNE 2006, JULY 2006, AND AUGUST 2006 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve June 2006, July 2006, and August 2006 Treasurer's Reports and Investment Reports as presented. All voting "Aye".

23824 AWARD BID #2006-B02 UNIFORM RENTALS FOR HAYS COUNTY EMPLOYEES TO UNIFIRST

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to award Bid #2006-B02 Uniform Rentals for Hays County Employees to Unifirst. All voting "Aye".



23825 APPROVE AWARD OF BID #2006-B21 SAWYER RANCH ROAD TO F T WOODS IN THE AMOUNT OF \$3,381,511.95

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve award of Bid #2006-B21 Sawyer Ranch Road to F T Woods in the amount of \$3,381,511.95. All voting "Aye".

23826 APPROVE AWARD OF BID #2007-B01 A/C AND HEATING SERVICES TO AVATT SERVICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve award of Bid #2007-B01 A/C and Heating Services to Avatt Services. All voting "Aye".

23827 AUTHORIZE A COPIER UPGRADE IN THE TREASURER'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize a copier upgrade in the Treasurer's Office and amend the budget accordingly. All voting "Aye".

DISCUSSION REGARDING PURCHASE OF A MAINTENANCE CONTRACT ON THE GENERATOR AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-162]

Commissioner Conley felt like the maintenance agreement amount is too high and the contract is with a business outside of Hays County. He would like to see our local business owners get these contracts and he would rather see a contract that checks all the generators in the county (ie computer services, sheriffs dept, etc.). No action was taken. More information is needed.

23828 [PCT. 4 #06-4-051, 2 LOTS] BLACK KING BARTON SUBDIVISION - APPROVE FINAL PLAT [T1-239]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Black King Barton Subdivision". All voting "Aye".

23829 [PCT. 4 #06-4-055, 4 LOTS] MARTIN VIEW SUBDIVISION - APPROVE FINAL PLAT [T1-250]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Martin View Subdivision". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23830 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN WALKING W RANCH SUBDIVISION PHASE C [T1-260]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a stop sign on Julieanne Cove at Bell Springs Road (CR169) and set a speed limit of 25 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations of a STOP sign on Julieanne Cove at its intersection with Bell Springs Road (CR169) and a speed limit on Julieanne Cove of 25 MPH in the Walking W Ranch Subdivision Phase C. All voting "Aye".

23831 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN WALKING W RANCH SUBDIVISION, PHASE B [T1-272]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a stop sign on Stacey Ann Cove at Bell Springs Road (CR169) and set a speed limit of 25 MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations of a STOP sign on Stacey Ann Cove at its intersection with Bell Springs Road (CR169) and set a speed limit of 25 MPH on Stacey Ann Cove. All voting "Aye".

23832 ALLOW THE HAYS COUNTY WOMEN ENTREPRENEUR PROGRAM TO BE HELD AT THE HAYS COUNTY COURTHOUSE [T1-287]

Commissioner Ingalsbe spoke of request to allow this event at the courthouse annually on the 3rd Sunday in February. The court will need to consider this request on an annual basis. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to allow the Hays County Women Entrepreneur Program to be held at the Hays County Courthouse on the 3rd Sunday in February 2007. All voting "Aye".



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- 23833 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND RELATING TO THE RE-CONSTRUCTION OF APPROXIMATELY 640' OF HIGH ROAD THAT IS WITHIN THE CORPORATE LIMITS OF THE CITY [T1-300]**

Road Supt/Engineer Jerry Borcharding spoke of 640 ft. of High Road that is in the city limits of Uhlund. The Road Dept. is currently reconstructing High Road from Lonie Lane to State Highway 21 and he would like to include the portion inside of the City of Uhlund. Diane Woods, City Administrator of Uhlund, spoke of amount of traffic on this major arterial road and they are requesting that the county reconstruct the portion of High Road in the city limits. Commissioner Carter advised that she will provide precinct funds for this project. Estimated cost for this project = \$23,950. Commissioner Ingalsbe requested a legal memorandum from special counsel regarding this type of issue for future reference. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement with the City of Uhlund relating to the re-construction of approximately 640' of High Road that is within the corporate limits of the City. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

- 23834 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH PBS&J RELATING TO ENVIRONMENTAL WORK ON FM 110 (THIS AGREEMENT REPLACES A PREVIOUSLY AUTHORIZED WORK AUTHORIZATION WITH TURNER COLLIE & BRADEN) [T1-439]**

Commissioner Conley spoke in support of this agreement. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a Professional Service Agreement with PBS&J relating to environmental work on FM 110 (this agreement replaces a previously authorized Work Authorization with Turner Collie & Braden). All voting "Aye".

- 23835 AUTHORIZE THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT CONCERNING TRAFFIC ENFORCEMENT BETWEEN HAYS COUNTY CONSTABLE, PCT. 3 AND THE CITY OF WOODCREEK [T1-469]**

Commissioner Conley spoke of this being the same agreement the court authorized in the Wimberley-Woodcreek area to provide traffic enforcement. A motion was made by Commissioner Conley, seconded by Judge Powers to authorize the County Judge to sign an interlocal agreement concerning traffic enforcement between Hays County Constable Pct. 3 and the City of Woodcreek. All voting "Aye".

- 23836 ADOPT A RESOLUTION ACCEPTING THE PROVISIONS OF TEXAS TRANSPORTATION COMMISSION MINUTE ORDER 110689, RELATING TO THE REALIGNMENT OF A SECTION OF FM 2001 EAST OF I-35 AND EXTENSION OF MAIN STREET FROM I-35 TO SH 45 [T1-490]**

Executive Assistant Brad Bailey spoke of this Order being adopted several months ago as Minute Order #110508 and it has been replaced by Minute Order #110689 – no changes have been made and it has been approved by the City of Buda. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a resolution accepting the provisions of Texas Transportation Commission Minute Order 110689 relating to the realignment of a section of FM2001 east of I-35 and extension of Main Street from I-35 to SH45. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 31, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14th DAY OF NOVEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23837 ADOPT A PROCLAMATION DECLARING NOVEMBER, 2006 AS NATIONAL HOME HEALTH CARE & HOSPICE MONTH IN HAYS COUNTY [T1-15]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Proclamation declaring November 2006 as National Home Health Care & Hospice Month in Hays County. All voting "Aye".

23838 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 666,445.84 for 11/7/06 disbursements and \$ 1,007,120.69 for 11/14/06 disbursements as presented by the County Auditor. All voting "Aye".

23839 APPROVE BUDGET AMENDMENT #06-45 AND #07-02

Budget Amendment #06-45 reflects appropriations for various county roads in Road Bond '04 = \$12,877,894 & Road Bond '01 = \$627,172. Budget Amendment #07-02: Tax Office - \$500 transfer for change funds Commissioners' Court & County Judge - \$192 transfer to budget FICA deduction on travel allowance budgeted DOJ/Bulletproof Vest Grant/Sheriff's Office - \$12,288 increase in grant funding and transfer county match to vest grant for HCSO. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-45 and #07-02 as proposed by the County Auditor. All voting "Aye".

23840 APPROVE BID AWARD TO CAPITAL EXCAVATION FOR IMPROVEMENTS TO REDWOOD ROAD, BID #2006-B22 IN THE AMOUNT OF \$2,048,474.42

Bids were submitted by: Capital Excavation Company (\$2,048,474.42), Texas Sterling Construction (\$2,143,325.85), FT Wood Construction (\$2,372,917.20), and RGM Constructors (\$3,140,694.32). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve bid award to Capital Excavation for improvements to Redwood Road, Bid #2006-B22 in the amount of \$2,048,474.42. All voting "Aye".

23841 APPROVE BID AWARD TO KENT POWERSPORT'S/35 NORTH HONDA FOR THE PURCHASE OF TWO (2) MOTORCYCLES FOR THE SHERIFF'S DEPARTMENT IN THE AMOUNT OF \$13,875.88 EACH FOR A TOTAL OF \$27,751.76

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award bid to Kent Powersport's/35 North Honda for the purchase of two (2) motorcycles for the Sheriff's Department in the amount of \$13,875.88 each for a total of \$27,751.76. All voting "Aye".

23842 APPROVE THE RECOMMENDATIONS OF THE RETIREMENT BENEFITS REVIEW COMMITTEE

Commissioner Ingalsbe spoke of allowing a premium of \$100 per month to retirees for the Silver Choice medical program [same as the \$100 premium for Cigna coverage]. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the retirement benefits review committee recommendations with the addition of allowing a premium of \$100 per month for retirees for the Silver Choice Medical Program. All voting "Aye".

**Revised Policy Recommendation:**

Strikeouts are items removed from current policy

Underlined items are additions to current policy

5.05 RETIREMENT. Hays County is a member of the Texas County and District Retirement System (TCDRS). All non-temporary employees ~~working in a position that is budgeted for more than 900 hours per calendar year~~ must contribute to the retirement system. See your TCDRS handbook for more information regarding the county retirement benefits.

- The county will match all contributions made by an employee however, the county match will only be paid to the employee upon retirement. Commissioners' Court determines the county's contribution rate annually.
- All counties and several local government and state agencies will combine service records and contributions upon eligibility of retirement
- ~~Employees are vested after 8 years of service.~~

**(Section moved to below)*

- Employees that withdraw their funds due to termination of employment do not receive the county contribution. ~~An employee will lose all of their credit if they withdraw their funds upon termination.~~ All withdrawals are subject to appropriate taxes.
- Employees that leave the county ~~with 8 years of service or more~~ have the option to leave their retirement funds at TCDRS. If the employee meets the service requirements, they can draw a retirement check upon eligibility. ~~These employees can actually draw a retirement check when they meet eligibility requirements.~~
- ~~Rehires keep their retirement service if they did not refund their deposits when they left.~~
- If an employee decides to withdraw their funds at termination of employment, they may reinstate their time with TCDRS through the reinstatement process. Dollar amounts may only be reinstated with deposits to TCDRS.

**(Section from above)*

There are three ways to retire:

1. Employee is age 60 or older and has at least 8 years of service.
2. The Rule of 75:
 - Employees that were hired prior to the year 2000: Employee has at least 4 years of service and their years of service plus their age equals 75 or more.
 - Employees that were hired after the year 2000: Employee has at least 8 years of service and their years of service plus their age equals 75 or more.
3. Employee has 30 years of service at any age.

**(Section moved to below)*

~~The court shall appoint a Benefits Review Committee which shall meet annually in August to consider the following retirement benefits:~~

- ~~(1) cost of living increase~~
- ~~(2) possible revisions to insurance benefits.~~

The Retirement Benefits Review Committee will examine current retirement benefits no less than annually. The committee will make recommendations to Commissioners' Court regarding the benefits provided to both current and future retirees. Such recommendations will include retiree cost of living considerations, retiree insurance benefits and retirement eligibility requirements.

Pursuant to chapter 175 of the Texas Local Government Code, Hays County retirees and covered dependents have the right to purchase continued health care coverage. To continue the Health Care coverage, the retiree must be an active participant in Hays County's insurance program at the time of retirement and have no break in insurance coverage between active employee membership and retiree membership. The retiree must not be eligible for group health benefits through another employer. The retiree is obligated to pay the full retiree and dependent premiums to the Hays County Treasurer by the 10th of the month in order to be covered for that month.

Retirees may continue their county funded insurance coverage contingent on the following qualifying provisions: The Commissioners' Court will determine on an annual basis if there are funds available to assist certain retirees with continued health care coverage. These county funded benefits cannot be offered to retirees that retired prior to the adoption of the policy. Partially funded insurance is only available to active employees receiving funded health care from Hays County. The county funding is not guaranteed from year to year and there is no implication or assumption of continued funding in the future. County contributions for past, current or future retiree Health Insurance is subject to change or elimination with or without prior notice to the retiree. If it is determined that Hays county will not fund any portion of retiree health coverage, all current and future retirees will be obligated to pay the full premium of retiree and dependent coverage. If it is determined that there are funds available, to be eligible for any retiree health care funding from Hays County, the retiree must meet all of the following:

- (1) must have at least 10 years continuous full time service with Hays County and be retiring with the Texas County and District Retirement System under the "rule of 75" and
- (2) must be an active participant in Hays County's insurance program at the time of retirement with no break in service or insurance coverage and
- (3) must contribute \$100.00 per month toward the cost of the insurance premium and pay for all dependents, dental and supplemental coverage.

**(Section from above)*



23843 APPROVE THE PURCHASE OF A MAINTENANCE CONTRACT ON THE GENERATOR IN THE HEALTH DEPARTMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of a planned maintenance agreement with Clifford Power Systems Inc. (CPS) on the generator located at the Health Department for a period of one year. The annual payment is \$735.00 with inspections 2 times per year at approximate six month intervals. All voting "Aye".

23844 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$5,000 GRANT FROM THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS

Grant and matching funds will be used to purchase custom bulletproof vests for county deputies, constables, and other law enforcement officers. Total grant is for \$8,500 and Hays County will provide an equal amount of matching funds. Bulletproof vest have to be replaced after 5 years and each is custom fit to the person. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$5,000 grant from the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs. All voting "Aye".

23845 AUTHORIZE THE CANCELLATION OF COMMISSIONERS COURT MEETINGS ON NOVEMBER 28TH, DECEMBER 19TH AND 26TH, 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the cancellation of Commissioners' Court meetings on November 28th, December 19th and 26th, 2006. All voting "Aye".

23846 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUBAWARD AGREEMENT RELATING TO THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT)

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a subaward agreement relating to the Advanced Law Enforcement Rapid Response Training (ALERRT). All voting "Aye".

Clerk's Note: Agenda Item #11 RE: AUTHORIZE A REFUND OF PENALTIES, INTEREST AND ATTORNEY'S FEES AS REQUESTED BY MISCELLANEOUS STEEL INDUSTRIES PURSUANT TO SECTION 33.011, TEXAS PROPERTY TAX CODE was PULLED. No discussion and no action taken.

23847 [PCT. 2 #06-2-054, 4 LOTS] TRIPLE R RANCHETTES RESUBDIVISION OF LOT 15 - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-96]

Property owners Victoriano, Imelda, & Lawrence Canales propose to divide a 12.44 acre tract (Lot 15) into four lots with public access on South Turnersville Road & Rich Lane. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval and to call for a public hearing on December 5, 2006. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on December 5, 2006 and approve preliminary plan for "Triple R Ranchettes Resubdivision of Lot 15". All voting "Aye".

23848 [PCT. 3 #05-03-043, 2 LOTS] DEWITT GAYLE SUBDIVISION - APPROVE FINAL PLAT

[T1-107] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Dewitt Gayle Subdivision". All voting "Aye".

23849 [PCT. 4 #06-4-031, 4 LOTS] SPRINGLAKE LOT 122A REPLAT - APPROVE FINAL PLAT

[T1-116] Lot 122A is being divided into four lots with a 25' shared access easement for Lots 122-A3 & 122-A4 onto Spring Valley Drive. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Springlake Lot 122A Replat". All voting "Aye".

23850 [PCT. 4 #06-4-056, 5 LOTS] HIGHLANDS SECTION A REPLAT OF LOT 5 AND A PORTION OF THE MORTON RESERVE - CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-124]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval and call for a public hearing on December 5, 2006. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on December 5, 2006 and approve preliminary plan of "Highlands Section A Replat of Lot 5 and a portion of the Morton Reserve". All voting "Aye".



23851 [PCT. 4 #06-4-058, 2 LOTS] RUTHERFORD SUBDIVISION REPLAT OF LOT 1 AND ADJOINING TRACT CREATING 2 LOTS (1A & 1B) - APPROVE PRELIMINARY PLAN

[T1-135] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Rutherford Subdivision Replat of Lot 1 and adjoining tract creating Lots 1A & 1B". All voting "Aye".

23852 [PCT. 4 #06-4-061, 2 LOTS] NUTTY ACRES SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-145]

A letter of exemption was filed by the City of Drippings Springs. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Nutty Acres Subdivision". All voting "Aye".

23853 CALL FOR A PUBLIC HEARING ON DECEMBER 5, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON KELLY SMITH LANE/CR. 149 [T1-154]

Road Supt/Engineer Jerry Borcharding advised that the recommended speed limit is 30MPH. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on December 5, 2006 to establish traffic regulations on Kelly Smith Lane (CR149). All voting "Aye".

23854 CALL FOR A PUBLIC HEARING DECEMBER 5, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON LEDGEROCK ROAD/CR 244 [T1-166]

The recommended speed limit is 30MPH. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on December 5, 2006 to establish traffic regulations on Ledgerock Road (CR244). All voting "Aye".

23855 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR "FAITH RANCH SUBDIVISION" [T1-173]

Faith Ranch is a private subdivision and no maintenance bond is required. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to accept road construction and drainage improvements and release the construction bond for "Faith Ranch Subdivision". All voting "Aye".

Clerk's Note: Agenda Item # RE: ACTION TO RETAIN THE SERVICES OF REAL ESTATE ATTORNEY GENE MAJORS TO DRAFT NECESSARY TITLE POLICY AND DEED IN ORDER TO CONVEY VACANT LOT (ACQUIRED BY COUNTY IN TAX SALE) TO THE SAN MARCOS AREA FOOD BANK AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME was PULLED. No discussion and no action taken.

Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 14, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 16th DAY OF NOVEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILL CONLEY
LINDA C. FRITSCHÉ

COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: COUNTY JUDGE JAMES L. POWERS AND COMMISSIONER PCT. 4 RUSS G. MOLENAAR; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

23856 APPROVE AND CANVASS THE VOTES FROM THE NOVEMBER 7, 2006 SPECIAL CONGRESSIONAL ELECTION AS REQUIRED BY CHAPTER 67 OF THE TEXAS ELECTION CODE

A motion was made by Commissioner Carter, seconded by Commissioner Conley to approve and canvass the votes from the November 7, 2006 Special Congressional Election as required by Chapter 67 of the Texas Election Code. All voting "Aye".

23857 APPROVE AND CANVASS THE VOTES FROM THE NOVEMBER 7, 2006 GENERAL ELECTION AS REQUIRED BY CHAPTER 67 OF THE TEXAS ELECTION CODE.

A motion was made by Commissioner Carter, seconded by Commissioner Conley to canvass the votes from the November 7, 2006 General Election as required by Chapter 67 of the Texas Election Code. All voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 16, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



NOVEMBER 21, 2006

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21st DAY OF NOVEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
GINA MENDOZA	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Erin Foster spoke on behalf of the **Village of Bear Creek** regarding **LCRA Assistance Program**. Forms were submitted on behalf of Rowland Williams, Thomas & Cynthia Joswick, Margaret Mills, Brian & Tracey Sharples, Daniel Hjernevik, Richard Maconi, Turkan Haynes, Claudia Daughetee, Eda Matthews, Mark & Deborah Brockman, Patrick & Elizabeth Mackie, Joe & Lesley Schriever, and Ivy Hjernevik requesting that they receive information and an opportunity to get LCRA water to all residents of the Village of Bear Creek.

Andrew Backus advised that he would like to see the LCRA money spent for research for the Hays Trinity Groundwater Conservation District. He spoke of the Texas Water Development Board website and the money that is available for public works infrastructure construction assistance.

23858 APPROVE BUDGET AMENDMENT 07-03

Budgets being amended: Treasurer's office = \$1,417 for approved copier upgrade, OCA/Collection Software Grant = \$5,650 to re-budget carryover grant for FY07, Park Bond '03 Proceeds = \$5,000 for planning services, Family Clinic = \$262 for malpractice insurance increase. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #07-03 as presented by the County Auditor. All voting "Aye".**

23859 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$311,052.74 as presented by the County Auditor. All voting "Aye".

23860 APPROVE RE-APPOINTMENT OF BOB LOVE FOR A 2-YEAR TERM ON NORTHWEST HAYS COUNTY ESD #5 (CURRENT TERM EXPIRES DECEMBER 31, 2006)

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve re-appointment of Bob Love for a 2-year term on the Northwest Hays County ESD #5. All voting "Aye".

Clerk's Note: Agenda Item #3 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH TEXAS STATE UNIVERSITY-SAN MARCOS (TEXAS STATE) RELATING TO THE RELATIONSHIP BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND STUDENT HEALTH CENTER IN THE EVENT OF A BIOLOGICAL TERRORIST ATTACK OR NATURAL DISASTER was PULLED.

23861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENTS TO THE FOLLOWING PROFESSIONAL SERVICES AGREEMENTS RELATING TO THE PASS-THROUGH FINANCING PROJECT TO PROVIDE COMMISSIONER WILL CONLEY AS THE COUNTY CONTACT: PRIME STRATEGIES, CARTER :: BURGESS, INC., KLOTZ ASSOCIATES, INC., LOCKWOOD, ANDREWS & NEWNAM, INC., PBS&J, INC., AND DANNENBAUM ENGINEERING [T1-130]

Reed Carr, Carolyn Logan, Mary Gonzales, and Sherri Bilson voiced their concerns about taking action at this time. Commissioner Conley spoke of this being an ongoing discussion since the bond election in 2003. He recommended that he could be designated on a temporary basis during the transition period for oversight purposes. **A motion was made by Commissioner Conley, seconded by Judge Powers to authorize the County Judge to execute amendments to the following professional services agreements relating to the pass-through financing project to provide Commissioner Will Conley as the county contact until January 23, 2007: Prime Strategies, Carter::Burgess Inc.; Klotz Associates Inc.; Lockwood, Andrews & Newman, Inc.; PBS&J, Inc.; and Dannenbaum Engineering. Commissioner Ingalsbe and Commissioner Carter voting "No". Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye".**



23862 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDED AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION CONTAINING MINOR CLARIFICATIONS TO THE PASS-THROUGH FINANCING AGREEMENT PREVIOUSLY APPROVED BY THE COMMISSIONERS COURT ON AUGUST 22, 2006

No changes were made in the main body to the agreement provisions relating to the total amount of payback, frequency of payback, vehicle-mile traveled fee, minimum and maximum annual imbursement, etc. The clarifications are as follows: [1] Misc. roadway labeling changes (e.g. FM 967 to RM 967), [2] Re-label "FM 1626" on Attachments A, B and C to "FM 1626 A & B", [3] Expanded Project Description information on Attachment B for FM 1626 A & B, [4] Expanded General Project Status information on Attachment C for FM 1626 A & B, [5] Reformatting of one Exhibit a: Roles and Responsibilities for Each Entity to address all four projects to a separate Exhibit 1 for each of the four projects. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to sign amended agreement with the Texas Department of Transportation containing minor clarifications to the Pass-Through Financing Agreement previously approved by the Commissioners' Court on August 22, 2006. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23863 [PCT. 2 #06-2-032] SHADOW CREEK SUBDIVISION PHASE III SECTION I - APPROVE FINAL PLAT [T1-630]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shadow Creek Subdivision Phase III Section I". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23864 [PCT. 2 #06-2-033] SHADOW CREEK SUBDIVISION PHASE III SECTION II - APPROVE FINAL PLAT [T1-653]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shadow Creek Subdivision Phase III Section II". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23865 [PCT. 2 #06-2-034] SHADOW CREEK SUBDIVISION PHASE III SECTION III - APPROVE FINAL PLAT [T1-662]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shadow Creek Subdivision Phase III Section III". All voting "Aye".

23866 [PCT. 2 #06-2-035] SHADOW CREEK SUBDIVISION PHASE III SECTION IV - APPROVE FINAL PLAT [T1-670]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Shadow Creek Subdivision Phase III Section IV". All voting "Aye".

23867 ACCEPT REVISED FINISHED FLOOR ELEVATIONS FOR SAWYER RANCH SECTION 5 [T1-677]

The developers of this subdivision discovered a scrivener's error in defining finished floor elevation for 40 lots in this subdivision. They would like to correct the plat records to show the actual FFE's as certified by their engineer. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept revised finished floor elevations for "Sawyer Ranch Section 5". All voting "Aye".

23868 [PCT. 4 #06-4-06, 2 LOTS] NUTTY ACRES SUBDIVISION - APPROVE FINAL PLAT [T1-689]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Nutty Acres Subdivision". All voting "Aye".

23869 [PCT. 4 #06-4-058, 2 LOTS] RUTHERFORD SUBDIVISION REPLAT OF LOT 1 AND ADJOINING TRACT CREATING 2 LOTS (1A & 1B) - APPROVE FINAL PLAT [T1-696]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Rutherford Subdivision Replat of Lot 1 and adjoining tract creating 2 lots". All voting "Aye".



23870 CALL FOR A PUBLIC HEARING ON DECEMBER 5, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON WILLOW TERRACE IN GREEN PASTURES SUBDIVISION [T1-707]

The recommended traffic regulation is to place a STOP sign on Willow Terrace at its intersection with Skyview Terrace. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on December 5, 2006 to establish traffic regulations on Willow Terrace in Green Pastures Subdivision. All voting "Aye".

23871 SET SPENDING LIMITS FOR THE REMAINDER OF THE TERMS OF OFFICE INCUMBENT OR PRECINCT OFFICERS THAT WERE NOT RE-NOMINATED OR RE-ELECTED [T1-716]

County Auditor Bill Herzog read from Local Government Code Section 130.908 regarding spending by an incumbent not reelected to a county office. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to set spending limits of not more than 25% of their total budget for the remainder of the terms of office for incumbent or precinct officers that were not re-nominated or re-elected. All voting "Aye".

DISCUSSION REGARDING AMENDED AGREEMENT WITH LCRA REGARDING THE PROVISION OF WATER AND WASTEWATER SERVICES [T1-809]

Erin Foster (Village of Bear Creek) spoke of people experiencing dry wells. She does not feel like there is enough money to lay the water lines. [T1-862] Wayland Clark spoke of his well being dry since April 2006. Action was tabled at this time.

DISCUSSION REGARDING UTILITY FACILITIES CONSTRUCTION AND CONVEYANCE AGREEMENT WITH LCRA AND SOUTH MADRONE TRAIL WATER, INC. [T1-944]

Laurie Ryan spoke of having problem with wells in the area. They are willing to put up front money for surface water. Village of Bear Creek Mayor Bruce Upham gave a history of efforts to get surface water to the area. He asked the courts consideration to use LCRA funds to get water to their area. [T-1207] Michael Rech spoke of federal grants in the past that were available for water lines and he asked for assistance to get water lines to their homes. John Hudson spoke of need for water to their community and he spoke in favor of a cost sharing plan. [T1-1417] Special Counsel Ed McCarthy spoke of residents that have already committed to the project and he spoke of creation of taxing districts. Mr. McCarthy spoke of LCRA water fees that are paid to Hays County and he spoke of his scope of work for Hays County. Mr. McCarthy explained the agreement with LCRA. [T1-2162] An LCRA Attorney explained the agreement between LCRA and the corporation. LCRA will buy the pipeline - it is not a rebate to the corporation. Andrew Backus (Board President of the Hays Trinity Groundwater Conservation District) spoke of dramatic decrease in water in northern Hays County and need for capping of wells where surface water is available. Donna Kanetzky spoke of need for water.

23872 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH COBB, FENDLEY & ASSOCIATES RELATING TO RR12 UTILITY COORDINATION FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM [T1-2618]

Commissioner Conley spoke of county being responsible for utility relocation. Commissioner Carter suggested that no action be taken until the new court takes office. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Professional Services Agreement with Cobb, Fendley & Associates relating to RR12 Utility Coordination for the Hays County Pass Through Finance Program. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



23873

AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$600,000 GRANT FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TXDEM) - HAZARD MITIGATION GRANT PROGRAM AND APPOINT A 4-MEMBER COMMITTEE OF COUNTY STAFF (A) TO DETERMINE BEST SITES, (B) TO REVIEW COMPANIES ON STATE CONTRACT LIST, AND (C) TO MAKE RECOMMENDATIONS TO THE COMMISSIONERS COURT FOR FINAL APPROVAL. COUNTY'S \$200,000 MATCH TO BE MADE FROM COUNTY-WIDE CAPITAL IMPROVEMENTS LINE ITEM [T1-2658]

This grant application was submitted on January 27, 2006 and notice of approval was received on November 2, 2006. Grant and matching funds will be used to install an interactive early warning system on dangerous low-water crossings throughout the county. The County will match with \$200,000 from county-wide capital improvements line item in the FY06-07 budget. The committee will be Tim Vandevor (Road Dept.), Richard Salmon (Grants Dept.), Jeff Turner (Emergency Management), and Cindy Maiorka (Purchasing Dept). A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$600,000 Grant from the Texas Division of Emergency Management (TXDEM) - Hazard Mitigation Grant Program and appoint a 4-Member Committee of County Staff (A) to determine best sites, (B) to review companies on state contract list, and (C) to make recommendations to the Commissioners' Court for final approval. County's \$200,000 match to be made from county-wide capital improvements line item. All voting "Aye".

Clerk's Note: Agenda Item# 20 RE: ACTION TO EXECUTE CONTRACT WITH I-PLOW.COM TO PROVIDE COMPUTER SOFTWARE SUPPORT FOR THE DISTRICT CLERK'S OFFICER was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #21 RE: ALLOW THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR COLLECTION OF DELINQUENT COURT FINES AND FEES ASSESSED BY THE DISTRICT, COUNTY AND JUSTICE COURTS OF HAYS COUNTY WITH MCCREARY, VESELKA, BRAGG & ALLEN, P.C. was PULLED. No discussion and no action taken.

Court was adjourned.

I, LEE CARLISLE, 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 NOVEMBER 21, 2006.



Lee Carlisle
 LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



DECEMBER 5, 2006

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 5TH DAY OF DECEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY RETIREMENT AND SERVICE AWARDS

Human Resources Director Dee Dee Baen presented a service/retirement recognition plaque to Commissioner Susie Carter (1999-2006), Commissioner Russ Molenaar (1989-2006), and County Judge Jim Powers (1999-2006). Commissioner Molenaar, Commissioner Carter, and Judge Powers gave their appreciation to everyone. Commissioner Ingalsbe thanked Commissioner Molenaar, Judge Powers, and Commissioner Carter individually. Commissioner Conley thanked them as well for their service to the community.

PUBLIC COMMENT

Roger Kew gave his thanks to Commissioner Carter, Commissioner Molenaar, and Judge Powers for their service, commitment and leadership.

DISCUSSION REGARDING AUTHORIZING THE PURCHASING DEPARTMENT TO ISSUE A REQUEST FOR PROPOSAL SEEKING COLLECTION SERVICES OF COURT FINES AND FEES FOR THE DISTRICT, COUNTY AND JUSTICE OF THE PEACE COURTS PURSUANT TO ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE

Justice of the Peace Pct. 5 Lamont Ramage advised that this item is tied to agenda item #29 regarding a contract with McCreary, Veselka, Bragg, and Allen for collection of delinquent court fines and fees by Justices of the Peace Courts. He spoke of looking at other vendors because the current vendor was unable to continue due to software changes and that contract was terminated. Judge Ramage spoke of changes in the contract to allow local services. The consensus of the JP courts is to go with the contract proposed. This is a contract for delinquent fees only. Commissioner Ingalsbe suggested that we go out for RFP's. No action was taken.

23874 PRESENTATION BY MCCREARY, VESELKA, BRAGG & ALLEN, P.C AND DISCUSSION AND POSSIBLE ACTION TO ALLOW THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THIS FIRM FOR COLLECTION OF DELINQUENT COURT FINES AND FEES ASSESSED BY THE JUSTICE COURTS OF HAYS COUNTY [T1-254]

Gil Bragg (McCreary, Veselka, Bragg & Allen, P.C.) presented members of the firm that were present today and they made brief statements regarding the services to be provided. Commissioner Ingalsbe advised that she will abstain because she would like to see other firms given the opportunity to submit proposals. Charles O'Dell (President of Hays CAN) suggested a more open process of selection. A motion was made by Commissioner Carter, seconded by Judge Powers to allow the County Judge to execute a contract with McCreary, Veselka, Bragg & Allen P.C. for collection of delinquent court fines and fees assessed by the Justice Courts of Hays County subject to legal review. Commissioner Molenaar, Commissioner Conley, Commissioner Carter, and Judge Powers voting "Aye". Commissioner Ingalsbe abstained.

23875 DISCUSSION AND ACTION REGARDING CANCELLATION OF COMMISSIONERS COURT ON DECEMBER 12, 2006 [T1-398]

Commissioner Carter spoke of need for more time to consider agenda item #30 regarding amendment to the animal control ordinance. Commissioner Ingalsbe spoke of Grants Administrator Richard Salmon being appointed today to the advisory committee and he could voice Commissioner Carter's concerns. Commissioner Molenaar advised that the new court can address this. A motion was made by Commissioner Carter, seconded by Commissioner Conley to hold commissioners' court on December 12, 2006. Commissioner Carter, Commissioner Conley and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Molenaar voting "No".

**23876 APPROVE BUDGET AMENDMENT 07-04**

Budgets being amended: Historical Commission Trust = \$7,500 to budget printing costs for reprint of book and contributions for renovation of old jail on Fredericksburg Street & Personal Health = \$500 for TALHO dues not budgeted. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve Budget Amendment #07-04 as proposed by the County Auditor. All voting "Aye".

23877 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve payment of county invoices in the amount of \$ 524,925.34 (11/28/06 disbursement) and \$ 352,523.20 (12/5/06 disbursements). All voting "Aye".

23878 APPROVE CONTINUATION OF BURN BAN

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve continuation of Burn Ban. All voting "Aye".

23879 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH TEXAS STATE UNIVERSITY - SAN MARCOS RELATING TO THE RELATIONSHIP BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND STUDENT HEALTH CENTER IN THE EVENT OF A MEDICAL EMERGENCY

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute agreement with Texas State University - San Marcos relating to the relationship between the Hays County Personal Health Department and Student Health Center in the event of a medical emergency. All voting "Aye".

23880 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH CENTER AT SAN ANTONIO, SCHOOL OF NURSING RELATING TO TRAINING

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute an agreement with the University of Texas Health Center at San Antonio, School of Nursing relating to training. All voting "Aye".

23881 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH DR. SARAH RODRIQUEZ TO PROVIDE PRO BONO MEDICAL SERVICES AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute agreement with Dr. Sarah Rodriguez to provide Pro Bono Medical Services at the Hays County Personal Health Department. All voting "Aye".

23882 AUTHORIZE PURCHASE AND INSTALLATION OF 341 FEET OF CHAIN LINK FENCING WITH THREE STRANDS OF BARBED WIRE AND 14 FT. DOUBLE DRIVE GATE FOR PRECINCT 1 COUNTY ROAD DEPARTMENT YARD TO AAA FENCE COMPANY IN THE AMOUNT OF \$5,553.30

Bids were received from AAA Fence Company (\$5,553.50), Viking Fence Co. (\$8,781.17), and Roadway Specialties Inc. (\$8,610.50). A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize purchase and installation of 341 feet of chain link fencing with three strands of barbed wire and 14 ft. double drive gate for Precinct 1 County Road Department Yard to AAA Fence Company in the amount of \$5,553.30. All voting "Aye".

23883 APPROVE REAPPOINTMENTS OF FAY "BUDDY" MARTIN, SHARON O'BRIEN, AND DOYLE KRUMREY TO THE SOUTH HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 3

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve reappointments of Fay "Buddy" Martin, Sharon O'Brien, and Doyle Krumrey to the South Hays County Emergency Services District #3. All voting "Aye".

23884 APPROVE THE HIRING OF AN APPRAISER TO APPRAISE SIX PROPERTIES OFF MCCARTY LANE FOR ROAD IMPROVEMENTS AND AUTHORIZE PURCHASING TO ACQUIRE THREE PROPOSALS

Funds have been budgeted for the purchase of R-O-W and the construction of the improvements. It was recommended that the money for the appraisal be paid from Consultant Expense Line Item in the Countywide budget (01-414-5443). A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve the hiring of an Appraiser to appraise six properties off McCarty Lane for road improvements and authorize Purchasing to acquire three proposals. All voting "Aye".



23885 APPROVE APPOINTMENT OF RICHARD SALMON TO THE SAN MARCOS ANIMAL SHELTER ADVISORY COMMITTEE TO REPRESENT HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to approve appointment of Richard Salmon to the San Marcos Animal Shelter Advisory Committee to represent Hays County. All voting "Aye".

Clerk's Note: Agenda Item #14 RE: APPROVE REVISED JOB TITLE AND GRADE FOR THE NEW COUNTY COURT AT LAW ASSISTANT ADMINISTRATOR TO ASSISTANT ADMINISTRATOR / COURT REPORTER was PULLED. No discussion and no action taken.

23886 [PCT. 2 #06-2-054] TRIPLE R RANCHETTES RESUBDIVISION LOT 15 - PUBLIC HEARING & APPROVE FINAL PLAT [T1-481]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve "Triple R Ranchettes Resubdivision of Lot 15". All voting "Aye".

23887 [PCT. 4 #06-4-068, 2 LOTS] SYRING ACRES SUBDIVISION - 18.11 ACRES - APPROVE PRELIMINARY PLAN [T1-493]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Syring Acres Subdivision". All voting "Aye".

23888 [PCT. 4 #06-4-010] THE VINEYARD PHASE 1 - APPROVE 60 DAY EXTENSION FOR PRELIMINARY PLAN [T1-503]

Charles O'Dell (President of Hays CAN) spoke of complaints and problems with this development. He thinks they should have to start the process over rather than get an extension. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve 60 day extension for preliminary plan for "The Vineyard Phase 1". Commissioner Carter, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Ingalsbe voting "No".

23889 [PCT. 4 #06-4-056] HIGHLANDS SEC. A RESUBDIVISION OF LOT 5 - PUBLIC HEARING & APPROVE FINAL PLAT [T1-570]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Highlands Section A Resubdivision of Lot 5". All voting "Aye".

23890 [PCT. 4 #06-4-067] LA VENTANA REPLAT - WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS AND APPROVE FINAL PLAT COMBINING ADJOINING LOTS (608 & 609) INTO 1 LOT (609-A) [T1-579]

Environmental Health Director Allen Walther gave staff recommendation for approval. Two lots are being combined to create one lot. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive preliminary plan and public notification requirements and approve final plat combining adjoining Lots 608 & 609 of La Ventana into Lot 609-A. All voting "Aye".

23891 [PCT. 4 #06-4-063, 3 LOTS] PLUM CREEK LANE EDITION SUBDIVISION - 10.38 ACRES - APPROVE PRELIMINARY PLAN [T1-591]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan of "Plum Creek Lane Edition Subdivision". All voting "Aye".

23892 [PCT. 4 #06-4-069, 9 LOTS] SILVERADO ESTATES SUBDIVISION PHASE II - APPROVE PRELIMINARY PLAN [T1-600]

Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Silverado Estates Subdivision Phase II". All voting "Aye".



23893 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON WILLOW TERRACE IN GREEN PASTURES SUBDIVISION [T1-612]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish a STOP sign on Willow Terrace at Skyview Terrace. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of a STOP sign on Willow Terrace at its intersection with Skyview Terrace. All voting "Aye".**

23894 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON LEDGEROCK ROAD, CR 244

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish a 30 MPH speed limit on Ledgerock Road (CR 244). **A motion was made by Commissioner Conley, seconded by Commissioner Carter to establish traffic regulation of 30 MPH speed limit on Ledgerock Road (CR 244). All voting "Aye".**

23895 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON KELLY SMITH LANE, CR 149

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish a 30 MPH speed limit on Kelly Smith Lane (AKA CR 149). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulation of 30 MPH speed limit on Kelly Smith Lane (CR149). All voting "Aye".**

23896 ACTION TO DIRECT THE ROAD DEPARTMENT TO MAKE NEEDED REPAIRS ON RHODE ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF NEIDERWALD

[T1-650] Road Supt/Engineer Jerry Borcharding explained the situation with Rhode Road within the Corporate Limits of the City of Neiderwald. Commissioner Carter stated that the law allows the county to make the needed repairs. The estimated cost is \$38,000 for repairs and the chip seal would be additional cost. Special Counsel Jacqueline Cullom Murphy suggested an interlocal agreement before approval. GIS Manager Steve Floyd spoke of Neiderwald annexation order that he received and the dis-annexation order. Jerry Borcharding spoke of each precinct having an allocation of chip seal in the Road Dept. budget which would be used for this project – to come out of Precinct 2's portion. **A motion was made by Commissioner Carter, seconded by Commissioner Conley to direct the Road Department to make needed repairs on Rhode Road within the corporate limits of the City of Neiderwald. Commissioner Conley and Commissioner Carter voting "Aye". Commissioner Molenaar, Commissioner Conley, and Judge Powers voting "No". MOTION FAILED.**

DISCUSSION REGARDING APPROVAL OF A RIGHT OF WAY EXCHANGE WITH CURTIS JOHNSON ALONG BELL SPRINGS ROAD [T1-1001]

Curtis Johnson spoke of property he owns on Bell Springs Road. He requested relocation of a leg of Bell Springs Road just north of Fitzhugh Road – they would donate 60 feet of r-o-w (approximately 5300 ft) for a new roadway. Road Supt/Engineer Jerry Borcharding advised that the estimate for this new roadway is approximately \$492,000 - not including relocation of utilities (if necessary). Charles O'Dell (President of Hays CAN) suggested that more information be provided to the members of the court and the public for these type of issues. Jerry Borcharding advised that he would like a time table so that he can budget for this project. There is still a question about the pipeline. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to instruct county staff to work with Curtis Johnson regarding a right of way exchange along Bell Springs Road. MOTIONS WITHDRAWN.**

DISCUSSION REGARDING POSSIBLE HIRING OF A SURVEYOR TO RESOLVE ISSUES BETWEEN CITIES AND THE COUNTY REGARDING CORPORATE LIMITS

[T1-1419] Road Supt/Engineer Jerry Borcharding spoke of problems regarding determination of corporate limits. GIS Manager Steve Floyd spoke of annexation ordinances by cities. Commissioner Ingalsbe spoke of need to resolve these issues through meetings with staff from the county and city. Commissioner Conley suggested cost sharing of surveying costs, if necessary. **A motion was made by Commissioner Carter to hire a surveyor to resolve issues between cities and the county regarding corporate limits. MOTION WITHDRAWN.**

Clerk's Note: Agenda Item #28 RE: ACTION TO HIRE CMA ENGINEERING TO PROVIDE SITE PLANNING SERVICES FOR THE NEW PCT. 4 OFFICE was PULLED. No discussion and no action taken.



DISCUSSION REGARDING CALLING FOR A PUBLIC HEARING ON NEXT SCHEDULED COURT DATE TO AMEND THE ANIMAL CONTROL ORDINANCE TO REVISE SECTION 2.11 FROM "RESTRAINT" TO "HUMANE CARE AND RESTRAINT"

Pet Prevent a Litter Executive Director Sharri Boyett spoke of inhumane treatment of chained animals. Donna Bellion (Mutt Strutt) also spoke of inhumane treatment of animals. Deputy Sheriff Strain felt like this amendment would create more stray animals. Commissioner Ingalsbe spoke of need for this to be discussed at the meeting of the San Marcos Animal Shelter Advisory Board. No action taken today.

23897 ACTION REGARDING A TRIANGLE OF LAND, WHICH BELONGS TO HAYS COUNTY, AND ADJOINS STATE HWY 2001 [T1-2078]

Grants Administrator Richard Salmon spoke of staff looking at this area as a park – it was determined that this is would not be suitable for parkland. Commissioner Carter spoke of the property and suggested naming it "Butterfly Park". Commissioner Conley suggested selling the property since it is of no use to the county. A motion was made by Commissioner Carter, seconded by Judge Powers to name the triangle of land, which belongs to Hays County, and adjoins State Highway 2001 as "Butterfly Park". Judge Powers and Commissioner Carter withdrew their motions. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to direct staff to look at selling this tract of land and getting it back on the tax rolls. All voting "Aye".

23898 ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE LEASE AGREEMENT WITH THE SAN MARCOS AREA FOOD BANK, INC. [T1-2187]

Commissioner Conley spoke of property owned by the local taxing entities (delinquent tax property) and he spoke in support of the San Marcos Area Food Bank. The added property would allow the food bank to expand their facility. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a lease agreement with the San Marcos Area Food Bank Inc. for an amended term of 20 years. All voting "Aye".

23899 ACTION TO APPROVE MINOR RENOVATIONS IN THE COUNTY COURT AT LAW OFFICE AT THE JUSTICE CENTER [T1-2333]

Judge Linda Rodriguez spoke of need for room for the new position that was approved in the budget. Funds required are up to \$1200 from contingencies. This work will allow for an internal wall to be moved approximately 4 feet. The Maintenance Dept. will be doing the work along with a licensed electrician. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve minor renovations in the County Court at Law office at the Justice Center as requested. All voting "Aye".

23900 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT AGREEMENT RELATING TO A LEFT TURN LANE ON FM 1826 INTO THE REUNION RANCH SUBDIVISION [T1-2354]

A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute advanced funding agreement with the Texas Department of Transportation and Development Agreement relating to a left turn lane on FM1826 into the Reunion Ranch Subdivision. All voting "Aye".

Court convened into closed executive session at 11:35 a.m. and reconvened into open meeting at 12:20 p.m. Commissioner Carter and Judge Powers were not present for remainder of the meeting.

23901 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE THE REQUEST OF MISCELLANEOUS STEEL INDUSTRIES FOR A REFUND OF INTEREST AND PENALTIES PURSUANT TO SECTION 33.011 OF THE TEXAS PROPERTY TAX CODE [T1-2416]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to deny request of Miscellaneous Steel Industries for a refund of interest and penalties pursuant to Section 33.011 of the Texas Property Tax Code. All present voting "Aye".



23902 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.074, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE THE APPOINTMENT, REASSIGNMENT,, DUTIES AND/OR EMPLOYMENT OF THE TEMPORARY HAYS COUNTY FIRE MARSHAL, ASSISTANT FIRE MARSHAL AND FIRE MARSHAL ADVISOR [T1-2445]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to extend appointment of Carroll Czichos as Temporary Fire Marshal with a change in some of the duties of the Fire Marshal office whereby Mr. Czichos has complete discretion with employees of the Fire Marshal's office, he will receive the same compensation, termination, and county policy already in effect, and he will report directly to the Commissioners' Court, with re-evaluation at the end of this fiscal year. All present voting "Aye".

Court was adjourned.

I, LEE CARLISLE, 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 DECEMBER 5, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12 DAY OF DECEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

AND THE FOLLOWING MEMBER WAS ABSENT: COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE, WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Diana Woods thanked the court for their service to the citizens of Hays County.

23903 APPROVE BUDGET AMENDMENT 07-05

Budgets being amended: Election Office \$2,800 for addition improvements (add railings,awning & frame/roofing of walkway), OJP/Bulletproof Vest Grant & Contable 4 \$450 county match to vest grant for Constable 4 (2 each), Fire Marshal \$2,065 FY06 carry forward LEOSE/LEAD amounts not spent. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #07-05 as proposed by the County Auditor. All present voting "Aye".

23904 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of 1,062,729.61 as presented by the County Auditor. All present voting "Aye".

23905 APPROVE UTILITY PERMIT #01909

Crystal Clear Permit #01908 was pulled per request by Commissioner Ingalsbe. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Utility Permit #01909 on CR107/Satterwhite Rd. issued to Goforth Water Supply. All present voting "Aye".

23906 APPROVE HIRING OF ELI JIM TURNER TO FILL THE POSITION OF DEPUTY CONSTABLE IN HAYS COUNTY PRECINCT 3

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve hiring of Eli Jim Turner to fill the position of Deputy Constable in Hays County Precinct 3. All present voting "Aye".

23907 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDED LEASE AGREEMENT WITH THE SAN MARCOS AREA FOOD BANK AS APPROVED BY THE COMMISSIONERS COURT ON DECEMBER 5, 2006

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize the County Judge to execute an amended lease agreement with the San Marcos Area Food Bank as approved by the Commissioners' Court on December 5, 2006. All present voting "Aye".

23908 APPROVE MEMORANDUM AGREEMENT BETWEEN NORTEX PRESS AND THE HAYS COUNTY HISTORICAL COMMISSION FOR RE-PRINTING OF CLEAR SPRINGS AND LIMESTONE LEDGES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve memorandum agreement between Nortex Press and the Hays County Historical Commission for re-printing of Clear Springs and Limestone Ledges. All present voting "Aye".



23909 AUTHORIZE THE COUNTY JUDGE AND COMMISSIONERS COURT TO DECLARE A FIRE DISASTER, UNDER FEMA REGULATIONS, FOR RIM ROCK SUBDIVISION AND THE GOLDENWOOD AREAS OF DRIFTWOOD ON NOVEMBER 15-16, 2006

Jeff Turner spoke of fire investigation. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge and Commissioners' Court to declare a fire disaster, under FEMA regulations, for Rim Rock Subdivision and the Goldenwood areas of Driftwood on November 15th & 16th, 2006. All present voting "Aye".

23910 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION RELATING TO THE DISADVANTAGED/MINORITY BUSINESS ENTERPRISE (DBE) PROGRAM [T1-118]

Commissioner Conley spoke in support of this item. Commissioner Carter spoke of her concern regarding pass through toll program. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the Texas Department of Transportation relating to the Disadvantaged/Minority Business Enterprise (DBE) Program. Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

23911 APPROVE THE PHASE DEVELOPMENT AGREEMENT AND MASTER PLAN FOR HUDSON RANCH DEVELOPMENT [T1-151]

Andy Barrett spoke of subdivision agreement and requested approval by the court. Environmental Health Director Allen Walther spoke of this assisting staff during the development process – this does not offer any type of plat approval. Lee Weber (Jeremiah Development) spoke of limiting to 20% impervious cover and they are looking at an innovative water treatment system through TCEQ. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve the Phase Development Agreement and Master Plan for Hudson Ranch Development. All present voting "Aye".

23912 [PCT. 4 06-4-068, 2 LOTS] SYRING ACRES SUBDIVISION – APPROVE FINAL PLAT

[T1-221] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Syring Acres Subdivision". All present voting "Aye".

23913 [PCT. 4 #06-4-079, 5 LOTS] VINEYARD RIDGE - APPROVE PRELIMINARY PLAN [T1-228]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan for "Vineyard Ridge". All present voting "Aye".

23914 [PCT. 4 #06-4-069, 19 LOTS] SILVERADO ESTATES SUBDIVISION – APPROVE FINAL PLAT [T1-242]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Silverado Estates Subdivision". All present voting "Aye".

23915 [PCT. 4 #06-4-080, 132 LOTS] HIGHPOINTE PHASE 5 – APPROVE PRELIMINARY PLAN

[T1-260] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Highpointe Phase 5". All present voting "Aye".

Clerk's Note: Agenda Item #14 RE: [PCT. 4 #06-4-029, 46 LOTS] CHAMA TRACE – APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

23916 [PCT. 4 #06-4-072, 9 LOTS] NORTH RIDGE PHASE 2 – FINAL PLAT [T1-275]

Doug Cones spoke of conflicts of interest in this subdivision and he spoke of various issues he has with this project. Mr. Cones requested that the court not approve the final plat. Wayland Clark requested that the court not approve the final plat and he agreed with the issues brought up by Doug Cones. Steven Shubin spoke of his concerns about ground water availability. Environmental Health Director Allen Walther advised that the water available plan was filed at preliminary plan. Special Counsel Jacqueline Cullom Murphy advised that no conflict of interest was found regarding Judge Powers. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve final plat of "North Ridge Phase 2". Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Conley and Commissioner Carter voting "No". MOTION FAILED.



23917 CALL FOR A PUBLIC HEARING ON JANUARY 9, 2007 TO ESTABLISH A "NO PARKING" ZONE AT THE END OF HILLS EDGE ROAD (CR 324) [T1-451]

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on January 9, 2007 to consider establishing a "No Parking" zone at the end of Hills Edge Road (CR324). All present voting "Aye".

23918 CALL FOR A PUBLIC HEARING ON JANUARY 9, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BROWNSON LANE (CR 193) [T1-464]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to call for a public hearing on January 9, 2007 to consider establishing traffic regulations on Brownson Lane (CR193). All present voting "Aye".

23919 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE FOR RIM ROCK SUBDIVISION PHASE I SECTION I [T1-475]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond, and accept maintenance for Rim Rock Subdivision Phase I Section I. All present voting "Aye".

Court was Adjourned.

I, LEE CARLISLE, 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 DECEMBER 12, 2006.



Lee Carlisle

LEE CARLISLE, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 2nd DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Chaplain Roger Ramos gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

23920 APPROVAL OF BONDS FOR ALL NEWLY ELECTED HAYS COUNTY OFFICIALS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the Official Bonds for all the newly elected Hays County Officials. All voting "Aye".

PUBLIC COMMENTS

Charles O'Dell (President of Hays CAN) spoke in support of the Commissioners' Court and welcomed the new members. Roger Kew requested that the 3 minute rule should not always be enforced to allow citizens time to voice their concerns. He also spoke of accountability and the Blue Ribbon Transportation Plan.

23921 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve payment of county invoices as follows: December 19, 2006 disbursements = \$777,393.20; December 26, 2006 disbursements = \$552,058.72; and January 2, 2007 disbursements = \$198,641.86 as presented by the County Auditor. All voting "Aye".

23922 APPROVE BUDGET AMENDMENT 07-06

Budgets being amended: Building Mtc = \$1,200 transfer for authorized renovations in County Court @ Law office out of County-wide Operations Contingencies; Veterans Offices = \$2,000 transfer for needed repairs to propane bus; Juvenile Center = \$77,550 transfer to budget merit/salary increases as approved. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Budget Amendment #07-06 as proposed by the County Auditor. All voting "Aye".

23923 AUTHORIZE THE COUNTY JUDGE TO REJECT GRANT FROM THE STATE HOMELAND SECURITY PROGRAM (HSGP) FOR A TOTAL OF \$819.28

Because the county receives over \$400,000 in grants annually, we are subject to a more detailed and costly audit of grants received and coupled with in-house administrative costs, it is not cost-effective to accept this grant. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to reject Grant from the State Homeland Security Program (HSGP) for a total of \$819.28. All voting "Aye".

23924 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE FOR UP TO \$63,140.00.

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to accept a Grant from the Texas Judicial Council - Task Force on Indigent Defense for up to \$63,140.00. All voting "Aye".

23925 ACTION TO REQUEST A LOCAL GOVERNMENT MANAGEMENT REVIEW BY THE TEXAS STATE COMPTROLLERS' OFFICE

Judge Sumter spoke of review never taking place that was approved in 2003. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to request a Local Government Management Review by the Texas State Comptrollers' office. All voting "Aye".

23926 AUTHORIZE THE PURCHASE OF FURNITURE AND EQUIPMENT FOR COMMISSIONER PRECINCT 4 [T1-332]

Commissioner Ford requested \$2000 to purchase new furniture for precinct 4 office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the purchase of furniture and equipment for Commissioner Precinct 4 office. All voting "Aye".


DISCUSSION RELATING TO THE SCHEDULING OF FUTURE WORKSHOPS [T1-354]

Judge Sumter spoke of need for workshops to address big items that are pending. (ie. pass through financing, new government center, habitat conservation) Andrew Backus advised that the Trinity Groundwater Conservation District would like to meet with the court to discuss groundwater issues. Commissioner Ford spoke of need to meet regarding subdivision rules. Commissioner Barton would like a discussion on commuter rail. Commissioner Conley suggested emergency management program and Commissioner Ingalsbe suggested discussions regarding the civic center. Judge Sumter spoke of centralized 911 system. Commissioner Barton suggested a workshop regarding overall road projects, road bonds and environmental health. Judge Sumter spoke of need to address long term committees. It was suggested that there be at least two workshops per week. Diane Wassenich spoke of electronic waste (used computers, cell phones, and tv's) issues that need to be addressed. Patrick Cox (Wimberley Valley Water Assn) spoke of parks and open space land. Commissioner Conley spoke of work being done on parks master plan. Commissioner Barton spoke of need to look at voting precinct changes. Suggested workshops: Appointments to Regional Boards - Mon/January 8, 2007 Habitat Conservation Plan, Pass Through Financing Agreement - Jan 16, 2007 Pass Through Tolling Agreement - Jan 30, 2007 and the Government Center. [T1-876] Roger Kew suggested a workshop re: economic development (June or July). Discussion was had regarding property that has been purchased and office space projects that are already in progress. [T1-1008] Commissioner Barton spoke of scheduling workshops. A brief discussion was had regarding closing offices in honor of former president Gerald Ford. It was decided that there was not enough public notice to close offices today. Workshops are to be scheduled for January 8, 16, & 30, 2007

Court was adjourned.

I, LINDA C. FRITSCHER, 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 JANUARY 2, 2007.





**LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





Clerk's Note: A Special Meeting posted for 3:00 P.M. Monday January 8, 2007 RE: Discussion of current committee appointments and appointments to be made by the Hays County Commissioners' Court was postponed due to the fact that the agenda was not posted on the Hays County website as required by Government Code 551.056.



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9th DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Pastor Mike Schlimgen from Solid Rock Church gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23927 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve the payment of county invoices in the amount of \$195,043.79 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

23928 APPROVE THE MINUTES OF JANUARY 2, 2007

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of January 2, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

23929 APPROVE RFP FOR PROGRAM MANAGER FOR THE WIMBERLEY BYPASS TRAILS PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve RFP for Program Manager for the Wimberley Bypass Trails project and authorize purchasing to solicit for proposals and advertise. All voting "Aye". MOTION PASSED.

23930 APPROVE RFP FOR LANDSCAPE ARCHITECT FOR THE WIMBERLEY BYPASS TRAILS PROJECT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSALS AND ADVERTISE

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve RFP for landscape architect for the Wimberley Bypass Trails Project and authorize purchasing to solicit for proposals and advertise. All voting "Aye". MOTION PASSED

23931 APPROVE REQUEST FOR PROFESSIONAL SERVICES (RFP) AND AUTHORIZE PURCHASING TO SOLICIT FOR RFPs AND ADVERTISE. THIS RFQ IS FOR PROJECT MANAGEMENT ON THE COUNTY PROJECT TO INSTALL AN EARLY-WARNING SYSTEM ON DANGEROUS LOW WATER CROSSINGS COUNTYWIDE

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve request for professional services (RFP) and authorize purchasing to solicit for RFP's and advertise. This RFQ is for project management on the county project to install an early-warning system on dangerous low water crossings countywide. All voting "Aye". MOTION PASSED.

23932 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310,3037 AND 5317 PROGRAMS FOR UP TO \$100,000 TO REPLACE THE COUNTY VETERANS AFFAIRS BUS

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to accept a grant from the Texas Department of Transportation Section 5310,3037 and 5317 programs for up to \$100,000 to replace the County Veterans Affairs Bus. All voting "Aye". MOTION PASSED.

23933 APPROVE THE OFFICIAL BOND OF COUNTY SURVEYOR KELLY KILBER

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve the official Bond of County Surveyor Kelly Kilber. All voting "Aye". MOTION PASSED.

23934 [PCT. 3 #06-3-075, 4 LOTS] RIM ROCK RANCHES ESTATES SUBDIVISION - 26.733 ACRES - APPROVE PRELIMINARY PLAT

[T1-39] Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Conley seconded by Commissioner Barton to approve preliminary plat for Rim Rock Ranches Estates Subdivision. All voting "Aye". MOTION PASSED.

23935 [PCT. 3 #06-3-078, 3 LOTS] MILAM PARK SUBDIVISION - 24.992 ACRES - APPROVE PRELIMINARY PLAT

[T1-48] Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Conley seconded by Commissioner Ford to approve preliminary plat for Milam Park Subdivision. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #10 RE: PCT. 4 #06-4-065, 2 LOTS] TWELVE OAKS RANCH SUBDIVISION - 11.76 ACRES - APPROVE PRELIMINARY PLAT was PULLED. No discussion and no action taken.

23936 [PCT. 3] CALL FOR A PUBLIC HEARING ON JANUARY 23, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON HILLSEDGE RD, CR 324

[T1-74] A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to call for a public hearing on January 23,2007 to establish traffic regulations on Hillsedge Rd., CR 324. All voting "Aye". MOTION PASSED.

23937 [PCT. 3] PUBLIC HEARING AND ACTION TO ESTABLISH A "NO PARKING" ZONE AT THE END OF HILLSEDGE RD.

[T1-84] Judge Sumter opened the public hearing. No public input was received. Public hearing closed. A motion was made by Commissioner Conley seconded by Commissioner Ford to establish a "No Parking" zone at the end of Hillsedge Rd. All voting "Aye". MOTION PASSED.

23938 [PCT. 4] PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BROWNSON LANE, CR 193

[T1-109] Judge Sumter opened the public hearing. No public input was received. Public hearing closed. A motion was made by Commissioner Ford seconded by Commissioner Conley to establish traffic regulation of 30 MPH speed limit on Brownson Lane [CR 193]. All voting "Aye". MOTION PASSED.

23939 APPROVE THE CHANGE OF THE DEPUTY CLERK I TO DEPUTY CLERK II IN THE JP2 OFFICE

[T1-178] Shari Miller (Human Resources Dept.) spoke of this position. This position was originally a Deputy Clerk II in the JP Pct. 1-2 office. The position was transferred to JP Pct. 4 and somehow re-graded down to a Deputy Clerk I. The position is now in JP Pct. 2. JP Pct. 2 is requesting a re-grade to a Deputy Clerk II. Funds to come out of Contingencies \$2,417.00. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the change of the Deputy Clerk I to Deputy Clerk II in the JP Pct. 2 Office. All voting "Aye". MOTION PASSED.



23941 HIRE HOLT ENGINEERING TO PERFORM GEOTECHNICAL INVESTIGATION ON MCCARTY LANE

[T1-355] Commissioner Ingalsbe advised that this work is needed to design the pavement section for the widening of McCarty Lane. An additional \$3,800.00 is needed and will come out of contingencies. This will cover testing from CR 266 to where County maintenance ends and that study could be used in the future. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to hire Holt Engineering to perform Geotechnical investigation on McCarty Lane and the fee of \$3,800.00 to come out of contingencies, the study will include McCarty Lane from CR266 to the County Line. All voting "Aye". MOTION PASSED.

Clerk's Note Agenda item #17 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT RELATING TO NEGOTIATIONS WITH THE CITY OF BUDA REGARDING CONTRACT LAW ENFORCEMENT SERVICES was PULLED. No discussion and no action taken.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 JANUARY 9, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

CLERK'S NOTE:

THE REGULAR MEETING POSTED FOR 9:00 A.M. TUESDAY JANUARY 16, 2007 WAS CANCELLED DUE TO INCLEMENT WEATHER CONDITIONS.



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COUNTY JUDGE ELIZABETH "LIZ" SUMTER; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe presided over the meeting due to the absence of the County Judge. She called the meeting to order, Reverend Santiago Heredia gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Constable Pct. 3 Darrell Ayres spoke of being proud of the citizens of Hays County and the public officials in their response to the recent weather event (ice storm).

23942 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve invoices for disbursement date of 1/16/07 in the amount of \$1,180,518.61 and for disbursement date of 1/23/07 in the amount of \$180,914.69 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

23943 APPROVE BUDGET AMENDMENT 07-07

Budgets being amended: Sheriff's Office - \$757 transfer for time clocks (4) classified as supply rather than equipment, District Attorney & CJD/VAWA Grant - \$24,398 transfer part investigator originally in grant budget to D.A. office as actual, JP3 - \$200 transfer for 4 yr bond not budgeted, JP2 & Countywide - \$2,417 transfer for authorized Court Clerk I to II as approved, and Personal Health - \$500 transfer for cost of defibrillator. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Budget Amendment #07-07 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.

23944 APPROVE THE MINUTES OF JANUARY 9, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the minutes of January 9, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

23945 APPROVE INCREASE TO CONTRACT WITH LAND DESIGN PARTNERS BY \$4,453 ON THE 5-MILE DAM PARK PROJECT AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

Land Design Partners Inc. is the landscape architect selected by the county for the 2nd phase of the engineering for the five-mile dam park project. Funds will come from the Texas Parks & Wildlife Dept. grant and not from the county and city. The total amount for this contract is well below the 12% rule for professional services allowable under TPWD grant rules. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve increase to contract with Land Design Partners by \$4,453 on the 5-Mile Dam Park Project and the authorize County Judge to execute amended contract. All present voting "Aye". MOTION PASSED

23946 APPROVE REAPPOINTMENT OF RON SPANGENBERG, EDDIE GUMBERT AND KEN DOWNING TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #4

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve re-appointment of Ron Spangenberg, Eddie Gumbert, and Ken Downing to the Hays County Emergency Services District #4. All present voting "Aye". MOTION PASSED.

23947 APPROVE AMENDMENT TO THE APPROVED COUNTY HOLIDAYS TO CORRECT THE DATE OF GOOD FRIDAY TO APRIL 6, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve amendment to the approved County Holidays to correct the date of Good Friday to April 6, 2007. All present voting "Aye". MOTION PASSED.



23948 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE DIVISION OF EMERGENCY MANAGEMENT, OFFICE OF THE GOVERNOR FOR UP TO \$32,701

This grant and county funds pay part of the salary and benefits of the County Emergency Management Coordinator. No match is required. Although the county qualifies for approximately \$32,701 in federal funds, the amount of award will be closer to \$19,712 based on state funds available. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to submit a grant application to the Division of Emergency Management, Office of the Governor for up to \$32,701. All present voting "Aye". MOTION PASSED.**

23949 AUTHORIZE THE USE OF RECORDS PRESERVATION FUNDING TO PRESERVE RECORDS IN THE DISTRICT CLERK'S OFFICE

District Clerk Cecelia Adair is requesting authorization to expend an estimated total of \$23,505 of funds already budgeted for FY2007 from the Records Preservation Fund (09-44-5215) to purchase Content Management Imaging Software. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the use of Records Preservation Funding to preserve records in the District Clerk's office. All present voting "Aye". MOTION PASSED.**

23950 APPROVE CHANGE OF THE ASSISTANT EMERGENCY MANAGEMENT COORDINATOR, GRADE 918, TO ADMINISTRATIVE COORDINATOR, GRADE 915

Shari Miller (Human Resources) spoke of this position being funded for only a portion of the Grade 918 position, therefore, EMC Jeff Turner is requesting that this position be changed to a Grade 915 (Admin Coord.) that could be utilized with the funds budgeted. Emergency Management Coordinator Jeff Turner advised that he will need a fulltime Assistant EMC in the next budget process. The Grade 915 could be approved as a temporary position through the end of this fiscal year. [T1-203] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the change of the Assistant Emergency Management Coordinator - Grade 918 to Administrative Coordinator - Grade 915. All present voting "Aye". MOTION PASSED.**

23951 APPROVE THE ESTABLISHMENT OF A FIRE INVESTIGATOR/INSPECTOR POSITION, SALARY GRADE 319

Shari Miller (Human Resources) spoke of funding available from a position that is not currently being utilized. The request is for an "as needed" position paid an hourly rate of \$15 per hour. Fire Marshal Carroll Czichos spoke of not having a certified fire inspector at this time – this position would allow enforcement of fire codes. It was determined that this should be a contract services agreement. [T1-295] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to instruct staff to draw up a contract for a Fire Investigator/Inspector and give the discretion to the Fire Marshal to use within the restraints of his budget. All present voting "Aye". MOTION PASSED.**

23952 [PCT. 4 #06-4-063, 3 LOTS] PLUM CREEK LANE EDITION-SUBDIVISION (10.38 ACRES) – APPROVE FINAL PLAT [T1-305]

Property owners Don & Terra Brimberry are creating a three lot subdivision on Plum Creek Lane. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Plum Creek Lane Edition" subdivision (10.38 acres). All present voting "Aye". MOTION PASSED.**

23953 [PCT. 4 #06-4-065, 2 LOTS] TWELVE OAKS RANCH SUBDIVISION (11.76 ACRES) – APPROVE PRELIMINARY PLAN [T1-315]

12 Oaks Ranch Ltd. proposes to create a 2 lot subdivision with access onto Fitzhugh Road and Crumley Ranch Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Twelve Oaks Ranch" Subdivision. All present voting "Aye". MOTION PASSED.**

23954 [PCT. 4 #06-4-071] INDIAN POINT ESTATES REPLAT OF LOTS 1A (8.17 ACRES), AND SETTLERS POINT PHASE 1 LOTS 24 (6.99 ACRES) AND 25 (6.88 ACRES) – CALL FOR PUBLIC HEARING ON FEBRUARY 6, 2007 FOR THE VACATING OF A PORTION OF LOT 1A AND APPROVE PRELIMINARY PLAN [T1-327]

Environmental Health Director Allen Walther advised that part of Lot 1A-1 is being added to Lots 24 & 25 in Settlers Point Phase 1. He gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Replat of Lot 1A Indian Point Estates, Tract 24 & 25 Settlers Point Phase 1" and vacation of "Lot 1A Indian Point Estates", and call for a public hearing on February 6, 2007 for the vacating of a portion of Lot 1A Indian Point Estates. All present voting "Aye". MOTION PASSED.**

23955 AUTHORIZE FILING OF THE RECORD PLAT FOR WHITE WINGS TRACT B2A AND B2K [T1-352]

Environmental Health Director Allen Walther advised that this subdivision received final plat approval in August 2005 and they had difficulty in obtaining signatures on the plat and were not able to file it within the one year time limit. He gave staff recommendation to authorize filing of the plat. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge and Environmental Health Director to sign off on plat and authorize filing of the record plat for "White Wings Tract B2A and B2K". All present voting "Aye". MOTION PASSED.**

23956 CALL FOR A PUBLIC HEARING ON FEBRUARY 6, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION [T1-377]

The proposed traffic regulations are a STOP sign on Arbor Canyon Pass at Hawthorne Loop, a STOP sign on Sad Willow Pass at Hawthorne Loop, a STOP sign on Lonely Pine Cove at Hawthorne Loop, a STOP sign on Tender Valley Cove at Hawthorne Loop, a STOP sign on Sandy Creek Cove at Hawthorne Loop, a STOP sign on Low Limb Cove at Hawthorne Loop, and a speed limit of 35 MPH in Rim Rock Subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on February 6, 2007 to establish traffic regulations in Rim Rock Subdivision. All present voting "Aye". MOTION PASSED.**

23957 CALL FOR A PUBLIC HEARING ON FEBRUARY 6, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION, SECTION 2 [T1-385]

The proposed traffic regulations are a STOP sign on Dario Drive at Creek Road, a STOP sign on McKellar Lane at Dario Drive, and a speed limit of 25 MPH in Creek Road Ranch Subdivision Section 2. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 6, 2007 to establish traffic regulations in Creek Road Ranch Subdivision Section 2. All present voting "Aye". MOTION PASSED.**

23958 HOLD PUBLIC HEARING ON JANUARY 23, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON HILLSEDGE RD. [T1-394]

Commissioner Ingalsbe declared the public hearing open. No public input was received and the public hearing was closed. Road Dept. Supt/Engineer Jerry Borcharding gave staff recommendation for a 25 MPH speed limit on Hillsedge Road. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulation of 25 MPH speed limit on Hillsedge Road. All present voting "Aye". MOTION PASSED.**

23959 RELEASE THE MAINTENANCE BOND, ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR CREEK ROAD RANCH SUBDIVISION, SECTION 2 [T1-408]

Road Dept. Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the maintenance bond, accept for maintenance all road and drainage improvements within county right-of-way for Creek Road Ranch Section 2 subdivision. All present voting "Aye". MOTION PASSED.**

23960 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND FOR W. GRANER UNIT 1 (A.K.A. FRONTIER) SUBDIVISION [T1-426]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction, drainage improvements and release of the construction bond for W. Grainer Subd. No maintenance bond is required – roads are private. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements; and release the construction bond for W. Graner Unit 1 (AKA Frontier Ranch) subdivision. All present voting "Aye". MOTION PASSED.**



23961 AUTHORIZE THE COUNTY JUDGE TO DRAW AGAINST THE CONSTRUCTION BOND FOR THE PRESERVE AT LA VENTANA SUBDIVISION, SECTION 2, DUE TO THE UPCOMING EXPIRATION OF THE CONSTRUCTION BOND IN THE AMOUNT OF \$689,078.35 AND TO AUTHORIZE THE HIRING OF OUTSIDE COUNSEL [T1-441]

Commissioner Ford advised that the developer is in default of road improvements – the performance bond is expiring on January 30, 2007. Attorney Mike Schaunessy spoke of bond and agreement on file. He has sent out a notice of default to the developer and to the lender. [T1-547] Property owner Bruce Wilson spoke of his concerns regarding this subdivision. Lots are being sold and there are no utilities at this time and the bridge has not been built. [T1-670] Property owner Larry Stephenson Sr. voiced his concerns regarding this subdivision. Mr. Schaunessy spoke of need to develop figures on what work needs to be done. Road Supt/Engineer Jerry Borcharding spoke of already having an estimate of costs - this would exhaust the amount of the bond. [T1-1001] William Davis (resident in La Ventana) spoke of Driftwood Development (the developer). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to instruct staff to prepare a list of those items in default regarding "The Preserve at La Ventana Section 2", authorize the County Judge to execute a contract with outside legal counsel, and furthermore, authorize legal counsel to proceed with whatever action is necessary to insure that our rights are enforced. All present voting "Aye". MOTION PASSED.**

23962 APPOINT A MEMBER TO THE "CLEAN AIR COALITION" [T1-1155]

Bill Gill (Air Quality Director of COG) spoke of the Clean Air Coalition and their responsibilities. This group meets twice a year (sometimes additional meetings are required). He also spoke of "Early Action Compact". Consist of 5 counties (Travis, Bastrop, Caldwell, Hays & Williamson) and 7 cities (one being the City of San Marcos) which are represented by elected officials. Commissioner Ford spoke of her interest in these issues and she would like to serve as the county's representative. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to appoint Commissioner Pct. 4 Karen Ford to the "Clean Air Coalition". All present voting "Aye". MOTION PASSED.**

Court convened into closed executive session to deliberate litigation issues re: Holly Cagle vs. Hays County, et al at 10:30 a.m. and reconvened into open meeting at 12:35 p.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING LEGAL/LITIGATION ISSUES RELATING TO HOLLY CAGLE V. HAYS COUNTY, ET. AL. [T1-1400]

Commissioner Ingalsbe reconvened the meeting into open meeting and advised that no action will be taken. Court recessed until 1:00 p.m.

WORKSHOP RE: HOUSE BILL 1863 COURT COLLECTION IMPROVEMENT PROGRAM PRESENTATION [T1-1407]

Russ Duncan, Regional Collections Specialist for the Office of Court Administration, gave a presentation regarding court collection improvement program. He urged the court to allow him to assist the county in setting up the program in Hays County. There is no fee involved for his services. Commissioner Conley spoke of county already funding the mandate and the county committee is looking at operations of the program. Judge, County Court at Law #1 Howard Warner spoke of assessment and collection in the County Court at Law. Mr. Duncan advised that he will audit the JP courts as soon as possible. District Clerk Cecelia Adair spoke of not having the time to do the job that is necessary

DISCUSSION OF PROPOSED SUBDIVISION RULE CHANGES AND CALL FOR PUBLIC HEARING ON FEBRUARY 6, 2007 [T1-2515]

Commissioner Ford spoke of stakeholders meetings and their top concerns. Rule changes are being proposed for Sections 3.10, 3.11, & 3.12. She suggested a public hearing on February 6, 2007. Tom Brown, Naismith Engineering, spoke of stakeholder process. They are putting together an outline of new regulations for the county to discuss. Charles O'Dell (President of Hays CAN and a representative to the stakeholder committee) spoke. Commissioner Ford suggested putting the draft subdivision rule changes on the county website. Public input will be received in the Commissioner Pct. 4 office regarding the draft changes. Winton Porterfield (Core committee member) advised that the stakeholder committee and core committee needs additional time to review the changes. Chapter 232 LGC requires public notice when changing subdivision regulations. Commissioner Ford advised that no action will be taken on February 6, 2007. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on February 6, 2007 to review draft of rule changes for discussion toward a final draft and for adoption of subdivision rule changes. MOTIONS WITHDRAWN** Naismith will present the draft for review by the stakeholders and come back to the court on Feb 6th to call for a public hearing.



23963 DISCUSSION OF REGIONAL AND LOCAL BOARDS ON WHICH THE COUNTY HAS A TRADITIONAL SEAT, OR ON WHICH COURT MEMBERS MAY BE ASKED TO PARTICIPATE AS REPRESENTATIVES OF THE COUNTY. DISCUSSION OF COURT MEMBER PARTICIPATION IN MAJOR COMMITTEES AND PROJECTS UPCOMING. CONSIDER HOW TO APPORTION INTERESTS AND WORK LOAD AMONG MEMBERS OF THE COURT, INCLUDING, SPECIFICALLY, A POSSIBLE APPOINTMENT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO). ACTION ON THE CAMPO APPOINTMENT TO FOLLOW DISCUSSION [T2-237]

Charles O'Dell spoke of considering public participation. Susan Cook spoke of attending the CAMPO meeting and she supports appointment of the County Judge to the CAMPO Board. Commissioner Barton spoke of other regional boards and committees that need to be addressed. [[T2-940] Commissioner Barton spoke of various boards and committees that members of the Court are on. Commissioner Conley spoke of regional issues that are being addressed by precinct officials. He spoke of this county and other counties having had commissioners sit on this board. A motion was made by Commissioner Barton, seconded by Commissioner Ford to appoint County Judge Liz Sumter as the county's representative on the CAMPO Regional Board. All present voting "Aye". A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Commissioner Pct. 2 Jeff Barton as the alternate representative on the CAMPO Regional Board. All present voting "Aye". MOTIONS PASSED.

WORKSHOP RECYCLING ELECTRONIC WASTE [T2-400]

Dianne Wassenich spoke of electronic waste program through the River Foundation and her concerns about how electronic waste is disposed. Robin Schneider (Executive Director of Texas Campaign for the Environment) spoke of toxins inside electronic items and how they are being disposed. She spoke of efforts to make producers responsible for taking back their products for recycling. She spoke of recycling program being done by Dell Computers at this time and being looked at by other companies (HP, Sony, Nokia, etc.) and she spoke of designing products for recycling. There will be bills introduced to the legislature regarding electronic waste.

23964 DISCUSSION AND POSSIBLE ACTION RELATING TO THE ALLOCATION OF OFFICE SPACE AT THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE [T2-1290]

Special Counsel Jacqueline Cullom Murphy spoke of funding to come from the District Attorney's office. The cost for this project will come from salary savings. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize and instruct Maintenance Director Ron Knott to proceed with construction on the allocated office space at the District Attorney's office as submitted. All present voting "Aye". MOTION PASSED.

DISCUSSION REGARDING SPECIAL COUNSEL POSITION

[T2-1319]

Special Counsel Jacqueline Cullom Murphy will be leaving this week and the job needs to be posted. [T2-1656] Commissioner Barton spoke of District Attorney pursuing options for filling special counsel position. He spoke of need to look at the Environmental Health Director structure to see if we need a manager, sanitarian, certified Planner, or an engineer. This item to be placed on an upcoming agenda.

DISCUSSION AND POSSIBLE ACTION TO REVIEW DESIGNEE STATUS FOR THE PASS-THROUGH TOLL FINANCE PROGRAM

[T2-1392]

Commissioner Conley spoke of action of 11/23/06 regarding this issue – if no action is taken, he will continue serving as the county representative until a new designee is made. Commissioner Ingalsbe asked that this item be postponed at this time.

The court convened into closed EXECUTIVE SESSION at 4:30 p.m. for the following:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE EMPLOYMENT/APPOINTMENT OF THE ENVIRONMENTAL HEALTH DIRECTOR, AND/OR AN INTERIM DIRECTOR. ACTION MAY FOLLOW IN OPEN COURT.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO MEET WITH THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY TO DISCUSS AND DELIBERATE THE EMPLOYMENT OF THE SPECIAL COUNSEL TO THE COMMISSIONERS COURT. ACTION MAY FOLLOW IN OPEN COURT

Upon completion of these sessions, the court reconvened into open meeting at 7:00 p.m.



23965 ACTION RELATING TO THE JOB DUTIES/FUNCTIONS BEING PERFORMED BY THE CURRENT ENVIRONMENTAL HEALTH DIRECTOR AND THE POSSIBLE RESTRUCTURING OF THOSE DUTIES/FUNCTIONS [T2-1560]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to ask the Human Resources Director to post a job opening for Professional Design Review & Floodplain Management with the understanding that the court is interested in individuals who would work long-term or on an interim basis. All present voting "Aye". MOTION PASSED.

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to have Commissioner Barton assist Purchasing to post an RFQ for firms or individuals that would do this job on a contract basis. All present voting "Aye".

Court was adjourned.

I, LINDA C. FRITSCHER, 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 JANUARY 23, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 29TH DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order. Commissioner Ford was not present at that time.

WORKSHOP RELATING TO PUBLIC FINANCE ISSUES INCLUDING A PRESENTATION BY COUNTY AUDITOR AND COUNTY'S FINANCIAL ADVISOR

Dan Wegmiller & Jeff Garland from First Southwest Company appeared before the court. Mr. Wegmiller spoke of valid and legal debt obligations used by County government: Limited (\$0.80/\$100 maximum tax rate) and Unlimited (no limitation as to tax rate) Tax Bonds – require a successful bond election with funds authorized for specific public purposes; Certificates of Obligation – do not require voter authorization and can be issued for most county purposes; Revenue Bonds – payable solely from the revenues of an operating system such as parks, correctional facilities, libraries and landfills; Public Property Finance Contractual Obligations – used solely for the acquisition of personal property (lease/purchase financing); Tax Notes – have a maximum maturity of 7 years; *Commissioner Ford came to the meeting at this time* Creation of Non-Profit Corporation – used to issue industrial development bonds, healthcare facility revenue bonds, single/multi-family housing bonds and revenue bonds for other special purpose projects; Economic Development – Chapter 381 Assistance (up to \$0.05/\$100 of dedicated General Fund revenue, if approve by county voters), County Development Districts (requires populations of 400,000 or less), and other Development Districts (WCID, MUD, SUD, FWSD). Mr. Wegmiller explained the three primary methods for the sale of Bonds, Notes and CO's: Private Placement; Negotiated Sale; and Competitive Sale. Who are the players?: Financial Advisor – represents the County in the bond market in addition to having a thorough knowledge of the county's financial planning and goals; Bond Counsel – charged with researching the law, rendering tax opinion, and preparing the required legal documents and shepherding the transaction through the Attorney General's office for approval; Underwriter – charged with marketing the bonds to the ultimate bondholders. State law is very specific. Involve the Financial Advisor and Bond Counsel on the front end of any project to ensure marketability, feasibility and legality. Bond law is complicated by the fact that each Legislative session produces new law, as well as many amendments at least every other year. Underlying ratings for Hays County: Moody's – "Aa3" ("Aaa" Insured) and S&P – "A+" ("AAA" Insured). Rating Criteria/Factors: Financial position of County, economy, management assessment, and debt position. Mr. Wegmiller presented a 10 year history of tax-exempt interest rates: Current = 4.32%; 1 year average = 4.39%; 5 year average = 4.64%; and 10 year average = 5.01%. He went through various preliminary capital planning models.

WORKSHOP RELATING TO THE HAYS COUNTY HABITAT CONSERVATION PLAN INCLUDING A PRESENTATION BY LOOMIS, AUSTIN AND SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P. [T1-1796]

Clifton Ladd (Biologist with Loomis, Austin) introduced various people that were present from his company and other organizations. Allen Glen introduced people from his firm who were present. Commissioner Conley introduced county staff working on this project. Mr. Ladd spoke of the Wimberley By-Pass (Winters Mill Parkway) project and the Golden-cheeked Warbler Habitat. He gave a project overview of the Hays County Conservation Plan. Commissioner Ford voiced her concern about need to consider aquatic species. Allen Glen advised that pumping is not a consideration in the plan. Mr. Ladd went through the project objectives and work plan components. We are currently in phase 2 – project development and community guidance (establish advisory committees and public outreach process, complete NEPA scoping, develop general HCP strategy/framework). They are ready to post a link on the county website with approval from the court. Phase 3 is to prepare conceptual draft HCP; Phase 4 is committee/agency review and HCP revision; Phase 5 is the permit application; and Phase 6 is the permit processing. Discussion was had regarding the selection of the Citizens Advisory Committee and the Biological Advisory Team. The CAC needs to stay under 20 members to function well and they need to be people who are dedicated to the process - 1/3 must be landowners. There is a list of potential stakeholders for consideration and members of the court can make their recommendations. Commissioner Conley spoke of people who he has spoken with that have been contacted and they are excited to serve. [T2-465] Allen Glen spoke of having a countywide HCP would allow obtaining a permit (anywhere in the county) without having to go through a 1-2 year process.



Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JANUARY 29, 2007.



Linda C. Fritsche

LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 30th DAY OF JANUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Jimmie Robinson gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY RETIREMENT AWARD TO ALLEN WALTHER

Commissioner Ingalsbe presented a retirement plaque to retiring Environmental Health Director Allen Walther. Commissioner Ingalsbe and Commissioner Conley gave their thanks and appreciation to Allen for his service to Hays County. Commissioner Barton, Commissioner Ford and Judge Sumter also gave their appreciation to Allen. Allen Walther thanked previous members of the court and the current members of the court and spoke of changes over the years.

PRESENTATION BY HAYS COUNTY EXTENSION OFFICE

County Agent Susan Schramm, Brian Davis, and Richard Parish appeared before the court. Susan Schramm spoke of the various programs they have. Brian Davis provided a powerpoint presentation showing the history of the Texas county extension program (centennial 1906-2006). Richard Parish gave his appreciation to the court for their support. Commissioner Conley gave his appreciation to the job being done by the Hays County Extension Office.

23966 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT RECOGNIZING THE SAN MARCOS NOON LIONS CLUB 61ST ANNUAL MEXICAN LUNCHEON [T1-275]

Commissioner Conley spoke in support of the San Marcos Noon Lions Club. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation of the Hays County Commissioners' Court recognizing the San Marcos Noon Lions Club 61st Annual Mexican Luncheon. All voting "Aye". MOTION PASSED

23967 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 682,314.68 as presented by the County Auditor. All voting "Aye". MOTION PASSED

23968 APPROVE THE MINUTES OF JANUARY 23, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Minutes of January 23, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

23969 APPROVE PURCHASE OF TWO (2) STEPLADDERS FOR COUNTY CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of two (2) stepladders for the County Clerk's office as requested. All voting "Aye". MOTION PASSED

23970 APPROVE REAPPOINTMENT OF COMMISSIONER INGALSBE TO THE CARTS BOARD OF DIRECTORS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve reappointment of Commissioner Ingalsbe to the CARTS Board of Directors. All voting "Aye". MOTION PASSED



23971 APPROVE REAPPOINTMENT OF VERNON JORDAN AND HARRELL ROBINSON TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #1

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve reappointment of Vernon Jordan and Harrell Robinson to the Hays County Emergency Services District #1. All voting "Aye". MOTION PASSED

23972 APPROVE REAPPOINTMENT OF MICHAEL C. INMAN SR. TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve reappointment of Michael C. Inman Sr. to the Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED

23973 APPROVE PURCHASE OF USED BRANSON TRACTOR MODEL 4520 TO REPLACE THE TRACTOR THAT WAS STOLEN FROM THE CIVIC CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of used Branson Tractor Model 4520 to replace the Tractor that was stolen from the Civic Center. All voting "Aye". MOTION PASSED

Clerk's Note: RE: AUTHORIZE THE COUNTY FIRE MARSHAL'S OFFICE TO SELL A SURPLUS FIRE TRUCK TO THE CHISHOLM TRAIL FIRE DEPARTMENT was PULLED. No discussion and no action taken.

23974 [PCT. 3 #06-3-075, 4 LOTS] RIM ROCK RANCH ESTATES - APPROVE FINAL PLAT [T1-380]

This is a four lot subdivision out of an original 26.733 acre tract owned by the Tingle Family Revocable Trust with access on Rim Rock Ranch Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve final plat of "Rim Rock Ranch Estates" subdivision. All voting "Aye". MOTION PASSED

23975 [PCT. 3 #06-3-078, 3 LOTS] MILAM PARK SUBDIVISION - APPROVE FINAL PLAT [T1-392]

This is a three lot subdivision out of an original 24.992 acre tract owned by JMH Holdings with access on Ranch Road 12 and Jacobs Well Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Milam Park Subdivision". All voting "Aye". MOTION PASSED

23976 [PCT. 4 #07-4-01, 2 LOTS] EAMES ACRES - APPROVE PRELIMINARY PLAN [T1-405]

This is a two lot subdivision out of an original 9.99 acre tract owned by Frances Oliver & Sandra Eames with access on Fitzhugh Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Eames Acres" subdivision. All voting "Aye". MOTION PASSED

23977 [PCT. 4 #07-4-02, 2 LOTS] PIONEER RANCHES LOT 26 - APPROVE PRELIMINARY PLAN [T1-417]

This is a two lot subdivision out of an original 9.997 acre in an unrecorded subdivision owned by Kathryn and Tracy Annis with access on Pioneer Trail (50' access easement) and W. Fitzhugh Road (CR101). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Ford spoke of plat notes regarding water availability - we encourage rainwater collection. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Pioneer Ranches Resub of Lot 26". All voting "Aye". MOTION PASSED

23978 CALL FOR A PUBLIC HEARING ON FEBRUARY 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON SAWYER RANCH ROAD, CR 164 [T1-459]

Road Supt/Engineer Jerry Borcharding advised that the recommended traffic regulation is a 25 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 13, 2007 to consider establishing traffic regulations on Sawyer Ranch Road (CR164). All voting "Aye". MOTION PASSED

23979 CALL FOR A PUBLIC HEARING ON FEBRUARY 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION PHASE 3 [T1-469]

Road Supt/Engineer Jerry Borcharding advised that the recommended traffic regulation is a 25 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 13, 2007 to consider establishing traffic regulations in Creek Road Ranch Subdivision Phase 3. All voting "Aye". MOTION PASSED



23980 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF CONSTRUCTION BOND, AND ACCEPTANCE OF MAINTENANCE BOND FOR TWO YEARS FOR CREEK ROAD RANCH SUBDIVISION PHASE 3 [T1-482]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release of the construction bond, and acceptance of the maintenance bond for two years for Creek Road Ranch Subdivision Phase 3. All voting "Aye". MOTION PASSED

23981 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT RELATING TO TEMPORARY SPECIAL COUNSEL DUTIES [T1-520]

Commissioner Barton spoke of need for legal counsel to replace Jacqueline Cullom Murphy. District Attorney Sherri Tibbe spoke of proposal she received from a local law firm. She plans on filling this position fairly quickly, however, someone is needed in the interim. The court heard public comments from Mary Gonzales [T1-599] and Charles O'Dell [T1-1695]. County Auditor Bill Herzog spoke of day to day items that need to be addressed by legal counsel and contracts that need to be reviewed. Commissioner Ford advised that she has personal feelings with this firm and will abstain from voting. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute a contract with Duvall, Gruning & Dietz as recommended by the District Attorney for an amount not to exceed \$150 per hour, and to authorize that firm to provide assistance as requested by the County Judge's office or any member of the court, to be funded from money allocated for Special Counsel salary. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford abstained. MOTION PASSED

23982 AUTHORIZE SUBMISSION OF GRANT APPLICATION FOR UP TO \$75,000 TO THE OFFICE OF THE GOVERNOR - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM FOR THE COPSYNCR PROJECT [T1-661]

Grants Administrator Richard Salmon provided the background on this item. Postlnk Technology LP, based in New Braunfels, is a developer of software used by law enforcement in the collection and storage of data and compilation of reports. Deputy Sheriff Sam Williams spoke of hardware costs to interface with the current computer system (Odyssey) and budgeted funds available for grant match. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize submission of grant application for up to \$75,000 to the Office of the Governor - Discretionary Justice Assistance Grant Program for the COPSYNCR Project. All voting "Aye". MOTION PASSED

23983 ESTABLISH TRAFFIC ENFORCEMENT IN THE MOUNTAIN CREST SUBDIVISION IN WIMBERLEY AS AUTHORIZED BY SECTION 542.007, TEXAS TRANSPORTATION CODE [T1-874]

Commissioner Conley spoke of Mountain Crest Subdivision with private roads. The homeowners association are requesting that the county enforce traffic regulations in their subdivision. Commissioner Barton advised that other subdivisions may come forward for the same services. He felt like we may need to assess fees in the future and renegotiate the agreement. Residents of the subdivision were notified and a petition circulated (40% responded favorably) Sheriff Allen Bridges spoke in favor of this action. The homeowners association will be providing the traffic signs. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic enforcement in the Mountain Crest Subdivision in Wimberley as authorized by Section 542.007 Texas Transportation Code with no assessment at this time, but with possible assessment in the future. All voting "Aye". MOTION PASSED

23984 APPOINTMENT OF RENEE LEMAN, MICHAEL GALLARDO AND GENE MARTIN TO THE HAYS COUNTY CHILD PROTECTIVE BOARD [T1-1082]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint Renee Leman, Michael Gallardo and Gene Martin to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED

23985 APPOINTMENT OF MARILYN G. MILLER TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 [T1-1116]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve appointment Marilyn G. Miller to the Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED

23986 APPROVE AMENDMENT TO BIO-TERRORISM CONTRACT FOR PANDEMIC FLU

[T1-1153] Health Dept. Director Nick Icosipentarios explained the contract amendment and advised that this is a re-occurring grant. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve amendment to the Bio-Terrorism contract for Pandemic Flu. All voting "Aye". MOTION PASSED



23987 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR DR. PARKS TO PROVIDE PHYSICIAN SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY PLANNING CLINIC AND AMEND THE BUDGET ACCORDINGLY [T1-1256]

Health Dept. Director Nick Icosipentarios spoke in support of this contract. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract for Dr. Parks to provide physician services to the Hays County Personal Health Department Family Planning Clinic and amend the budget accordingly. All voting "Aye". MOTION PASSED

23988 ACTION CONCERNING DEVELOPMENT OF A COMPLIANCE OFFICE IN ACCORDANCE AND RESPONSE TO CCP 103.0033 [T1-1346]

Commissioner Conley spoke of committee meeting held last week regarding development of a compliance office. We need to hire a Compliance Administrator that will fall under the Commissioners' Court. Applicants will be interviewed by Dee Dee Baen (Human Resources), District Clerk Cecelia Adair, County Clerk Linda Fritsche, and Jim Lehman (OCA). The Compliance office will be directly responsible for compliance in the District and County Courts and will oversee the Justice of the Peace courts compliance. \$150,000 is budgeted for this office. Commissioner Conley advised that we will continue to work on the details. A motion was made by Commissioner Conley, seconded by Ingalsbe to develop a compliance office in accordance and response to Code of Criminal Procedure Section 103.0033. All voting "Aye". MOTION PASSED

Court convened into closed session at 10:45 a.m. to hold an executive session pursuant to Section 551.074, Texas Government Code, to discuss and deliberate the employment, appointment and/or duties of the Environmental Health Director and reconvened into open meeting at 12:30 p.m.

23989 ACTION RELATING TO THE JOB DUTIES/FUNCTIONS BEING PERFORMED BY THE CURRENT ENVIRONMENTAL HEALTH DIRECTOR INCLUDING BUT NOT LIMITED TO HIS APPOINTMENT AS THE FLOODPLAIN ADMINISTRATOR AND THE POSSIBLE REASSIGNMENT OR RESTRUCTURING OF THOSE DUTIES/FUNCTIONS [T1-1460]

The court heard public comment from Charles O'Dell (President of Hays CAN). A motion was made by Commissioner Barton, seconded by Commissioner Ford to designate Tom Polk as the Interim Floodplain Administrator, and appoint the County Judge as Interim Environmental Health Director and work supervisor for direct reports (911 Addressing/GIS, Subdivision Coordinator, & Sanitarians), and furthermore to authorize the County Judge to sign off on plats. All voting "Aye". MOTION PASSED [T2-2005] Commissioner Barton spoke of need for RFQ and give direction to Human Resources for job description for permanent posting. Human Resources Director Dee Dee Baen advised that the interim posting does not cover the entire job performed by Allen Walther. It was agreed that we may need to restructure Environmental Health Dept. Commissioner Ford spoke of need to get input from outside sources. Commissioner Conley suggested having an interim director for six to twelve months until we revise our subdivision rules. Commissioner Barton will work with Human Resources Director Dee Dee Baen to create a job description. Commissioner Conley spoke of need to have someone to properly and professionally review our new subdivisions as soon as possible. Commissioner Barton will create the RFQ for consideration by the court.

23990 ACTION REGARDING THE HAYS COUNTY AGENDA PROCESS GUIDELINES [T1-1896]

Commissioner Barton spoke of losing staff involved in preparing weekly agendas and suggested having the County Clerk perform duties currently being done by the County Judge's office. County Clerk Linda Fritsche advised that she would be willing to perform these duties. A motion was made by Commissioner Barton, seconded by Commissioner Conley to substitute County Clerk for County Judge in agenda guidelines on a short term basis for preparation of the agenda and County Judge will continue to maintain the weekly staff meetings. All voting "Aye". MOTION PASSED

WORKSHOP RELATING TO PASS THROUGH FINANCE [T1-2070]

Commissioner Conley introduced presenters Mike Weaver (Prime Strategies), Dan Wegmiller (Financial Advisor), and Bob Daigh (TxDot). Mike Weaver provided background information regarding the Hays County 2025 Transportation Plan (Blue RibbonPlan) and the June 2, 2001 Proposition No. 1 approved by voters. On November 13, 2001 the Commissioners' Court requested that the State advance priority projects and in 2002 the court sent a letter allocating \$21 million for priority state highway projects; including US290 West, RM12, FM110, FM1626, FM967, FM1826, and SH21 and offering a partnership program with TxDot. In 2004 there was proposed a new partnership program to conform with new rules and programs adopted in May 2003 (HB 3588). On September 12, 2006 the Commissioners' Court accepted TxDOT pass-through toll agreement. Discussion was had regarding population projections and roadway congestion for 2030. Mr. Weaver spoke of Hays County-TxDOT Partnership Program. Bob Daigh spoke of transportation funding within the CAMPO area.

Mr. Daigh spoke of gasoline taxes used to fund our transportation system. We are spending more money than we are receiving. He explained how the tax money is distributed. Texas "Build It" funding categories for CAMPO area: #2 Metropolitan area Corridor (TMA area) #7 Metropolitan Mobility and rehabilitation (CAMPO) #12. Strategic Priority (Commission Pass Through Financing). Mr. Daigh spoke of current pass through financing packages: Williamson Co = \$151 mil. San Marcos = \$60 mil Hays County = \$133 mil. [posted on TxDot website under unified transportation program] [T1-3090] Mike Weaver spoke of reimbursement terms for the pass-through financing agreements. Pass-Through Financing Projects: FM1626A [FM967 to FM 2770], FM1626B [Bliss Spillar Road to FM 967], FM110 [IH35/McCarty Road to SH123], and RM12 [RM32 to San Marcos city limits]. Mr. Weaver went through the highlights for each of these projects. Pass-Through Financing Program Budget: FM110 = \$30,350,000 RM12 = \$52,700,000 FM1626 A&B = \$69,790,000 [grand total of \$152,840,000]. Next steps: (1) continue project development [hold pubic meetings, utility coordination meetings, and design concept meetings/TxDOT coordination], (2) develop detailed cash flows for each project [utilization of \$4.0 million 2001 bond program, timing and need for future dollars], (3) implement website and public outreach program, (4) develop and approve second PSI Work Authorization, (5) hold future commissioners court work sessions, (6) negotiate and seek court approval of right-of-way teams, (7) adopt SH 21 safety program and forward to TxDOT for approval. [T2-158] Financial Advisor Dan Wegmiller spoke of risks and the mitigation of risk. Make sure steps/asures are in place to deliver project on budget and on time. In order to maintain flexibility, issue debt only when the phase of the project requires funding. Use capitalized interest through construction and evaluate all available financing options (including interest rate locks). Source of local funding: Pass-through Toll Revenue and Limited Tax Bonds (non-voted) and Unlimited Tax Bonds (voted). Source of payment (reimbursement): TxDOT reimbursement, ad valorem tax, sales tax, and tax increment reinvestment zone revenue. Commissioner Barton spoke in support of moving forward with improvements to FM1626 and SH21. Bob Daigh spoke in favor of moving forward with safety issues. He spoke of negotiating this agreement for a long time - delay of the project will only increase the local costs. Commissioner Conley spoke in support of moving forward with these projects - he would like a consensus of the court. [T2-1308] Charles O'Dell spoke. [T1-1677] Susan Cook asked about FM1626 project. Commissioner Conley suggested having a discussion fairly soon regarding FM110.

WORKSHOP RELATING TO LONG STANDING ADVISORY BOARDS

Judge Sumter spoke of need for a Strategic Comprehensive Planning Committee to get ideas from the citizens on what is needed for the future (long term growth plan). Commissioner Conley spoke of plans that have already been done (Parks and Open Space Master Plan, 2025 Transportation Plan, etc.) that should be considered. Judge Sumter spoke of several different kinds of committees she would like to consider: Water and Wastewater Committee - to investigate creative ideas for handling water and wastewater issues. A Committee to receive citizen input for changing county processes (complaints and suggestions). Bond Committee to advise the court regarding bond packages. Commissioner Conley spoke of urgent issues that need to be addressed soon and issues that could be addressed long term. Commissioner Ingalsbe spoke of already having resources to obtain information from. Commissioner Ford stated that she would like to see a citizens advisory committee to address bond issues and research to see what the voters will go for re: open space issues.

Court was adjourned.

I, **LINDA C. FRITSCHÉ**, 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 JANUARY 30, 2007.



Linda C. Fritsche

**LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 6th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Randy Ryan gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

District Attorney Office Administrator Carolyn Hale presented a 15 year service pin to Legal Secretary Dalia Ortiz and a 20 year service pin to Hot Check Manager Pamela Maldonado. Judge Sumter presented a 15 year service pin to District Court Administrator Jimmie Kitchen. County Clerk Linda Fritsche presented a 5 year service pin to Deputy Clerk Susan Shaffer. Chief Sanitarian Tom Pope presented a 10 year service pin to Senior Sanitarian Corrie Smith. Commissioner Ingalsbe presented a 10 year service pin to 911 Addressing Technician Alicia Campos. County Extension Agent Richard Parish presented a 5 year service pin to Office Administrator Bari Conley.

PRESENTATION BY HAYS COUNTY SHERIFF'S OFFICE CONCERNING A POSSIBLE INTERLOCAL AGREEMENT TO PROVIDE LAW ENFORCEMENT SERVICES TO THE CITY OF BUDA [T1-113]

Bo Kidd, Patrol Captain with the Sheriff's Dept., spoke of proposed agreement to provide law enforcement services to the City of Buda. He spoke of crime occurring in various communities, across city limit and county lines. He spoke of number of patrol deputies (4) that would be assigned to the City of Buda and the cost analysis will be determined. The City of Buda would be responsible for paying for the officers and all the equipment necessary. They are currently determining the liability issue. Commissioner Barton spoke of bringing this back to the court in the near future when all details are worked out. J.P. Pct. 5 Lamont Ramage spoke of this setting a precedent and he spoke of revenue that will be reverted to the city and he voiced other concerns. Buda City Manager spoke of commitment being made by the city (mission is neighborhood patrol and crime prevention). Capt. Bo Kidd advised that the Sheriff's Dept. is already providing services to the City of Buda.

PRESENTATION BY NAISMITH ENGINEERING REGARDING STAKEHOLDER INPUT AND STATUS OF HAYS COUNTY SUBDIVISION RULE CHANGES [T1-412]

Tom Brown, Naismith Engineering, spoke of stakeholder meeting that was held. They are rewriting the rules to reflect what stakeholders requested be changed. The revised rules will be considered at the next stakeholders meeting on February 15, 2007. Commissioner Ford requested that members of the court receive a copy of the revised rules. Mr. Brown spoke of additional clarifications and organizational issues. The three areas (1) filing of engineering report regarding water availability, (2) notification of affecting political subdivisions, (3) prior to final plat approval a letter would be submitted by the utility company that advised that they could and would provide necessary services. Commissioner Conley spoke of attending the stakeholder meeting. He feels like they are close to reaching a consensus and it was very helpful to him.

23991 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE JOINT POWERS AGREEMENT WITH THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION [T1-540]

Maureen McCoy Daniel, CAMPO Assistant Director, appeared before the court and explained the joint powers agreement. She spoke of voting representation being reduced from 23 to 18 (16 elected officials and 2 at large, being TxDot and Capitol Metro). Hays County has two members (one from Commissioners Court and one from one of the small cities in the county). Buda Mayor Trube is currently the Vice Chair. Commissioner Conley spoke of need for representation from City of San Marcos. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute the Joint Powers Agreement with the Capital Area Metropolitan Planning Organization subject to auditor and legal review. All voting "Aye". MOTION PASSED.**

**PUBLIC COMMENTS**

Public comments were made by [T1-654] Charles O'Dell, President of Hays CAN regarding citizen's participation in government (submitted in writing), [T1-725] Reed Carr regarding the FM110 project, and [T1-795] Maria Gonzales regarding the FM110 project.

23992 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$557,103.54 as presented by the County Auditor. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23993 APPROVE BUDGET AMENDMENT 07-08

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-08 as proposed by the County Auditor. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23994 APPROVE THE MINUTES OF JANUARY 29, 2007 AND JANUARY 30, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of January 29, 2007 and January 30, 2007 as presented by the County Clerk. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23995 APPROVE REAPPOINTMENT OF ORA MAE MONTAGUE TUCKER TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #1.

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve reappointment of Ora Mae Montague Tucker to the Hays County Emergency Services District #1. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23996 ACCEPT THE INTERNAL EXAMINATION REPORTS FOR THE SHERIFF'S JAIL COMMISSARY AND THE TAX ASSESSOR-COLLECTOR'S OFFICE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept the internal examination reports for the Sheriff's Jail Commissary and the Tax Assessor-Collector's office. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23997 APPROVE TWO COMMISSIONED RESERVE DEPUTIES FOR CONSTABLE PCT. 2

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve two commissioned Reserve Deputies for Constable Pct. 2. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

23998 APPROVE AWARD OF "FLASH FLOOD WARNING SYSTEM" TO WATERMARK SAFETY AND AUTHORIZE PURCHASING MANAGER AND COMMITTEE TO NEGOTIATE CONTRACT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of "Flash Flood Warning System" to Watermark Safety and authorize Purchasing Manager and committee to negotiate a contract that will be brought back to the court for approval. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #13 RE: APPROVE AWARD OF RFP 2007-P01 MANAGEMENT CONSULTANT FOR FEMA/HAZARD MITIGATION GRANT TO LANGFORD COMMUNITY MANAGEMENT SERVICES AND AUTHORIZE PURCHASING MANAGER TO NEGOTIATE CONTRACT was PULLED. No discussion and no action taken.



23999 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS RELATING TO THE REGIONAL WEB EOC SYSTEM [T1-890]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a Memorandum of Agreement with the Capital Area Council of Governments relating to the regional Web EOC System. Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

24000 APPROVE APPOINTMENTS TO THE HAYS COUNTY HISTORICAL COMMISSION

[T1-912] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to appoint Ofelia Vasquez-Philo, LaMarr Petersen, Jim Cullen, Brandy Harris, Bonnie Eisler, Lila Knight, Richard Gashot, and Kate Johnson (Chair), Dorothy Gumbert, LuRose Hickey, Linda Keese, Robert A. Flocke, Linda Coker, Clemmie Egger New, Shelly L. Henry, Richard D. Kidd, Floyd L. Hensen, Betty Harrison, James W. Lanning, Jessica Lee Irwin, Mary Ann Mattis, and Lana Larsen to the Hays County Historical Commission. All voting "Aye". MOTION PASSED

24001 [PCT. 4 #06-4-070, 4 LOTS] LUNA VISTA SUBDIVISION AND VACATING .43 AC OUT OF LOT C TERRY SUBDIVISION - CALL FOR A PUBLIC HEARING ON FEBRUARY 20,2007 AND APPROVE PRELIMINARY PLAN [T1-974]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan for "Luna Vista" subdivision and vacating of 0.43 acres out of Lot C Terry Subdivision and call for a public hearing on February 20, 2007. All voting "Aye". MOTION PASSED

24002 [PCT. 4 #07-4-02, 2 LOTS] PIONEER RANCHES REPLAT OF TRACT 26 - APPROVE FINAL PLAT [T1-996]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Pioneer Ranches Replat of Tract 26". All voting "Aye". MOTION PASSED

24003 [PCT. 4 #07-4-01, 2 LOTS] EAMES ACRES - APPROVE FINAL PLAT

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Eames Acres" subdivision. All voting "Aye". MOTION PASSED

24004 [PCT. 4 #06-4-065, 2 LOTS] TWELVE OAKS RANCH - APPROVE FINAL PLAT [T1-1022]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Twelve Oaks Ranch" subdivision. All voting "Aye". MOTION PASSED

24005 [PCT. 4 #06-4-071, 3 LOTS] VACATION OF A PORTION OF LT 1A INDIAN POINT ESTATES, REPLAT OF LOT 1A INDIAN POINT ESTATES AND REPLAT OF TRACTS 24 & 25 SETTLERS POINT ESTATES - PUBLIC HEARING AND APPROVE FINAL PLAT

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "vacation of a portion of Lot 1A Indian Point Estates, Replat of Lot 1A Indian Point Estates, and Replat of Tracts 24 & 25 Settlers Point Estates". All voting "Aye". MOTION PASSED

24006 [PCT. 3 #06-3-073, 1 LOT] WOODCREEK SEC 12 REPLAT OF LOTS 15 & 16 - WAIVE PUBLIC HEARING AND PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-1051]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive public hearing and preliminary plan approve and to approve final plat of "Woodcreek Section 12 Replat of Lots 15 & 16". All voting "Aye". MOTION PASSED

24007 [PCT. 3 #06-3-074, 1 LOT] RIVER OAKS OF WIMBERLEY UNIT 5 TRACT 4C - WAIVE PUBLIC HEARING AND PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-1068]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive public hearing and preliminary plan approval and to approve final plat of "River Oaks of Wimberley Unit 5 Tract 4C". All voting "Aye". MOTION PASSED

24008 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION [T1-1104]

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulations. A motion was made by Commissioner Ford, seconded by Judge Sumter to establish traffic regulations as recommended by the Road Department: STOP sign on Arbor Canyon Pass at Hawthorne Loop, on Sad Willow Pass at Hawthorne Loop, on Lonely Pine Cove at Hawthorne Loop, on Low Limb Cove at Hawthorne Loop, on Tender Valley Cove at Hawthorne Loop, on Sandy Creek Cove at Hawthorne Loop, and set the speed limit at 35 MPH for all roads in Rim Rock Phase 1 Section 1. All voting "Aye". MOTION PASSED

24009 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION SEC. 2 [T1-1117]

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulations. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations as recommended by the Road Department: STOP sign on Dario Drive (850 ft) at Creek Road and on McKellar Lane (860 ft) at Dario Drive, and a speed limit of 25 MPH in Creek Road Ranch Subdivision Section 2. All voting "Aye". MOTION PASSED

24010 ALLOW A PROMOTIONAL INCREASE TO EXCEED THE MINIMUM OF THE NEW GRADE FOR FIRST ASSISTANT DISTRICT ATTORNEY (GRADE 619) [T1-1132]

Commissioner Barton spoke of request from District Attorney Sherri Tibbe to allow the promoted First Assistant District Attorney to receive a salary of \$75,000 which exceeds the minimum for Grade 619 (\$66,347). Commissioner Conley advised that this action will be increasing the District Attorney budget for the next fiscal year. A motion was made by Commissioner Barton, seconded by Judge Sumter to allow a promotional increase to exceed the minimum of the new grade for First Assistant District Attorney (Grade 619). All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #25 RE: DISCUSSION AND POSSIBLE ACTION TO HIRE SPECIAL COUNSEL ABOVE MINIMUM OF PAY GRADE (GRADE 618) was PULLED. No discussion and no action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO MEET WITH THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY TO DISCUSS AND DELIBERATE THE EMPLOYMENT OF THE SPECIAL COUNSEL TO THE COMMISSIONERS COURT

The Court convened into closed executive session at 10:30 a.m. to meet with the District Attorney to discuss and deliberate the employment of special counsel to the Commissioners' Court and reconvened into open meeting at 10:55 a.m. No action was taken.

WORKSHOP RELATING TO HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT WATER AVAILABILITY STUDY [T1-1223]

Andrew Backus, Hays-Trinity Groundwater Conservation District President, introduced board members that were present today: Mark Hemmingway, Jack Hollon, and Joe Day. Mr. Backus spoke of ground water model being used and he spoke of being out of available water to permit. Mr. Backus spoke of situation at La Ventana Subdivision and restriction on the groundwater conservation district that prohibits them from taking action. Chapter 36 Texas Water Code addresses exempt wells. Gregg Ellis, counsel for the district, spoke of planning process for subdivisions. Mr. Backus spoke of quality of water in the Trinity Aquifer. He spoke of need for changes in enabling legislation, long term funding changes, exemptions consistent with Chapter 36, increase director's term length to 4 years (instead of 2 years), redefine areas of joint responsibilities, water availability studies, short term study/GW modeling aid, and groundwater availability consideration in lot sizing. He provided



numbers for groundwater usage 2003-2005 in the HTGC District. Potential Management Implications: Need for additional study, develop district drought contingency plan, promote increased water conservation efforts (voluntary and mandatory), well permitting prioritization, setting production limits on Non-exempt wells/public water supply wells, establishing critical depletion zones, and work with entities to secure surface water supplies including rainwater harvesting. Mr. Backus spoke of need to create a local model versus using a regional model. Discussions were had regarding creation of a local model, surface water availability, and exempt wells. Mr. Backus spoke of possible fees that could be collected if enabling legislation is changed. Jerry Pinnix spoke of concerns regarding rainwater harvesting. Commissioner Ford spoke in support of the Hays Trinity Groundwater Conservation District. It was requested that members of the court be provided with the powerpoint presentation.

WORKSHOP RELATING TO SOUTH MADRONE TRAIL [T2-215]

Dianne Wassenich spoke of water quality being connected to water quantity – dense growth affects water quality – 90% of recharge is from creeks. She spoke of need to negotiate with purveyors of water to make sure that water wells are capped. Tony Bagwell, South Madrone Trail resident, spoke of need to get a water line extended into their subdivision. John Hudson, resident of South Madrone Trail, spoke of visiting with residents on the proposed route and was able to get some commitments (15 out of 28 potential properties). He spoke of forming a corporation to proceed with the project "South Madrone Trail Corporation" The engineering plans have been submitted to LCRA. Mr. Bagwell spoke of possible cost sharing arrangement with the county (\$100,000 cap for the county) would require a payment of \$11,862 per year for 15 years. Fifteen initial participants would pay \$13,725 per year for financing \$103,875. He spoke of subsequent users cost to connect and potential rebate to the county. Grants Administrator Richard Salmon spoke of water projects that have been done by the county and he spoke of revenue being received by the county from LCRA. Commissioner Conley spoke in support of this project and commended Mr. Bagwell and Mr. Hudson. Commissioner Conley left the meeting at this time. Commissioner Barton spoke of work that was done on this project. Commissioner Ingalsbe spoke of her concerns regarding this project and details that need to be worked out with LCRA. Judge Sumter spoke of this project and issues that need to be discussed and policy that needs to be made. Commissioner Ford spoke in support of this project and future projects. Court needs to pursue the legal issues involved. Charles O'Dell, President of Hays CAN, spoke of TCEQ regulations and LCRA's CCN. Mr. Bagwell spoke of other possible funding options for the Village of Bear Creek. Discussion was had regarding capping of wells (cost \$1500 per well to cap).

Court was adjourned.

I, **LINDA C. FRITSCHÉ**, 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 6, 2007.



Linda C. Fritsche

**LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Paul Bunton gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

24011 ADOPT A PROCLAMATION SALUTING THE WOMEN ENTREPRENEURS OF HAYS COUNTY AND PROCLAIMING THE WEEK OF FEBRUARY 11TH - 18TH, 2007 AS "WOMEN ENTREPRENEURS WEEK IN HAYS COUNTY".

Johnnie Armstead thanked the court for recognizing the ninth year of Women Entrepreneurs program in Hays County. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation saluting the women entrepreneurs of Hays County and proclaiming the week of February 11 - 18, 2007 as "Women Entrepreneurs Week in Hays County". All voting "Aye". MOTION PASSED.

PUBLIC COMMENTS

[T1-99] Justice of the Peace Pct. 1 Place 2 Margie Hernandez spoke of office space that is being requested from her for the compliance office at the Justice Center. [T1-125] Gary Conner asked the court to reject the idea of using Property Code Section 542.007 regarding traffic enforcement on private roads in subdivisions. He also spoke of Property Code Section 204.005. [T1-198] Anita Fournier spoke in opposition to traffic enforcement in Mountain Crest (a private gated community). [T1-219] Donna Williams spoke in opposition to traffic control on private roadways in Mountain Crest subdivision.

24012 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$1,220,481.87 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24013 APPROVE BUDGET AMENDMENT 07-09

Budgets being amended: District Attorney \$ 18,255 transfer for approved salary schedule for balance of FY07 Personal Health = \$8,000 transfer for approved contract for doctor 2/1-9/30/07. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Budget Amendment #07-09 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24014 APPROVE THE MINUTES OF FEBRUARY 6, 2007

Clerk's Note: Original draft (in packet) had an error on page 499 - Resolution #23998 and Pulled Agenda Item were reversed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the minutes of February 6, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24015 APPROVE UTILITY PERMITS #01910 - 01912

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Utility Permit #10910 on Paul's Valley Road issued to Pedernales Electric, #01911 on CR235/Posey Road issued to City of San Marcos, and #01912 on Old Black Colony Road issued to City of Buda. All voting "Aye". MOTION PASSED.

24016 APPROVE REAPPOINTMENT OF FRED ROTHERT TO THE PLUM CREEK CONSERVATION DISTRICT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve reappointment of Fred Rothert for a four year term to the Plum Creek Conservation District. All voting "Aye". MOTION PASSED.



24017 ACTION TO REVIEW DESIGNEE STATUS FOR THE PASS-THROUGH TOLL FINANCE PROGRAM [T1-294]

Commissioner Conley spoke of being involved in this program from the beginning. He has been taking care of administrative type work regarding this program and he meets with the respective commissioner regarding projects in their precinct. Commissioner Conley advised that he is not in support of the County Judge having the administrative oversight. Commissioner Ingalsbe spoke in support of the Judge's recommendation. Judge Sumter advised that she would work with Road Supt/Engineer Jerry Borcharding in the administrative oversight. Commissioner Conley spoke of county staff that has been involved in this program (Road Supt/Engineer, County Auditor). Commissioner Barton stated that Commissioner Conley has done a good job. Commissioner Ford stated that she would like to see more involvement with the Commissioners who have projects in their precinct and keep the process open. **A motion was made by Judge Sumter, seconded by Commissioner Ford for Commissioner Precinct 1 be responsible for FM 110, Commissioner Precinct 2 be responsible for FM 1626, Commissioner Conley be responsible for Ranch Road 12, and with the County Judge having administrative oversight over the program to review designee status for the Pass-Through Toll Finance Program.** [T1-644] Woodcreek Mayor Morris Haggerton and Jim Green spoke in support of Commissioner Conley continuing oversight of this program. Charles O'Dell (President of Hays CAN) spoke in opposition to Commissioner Conley continuing with oversight. [T1-856] Maria Gonzales spoke of FM110 project and responsibility of each commissioner. [T1-960] A motion was made by Commissioner Conley that the Commissioner of the Precinct in which the road lies be the direct contact and that Commissioner Pct. 3 remain the designee of the Pass-Through Toll Finance Program. Motion died for lack of a second. [T1-994] **Commissioner Ford made a friendly amendment to the original motion made by Judge Sumter to let each Commissioner be in charge of projects in their precinct [Pct. 1/FM110 & SH21, Pct. 2/SH21 & FM 1626, Pct. 3/RR12] and allow each commissioner to have oversight of their project. This amendment was accepted by the County Judge.** Discussion was had regarding allocation of funds – each project already has a budget. Commissioner Conley spoke of administrative process being followed. Commissioner Barton suggested postponing action at this time to work out the management details. **Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton and Commissioner Conley voting "No". MOTION PASSED.**

PUBLIC COMMENT

[T1-1434] Donna Williams spoke of water availability and Milam Park Subdivision that was approved in January 2007. [T1-1513] Hanlon Skillman spoke of TxDot meeting regarding Ranch Road 12 and subdivision developments being approved.

24018 RESOLUTION IN SUPPORT OF THE CREATION OF A SPECIAL UTILITY DISTRICT TO BE STYLED "GOFORTH SPECIAL UTILITY DISTRICT", AS PROVIDED FOR UNDER CHAPTER 65 OF THE TEXAS WATER CODE [T1-1647]

Currently about 11,000 residents of northwestern Hays County receive water from Goforth Water Supply Corporation. The board of directors and the membership has voted to convert to a special utility district (SUD). Legislation to accomplish the change has been drafted and Goforth and its general manager are seeking a resolution of support from the county. The special utility district will not be a taxing authority. Attorney Leonard Dougal spoke of receiving water from the Edwards Aquifer and recently signing onto the GBRA-135 pipeline for surface water to serve the area. They have received support from Buda, Neiderwald and Caldwell County. They will become a political subdivision and have more options available to them regarding financing, etc. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve resolution in support of the creation of a special utility district to be styled "Goforth Special Utility District" as provided for under Chapter 65 of the Texas Water Code. All voting "Aye". MOTION PASSED.**

The Court convened into closed executive session at 10:40 a.m. for the following two items:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO MEET WITH THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY TO DISCUSS AND DELIBERATE THE EMPLOYMENT OF THE SPECIAL COUNSEL TO THE COMMISSIONERS' COURT

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POSSIBLE EMPLOYMENT AND/OR APPOINTMENT OF AN INTERIM OR PERMANENT DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT

and reconvened into open meeting at 12:40 p.m. Commissioner Ingalsbe was not present when the court reconvened into open meeting.

[T1-1759] Commissioner Barton advised that he will work with Human Resources to bring back a refined list of applicants for an interim or permanent Director of Environmental Health.



24019 APPROVE WORK AUTHORIZATION NO. 2 FOR PRIME STRATEGIES AS IT PERTAINS TO THE HAYS COUNTY TXDOT PARTNERSHIP PROGRAM (PASS THROUGH FINANCING) [T1-1770]

Mike Weaver, Prime Strategies, spoke of website that is being created that will be maintained by the county. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Work Authorization No. 2 for Prime Strategies as it pertains to the Hays County TxDot Partnership Program (Pass Through Financing). All voting "Aye". MOTION PASSED.

24020 [PCT. 3 #06-3-076, 2 LOTS] SIMON ESTATES UNIT 3 - APPROVE PRELIMINARY PLAN

[T1-1922] Sandra Irvin gave staff recommendation for preliminary plan approval.

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Simon Estates Unit 3". All present voting "Aye". MOTION PASSED.

24021 CALL FOR A PUBLIC HEARING ON FEBRUARY 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION [T1-1940]

Road Supt/Engineer Jerry Borcharding advised that the traffic regulations being considered are STOP signs in Hill Country Ranches subdivision. A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on February 27, 2007 to establish traffic regulations in Hill Country Ranches Subdivision. All present voting "Aye". MOTION PASSED.

24022 CALL FOR A PUBLIC HEARING ON FEBRUARY 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BELL SPRINGS RD., CR 169 BETWEEN OAK FOREST DRIVE SOUTH AND THE TRAVIS COUNTY LINE [T1-1958]

Road Supt/Engineer Jerry Borcharding advised that the traffic regulation being considered to 40 MPH on two straight-aways near River Oaks Ranch. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on February 27, 2007 to establish traffic regulations on Bell Springs Road (CR169) between Oak Forest Drive South and the Travis County Line. All present voting "Aye". MOTION PASSED.

24023 CALL FOR A PUBLIC HEARING ON FEBRUARY 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX EMPLOYEE PARKING LOT [T1-1986]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to call for a public hearing on February 27, 2007 to establish traffic regulations and enforcement for parking restriction at the Courthouse Annex employee parking lot. All present voting "Aye". MOTION PASSED.

24024 ADOPT A RESOLUTION CALLING FOR THE PASSAGE OF STATE LEGISLATION REQUIRING PRODUCERS OF ELECTRONICS AND COMPUTERS TO PARTICIPATE IN TAKEBACK RECYCLING PROGRAMS [T1-2098]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a resolution calling for the passage of State Legislation requiring producers of electronics and computers to participate in take-back recycling programs. All present voting "Aye". MOTION PASSED.

24025 HIRE FUGRO CONSULTANTS, INC. FOR GEOTECHNICAL INVESTIGATION OF THE COUNTY OFFICE COMPLEX BUILDING SITE IN KYLE [T1-2197]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to hire Fugro Consultants Inc. for geotechnical investigation of the county office complex building site in Kyle. All present voting "Aye". MOTION PASSED.

DISCUSSION REGARDING JOB DUTIES AND ORGANIZATION OF PLANNING, INSPECTION, ENGINEERING AND ENVIRONMENTAL REVIEW FUNCTIONS WITHIN COUNTY GOVERNMENT [T1-2224]

Commissioner Barton spoke of collecting resumes from potential applicants and information being obtained by Human Resources regarding organizational charts from other counties. He will continue to put this item on the agenda to keep the court updated. No action was taken.



DISCUSSION REGARDING PUBLIC COMMENT SECTION OF AGENDA GUIDELINES OF THE COURT [T1-2305]

Commissioner Conley spoke of his research of the open meetings act handbook. He read from Section C of the Act and from the agenda guidelines adopted by the court. He feels like members of the court have a right to respond to public comment with facts and policy. A discussion was had regarding responding to public comment. [T1-2805] Charles O'Dell, President of Hays CAN, made public comment.

ANNOUNCEMENTS

Judge Sumter advised that Commissioner Barton has been approved as CAMPO's representative on the Austin-San Antonio Intermunicipal Commuter Rail District

Court was adjourned.

I, LINDA C. FRITSCHER, 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 13, 2007.



LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 20th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Robin Steel gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY AUSTIN SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT TO GIVE AN OVERVIEW OF THE AUSTIN-SAN ANTONIO COMMUTER RAIL SYSTEM.

Ross Milloy, Interim Exec Director of ASAICR District, Clif Davis and Dennis Waley appeared before the court. A Project Update and Status Report was submitted in writing. Mr. Milloy spoke of traffic problems on IH35. Clif Davis of Carter/Burgess spoke of proposed Austin-San Antonio Commuter Rail Project (from Georgetown to Port Authority/Kelly AFB in San Antonio) with 15 stations. Mr. Davis spoke of ridership and relocation of Union Pacific Railroad east of IH35. Mr. Davis spoke of the direct economic impact from multiple sources. Dennis Waley spoke of proposed funding strategy. Membership in ASAICRD: cities with population greater than 18,000 and counties adjoining the corridor/no population threshold with an annual fee of \$49,500 per member to use for operations expenses not fundable with federal grant monies. Ross Milloy spoke of need for a resolution of support to fund the Texas Rail Relocation Fund in 2007, coordinated State and Federal legislative strategy and support, TOD ordinance, Tax Increment Finance Zone, Interlocal Agreement with ASAICRD, local financial support, and local leadership. Susan Cook (member of the public) asked about moving the Union Pacific Railroad. Mr. Malloy spoke of Texas relocation fund that would be utilized.

24026 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$171,594.99 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24027 APPROVE BUDGET AMENDMENT 07-10

Budgets being amended are the Sheriff's Dept., District Attorney, Information Technology and Justice of the Peace 1-2. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-10 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24028 APPROVE THE MINUTES OF FEBRUARY 13, 2007

Commissioner Ford requested a correction on Resolution #24018 in the first sentence - change "northwestern" to "northeastern". A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of February 13, 2007 as presented by the County Clerk with correction as requested by Commissioner Ford. All voting "Aye". MOTION PASSED.

24029 ACCEPT ANNUAL RACIAL PROFILING REPORT FOR HAYS COUNTY CONSTABLE PRECINCT 3

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Annual Racial Profiling Report of Hays County Constable Precinct 3. All voting "Aye". MOTION PASSED.



24030 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS PERTAINING TO THE CONTINUED OPERATION OF THE HAYS COUNTY NARCOTICS TASK FORCE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement between the City of San Marcos and the County of Hays pertaining to the continued operation of the Hays County Narcotics Task Force. All voting "Aye". MOTION PASSED.

24031 AUTHORIZE COUNTY JUDGE TO EXECUTE THE AMENDED JOINT POWERS AGREEMENT WITH THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION

Judge Sumter spoke of minor changes on pages 2 & 3 of the agreement. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Amended Joint Powers Agreement with the Capital Area Metropolitan Planning Organization. All voting "Aye". MOTION PASSED.

24032 [#06-3-076 PCT. 3, 2 LOTS] SIMON ESTATES UNIT 3 - APPROVE FINAL PLAT [T1-700]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Simon Estates Unit 3". All voting "Aye". MOTION PASSED.

24033 [#07-3-07 PCT. 3, 5 LOTS] BURNETT RANCH SECTION 2 RESUBDIVISION OF LOT 14 - APPROVE PRELIMINARY PLAN [T1-709]

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Burnett Ranch Section 2 Resubdivision of Lot 14". All voting "Aye". MOTION PASSED.

24034 [#06-4-070 PCT. 4] LUNA VISTA SUBDIVISION AND VACATING .43 AC OUT OF LOT C TERRY SUBDIVISION - PUBLIC HEARING TO CONSIDER VACATING A PORTION OF LOT C TERRY SUBDIVISION AND ADDING TO LUNA VISTA SUBDIVISION AND APPROVE FINAL PLAT [T1-726]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve vacating .43 acres out of Lot C Terry Subdivision and adding it to the Luna Vista Subdivision and approve final plat of "Luna Vista" subdivision. All voting "Aye". MOTION PASSED.

24035 WAIVE THE SEPTIC INSPECTION FEES FOR ANTIOCH COMMUNITY CHURCH IN BUDA [T1-744]

A motion was made by Commissioner Barton, seconded by Judge Sumter to waive the county septic inspection fees for Antioch Community Church in Buda. All voting "Aye". MOTION PASSED.

24036 AWARD PROJECT MANAGEMENT OF THE WIMBERLEY BYPASS TRAILS PROJECT TO LANGFORD ASSOCIATES, INC. AND AUTHORIZE PURCHASING DEPARTMENT TO NEGOTIATE CONTRACT [T1-792]

Grants Administrator Richard Salmon explained the project which consists of the development of approximately 4.4 miles of trails along the new Wimberley ByPass through the Blue Hole Regional Park and ending in downtown Wimberley. Proposals are available for review in the Purchasing Department. A motion was made by Commissioner Conley, seconded by Judge Sumter to award Project Management of the Wimberley ByPass Trails Project to Langford Associates Inc. and authorize Purchasing Department to negotiate contract. All voting "Aye". MOTION PASSED.

24037 AWARD LANDSCAPE ARCHITECT ON THE WIMBERLEY BYPASS TRAILS PROJECT TO LAND DESIGN PARTNERS, INC. AND AUTHORIZE PURCHASING DEPARTMENT TO NEGOTIATE CONTRACT [T1-792]

Grants Administrator Richard Salmon explained the project which consists of the development of approximately 4.4 miles of trails along the new Wimberley ByPass through the Blue Hole Regional Park and ending in downtown Wimberley. Proposals are available for review in the Purchasing Department. A motion was made by Commissioner Conley, seconded by Judge Sumter to award Landscape Architect on the Wimberley ByPass Trails Project to Land Design Partners Inc. and authorize Purchasing Department to negotiate contract. All voting "Aye". MOTION PASSED.

- 24038 AUTHORIZE THE COUNTY JUDGE TO SEND A LETTER TO THE GUADALUPE-BLANCO RIVER AUTHORITY STATING THAT HAYS COUNTY IS PREPARED TO PROCEED WITH THE WATER FEASIBILITY STUDY AND THAT THE COUNTY WILL COMMIT \$3,592 TO HELP FUND THE STUDY BY HDR ENGINEERING [T1-844]**

Commissioner Conley spoke of need for alternative water sources. Study will determine amount of water needed and available sources of water and bring back a cost estimate for various options. Charles O'Dell spoke. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to send a letter to the Guadalupe-Blanco River Authority stating that Hays County is prepared to proceed with the Water Feasibility Study and that the county will commit \$3,592 to help fund the study by HDR Engineering. All voting "Aye". MOTION PASSED.

- 24039 ADOPT A RESOLUTION IN SUPPORT OF THE MASTER AGREEMENT GOVERNING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS [T1-1023]**

Grants Auditor LaMarr Peterson spoke of need for a resolution. [T1-2209] A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a resolution in support of the Master Agreement Governing Local Transportation Project Advance Funding Agreement. All voting "Aye". MOTION PASSED.

- 24040 REPORT FROM THE HAYS COUNTY LEGISLATIVE REVIEW COMMITTEE AND ACTION TO GUIDE COMMITTEE ACTIVITY WITH THE 80TH LEGISLATURE [T1-1233]**

Commissioner Ford spoke of the 2007 Members of the Hays County Legislative Review Committee. Discussion was had regarding various bills. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to allow Commissioner Barton, Commissioner Ford and other committee members to proceed officially on behalf of the county to work with members of the House or Senate to move along county authority and rainwater harvesting program. Recommendations would be brought back to court for approval. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #17 RE: HIRE NAISMITH ENGINEERING TO PROVIDE SITE PLANNING SERVICES FOR THE NEW PCT. 4 OFFICE was PULLED. No discussion and no action taken.

- 24041 ADOPT A RESOLUTION IN OPPOSITION TO THE HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #1'S REQUEST TO AMEND THEIR WASTEWATER PERMIT WHICH WOULD ALLOW SURFACE DISCHARGE INTO BEAR CREEK [T1-1761]**

Commissioner Ford spoke of previous court adopting a resolution in opposition and she would like the current court to also adopt a resolution in opposition. Commissioner Barton spoke of need to speak to treatment levels. A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a resolution in opposition to the Hays County Water Control & Improvement District #1's request to amend their wastewater permit which would allow surface discharge into Bear Creek. All voting "Aye". MOTION PASSED.

- 24042 ACTION TO PROMOTE AND FUND (WHOLE OR PART) PARTICIPATION IN CENTRAL TEXAS MEDICAL CENTER'S HEALTH CHECK 2007 [T1-2046]**

County Auditor Bill Herzog spoke of annual screenings offered by CTMC at a cost of \$25 per person. He spoke of cost savings if the county would pay for this screening. The cost for this screening would be paid out of the health insurance fund. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe for the county to participate in the Central Texas Medical Center's Health Check 2007 at the rate of \$25 to everyone on, or who have signed up and are eligible for, the county health insurance [T1-2183]. All voting "Aye". MOTION PASSED.

PUBLIC COMMENT

Robert DeLozier (Austin resident) spoke of new home he is building in Signal Hill subdivision located off Nutty Brown Road. He spoke of his concerns in the area.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POSSIBLE EMPLOYMENT AND/OR APPOINTMENT OF AN INTERIM DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT OR INTERIM DESIGN REVIEW CONSULTANT. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-2332]

Court convened into closed executive session at 11:20a.m. to discuss, deliberate and interview applicant for Interim Director of the Environmental Health Dept. or Interim Design Review Consultant and reconvened into open meeting at 12:30 p.m. No action was taken.



WORKSHOP RELATING TO SUBDIVISION RULES REVIEW [T1-2361]

Tom Brown and Grant Jackson appeared before the court. Tom Brown, Naismith Engineering, gave a power point presentation to update the county regarding the Hays County Development Regulations. The Commissioners Court has adopted goals, objectives and policies; established core and stakeholder committees; identification and ranking of issues by the stakeholder committee; and interim development regulations have been drafted. The Interim Regulations address: WATER supply availability requirements, WASTEWATER service availability requirements, and NOTIFICATION of affected political subdivisions. The Stakeholder Committee requested separation into technical and administrative issues. Technical issues: water supply, wastewater management, floodplains, drainage, transportation, and environmental. Administrative issues: County/City agreements for overlapping areas within ETJs (HB 1445); update existing application, checklists & submission packages; update the county's internal review process; provide notification to general public & affected political subdivisions; provide method of conflict resolution; and provide method of performance review for the development regulations & a process to update the regulations. They recommended monthly stakeholder committee meetings, meetings with county staff, and timeline for final draft regulations & ordinances. Interim Rules could be presented to the court next week. [T1-3069] Winton Porterfield, Andrew Backus, Charles O'Dell, and Dianne Wassenich spoke. Discussion was had regarding what issues should be addressed at the meetings. Tom Brown suggested that they brief the court every month on issues address by the stakeholder committee. Discussion was had regarding the function of the Core Committee.

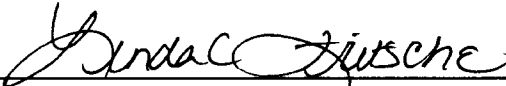
WORKSHOP RELATING TO GOVERNMENT CENTER. [T2-545]

Commissioner Ingalsbe gave a brief history regarding the government center beginning in 2000 up to the present. [T2-765] Scott Gregson gave a presentation of the proposed "Town Center Government Plaza" (78 total acres) located off Hunter Road. He spoke of various businesses that would also be located at this location. He spoke of existing concrete slab, parking, utilities, etc. that could be utilized. Twenty (20) acres of land is being provided to the county with county providing improvements. The county could be in the building as early as the fall of 2008. [T12-977] Chris Carson gave a presentation regarding a proposed 26 acre site on Wonderworld Drive (proposes a property exchange of county's property on Thorpe Lane and IH35 AKA old hospital property). He spoke of accessibility of this site. [T2-1277] Frank Rasco, Carter::Burgess, gave a summary of work that has been done: rate of growth, projected capacity/needs, site comparison (3 sites), and the next step. He spoke of conceptual Thorpe Lane build out in three phases, surface parking, parking garage, and underground detention. He spoke of comparison done of the three possible sites. Next step is to select and procure a site, determine financing, determine design/construction and delivery method. Commissioner Ingalsbe spoke of cost for a lease/purchase option. She also spoke of increase in cost for construction from 2002 to 2006. Commissioner Barton spoke in support of moving forward with a government center. [T2-1900] Dianne Wassenich spoke of the Hunter Road site and the recycling being done. District Clerk Cecelia Adair spoke of importance of price, speed and accessibility. Emergency Management Coordinator Jeff Turner spoke of his concern regarding safety issues. GIS/911 Addressing Manager Steve Floyd voiced his concerns about traffic. Scott Gregson and Chris Carson spoke of traffic impact and turn lanes. District Attorney Sherri Tibbe spoke of traffic issues on Thorpe Lane. District Judge Gary Steele spoke of number of people coming in daily to the justice center and the advantage to having retail businesses close by. The committee will meet and bring back their recommendation to the court of the preferred site or sites.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 20, 2007.





**LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21* DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

- ELIZABETH "LIZ" SUMTER COUNTY JUDGE
DEBBIE GONZALES INGALSBE COMMISSIONER, PCT. 1
JEFFERSON W. BARTON COMMISSIONER, PCT. 2
WILL CONLEY COMMISSIONER, PCT. 3
KAREN FORD COMMISSIONER, PCT. 4
GINA ISLAS MENDOZA DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

WORKSHOP RELATING TO JACOBS WELL

The Wimberley Valley Watershed Association provided a slide show presentation on the Jacob's Well Natural Area. WVWA President Patrick Cox spoke about what needs to be done to make this situation a reality. Resolutions of support were submitted from the City of Woodcreek, Village of Wimberley, Wimberley Water Supply Corporation, and the Hays Trinity Groundwater Conservation District. [T1-256] Steven Winhager (Lady Bird Johnson Wildflower Center), spoke about Jacob's Well. [T1-406] Bob Harris (Lake Flato) spoke. [T1-720] David Baker spoke. [T1-743] Patrick Cox spoke of the Capital Campaign Phased Project (Phase 1 & Phase 2) with a total project cost of \$6,414,299.[T1-826] Nora Linares-Moeller spoke. Patrick Cox spoke about sources of revenue. Discussion was had regarding membership fees and educational and research programs. Discussion was had regarding Blue Hole and Jacob's Well. [T1-1511] Pokey Rehmet, WVWA Director, and WVWA Vice President Jack Hollon spoke. [T1-1618] Patrick Cox requested a Resolution of support from the County, resources support from the County Grants office, and funding support.

WORKSHOP RELATING TO PASS THROUGH FINANCING [T1-1687]

Commissioner Conley advised that Prime Strategies and others are here to update the court on this program. Mike Weaver, Prime Strategies, introduced Project Managers for the various projects: Brad Brown & Jose Rodriguez (FM1626), Jeff Rodgers (RR12), Mark Taylor was represented by Eddy Etheredge (SH21), and Tommy Lathario (FM110). Mike Weaver spoke of providing monthly updates and court members were presented with a notebook that will be continually updated. Commissioner Conley advised that previous presentations are currently posted on the county website and future updates will be posted. Mike Weaver gave the history of this program beginning in May 2005 and went over the cash flow chart. [T1-2158] Discussion was had regarding State Highway 21 (safety program). \$2 million was budgeted for this project to address safety issue. [T1-2502] Discussion and explanation was had regarding the web page. Court reviewed status of [T1-2920] RM1626, [T1-3715] FM110, [T1-3970] Ranch Road 12 projects. Discussion was had regarding funding the projects and possible bond election. Bond Counsel Dan Wegmiller spoke of funding possibilities. [T2-45] Charles O'Dell, Hays CAN, made public comment. [T2-461] Discussion was had regarding the FM110 project and possible bond election. [T2-1163] Discussion was had regarding RM1826. [T2-1332] Susan Cook made public comment. Discussion was had regarding citizens advisory committee and neighborhood meetings. [T2-1600] Charles O'dell made public comment.

Court was adjourned.

I, LINDA C. FRITSCH, 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 21, 2007.



Linda C. Fritsche
LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 26th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
ELIZABETH GONZALEZ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS LOCAL GOVERNMENT CODE TO CONSULT WITH ATTORNEYS REGARDING PENDING LITIGATION. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT.

The court convened into closed executive session to consult with attorneys regarding pending litigation. Upon completion of closed session, the court reconvened into open meeting. No discussion and no action taken.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 26, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 27th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Pastor Tom Brady from Hill Country Church gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

24043 ADOPT PROCLAMATION RECOGNIZING MARCH 4 - 10 , 2007 AS "SEVERE WEATHER AWARENESS WEEK" IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt Proclamation recognizing March 4-10, 2007 as "Severe Weather Awareness Week" in Hays County. All voting "Aye". MOTION PASSED.

24044 ADOPT PROCLAMATION RECOGNIZING WEEK OF FEBRUARY 26 THROUGH MARCH 1, 2007 AS "SPAY DAY USA PROCLAMATION WEEK"

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt Proclamation recognizing week of February 26 through March 1, 2007 as "Spay Day USA Proclamation Week". All voting "Aye". MOTION PASSED.

PUBLIC COMMENTS

Public comments were made by [T1-180] Reed Carr, resident of Pct. 1 outside of San Marcos; [T1-231] Charles O'Dell, resident of Dripping Springs ETJ and president of Hays CAN; [T1-283] Andrew Backus, resident of Dripping Springs ETJ and Board President of Hays Trinity Groundwater Conservation District; and [T1-362] Maria Elena Gonzales, resident of San Marcos.

24045 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$484,257.17 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24046 APPROVE THE MINUTES OF FEBRUARY 20 & 21, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of February 20 & 21, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24047 APPROVE OUT OF STATE TRAVEL TO FAYETTEVILLE, ARKANSAS FOR DETECTIVE LYNN LUEDERS OF THE NARCOTICS TASK FORCE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve out of state travel to Fayetteville, Arkansas for Detective Lynn Lueders of the Narcotics Task Force. All voting "Aye". MOTION PASSED.

24048 APPROVE RFP FOR PROJECT MANAGEMENT FOR IMPLEMENTATION OF THE COUNTY'S TPWD GRANT FOR \$400,000, AS PART OF THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT, AND TO AUTHORIZE COUNTY PURCHASING DEPARTMENT TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve RFP for Project Management for implementation of the County's TPWD Grant for \$400,000.00 as part of the San Marcos Springs Recharge Area Project and to authorize County Purchasing Department to solicit for bids and advertise. All voting "Aye". MOTION PASSED.



- 24049 APPROVE RFP FOR LANDSCAPE ARCHITECT FOR IMPLEMENTATION OF THE COUNTY'S TPWD GRANT FOR \$400,000, AS PART OF THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT, AND TO AUTHORIZE COUNTY PURCHASING DEPARTMENT TO SOLICIT FOR BIDS AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve RFP for Landscape Architect for implementation of the County's TPWD Grant for \$400,000.00 as part of the San Marcos Springs Recharge Area Project and to authorize County Purchasing Department to solicit for bids and advertise. All voting "Aye". MOTION PASSED.

- 24050 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE MCCOY, DICKSON, MOODY, J. DOUGHERTY, KLEBERG AND AUSTIN COMMUNITY FOUNDATIONS, FOR THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT, USING EXISTING PROJECT FUNDS FOR MATCH**

The project consist of the purchase and development of 250.7 acres of land adjacent to and behind Aquarena Springs in San Marcos. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant application to the McCoy, Dickson, Moody, J.Dougherty, Kleberg and Austin Community Foundations, for the San Marcos Springs Recharge Area Project, using existing project funds for match. All voting "Aye". MOTION PASSED.

- 24051 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE BURDINE JOHNSON FOUNDATION FOR THE 5-MILE DAM PARK EXPANSION PROJECT, USING EXISTING PROJECT FUNDS FOR MATCH**

This is one of several attempts to obtain additional grants from private non-profit foundations to make improvements to the 5-Mile Dam Complex which consists of the 43 acres purchased with county bond funds and the existing Dudley Johnson and Randall Vetter Parks. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant application to the Burdine Johnson Foundation for the 5-Mile Dam Park Expansion Project, using existing project funds for match. All voting "Aye". MOTION PASSED.

- 24052 ADOPT A RESOLUTION REQUESTING SUSAN COMBS, COMPTROLLER'S OFFICE TO CONDUCT A BROAD-BASED MANAGEMENT REVIEW OF HAYS COUNTY**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt a resolution requesting Susan Combs, Comptroller's office to conduct a broad-based management review of Hays County. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item# 11 RE: PCT. 2 03-2-087 ROLLING HILLS ESTATES, RESUB LT 20 BLK 2 (4 LOTS) - APPROVE PRELIMINARY PLAN was PULLED.

- 24053 PCT. 3 07-3-08 PINNACLE RIDGE ESTATES (8 LOTS) - APPROVE PRELIMINARY PLAN [T1-452]**

Environmental Health Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve preliminary plan for "Pinnacle Ridge Estates". All voting "Aye". MOTION PASSED.

- 24054 [PCT. 4 #06-4-010] THE VINEYARD PHASE 1 - GRANT A 30 DAY EXTENSION FOR PRELIMINARY PLAN [T1-464]**

Charles O'Dell, Hays CAN, made public comment. Andrew Backus, Board President of Hays Trinity Groundwater Conservation District, spoke of water availability review done by Marshal Jennings. Commissioner Ford spoke of meeting with developer to discuss delays in the project and extensions already granted. A letter of credit will be posted to insure that the road and drainage improvements are completed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a 30 day extension for preliminary plan for "The Vineyard Phase 1" and ask that a letter of credit be submitted within that 30 days. All voting "Aye". MOTION PASSED.

- 24055 CALL FOR A PUBLIC HEARING ON MARCH 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX EMPLOYEE PARKING LOT [T1-738]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on March 13, 2007 to establish traffic regulations and enforcement for parking restriction at the courthouse annex employee parking lot. All voting "Aye". MOTION PASSED.



24056 CALL FOR A PUBLIC HEARING ON MARCH 13, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON PAULS VALLEY RD. [T1-747]

The Road Department is recommending a STOP sign on Pauls Valley Road at the intersection of Fitzhugh Road (CR101). A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 13, 2007 to establish traffic regulations on Pauls Valley Road. All voting "Aye". MOTION PASSED.

24057 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELL SPRINGS RD., CR 169 BETWEEN OAK FOREST DRIVE SOUTH AND THE TRAVIS COUNTY LINE [T1-758]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 40 MPH speed limit on two straight-aways near River Oaks Ranch subdivision to be posted on Bell Springs Road (CR169) from Oaks Forest Drive South to first 90 degree left curve and from the Travis County line to Stacey Ann Cove. All voting "Aye". MOTION PASSED.

24058 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION [T1-775]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic regulations as follows in Hill Country Ranches Subdivision: STOP sign on Plainview Road at Montell Road, on Lakeside Drive at Plainview Road, on Frio Lane at Lakeside Drive, on Rabbit Road at Montell Road, on Angostura Lane at Lakeside Drive, on Angostura Lane at Montell Road, on Montell Road at Lakeside Drive, and on Buzzard High Road at Lakeside Drive. All voting "Aye". MOTION PASSED.

24059 ACCEPT THE FY 2006 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER & COMPANY L.L.P. [T1-788]

Pat Wagner of Holtman, Wagner & Company LLP appeared before the court and briefly discussed the results of the 2006 financial audit. Charles O'Dell, Hays CAN, made public comment. A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the FY2006 Financial Audit for Hays County as prepared by the accounting firm of Holtman, Wagner & Company L.L.P. All voting "Aye". MOTION PASSED.

24060 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR HOMELAND SECURITY [T1-1002]

Emergency Management Coordinator Jeff Turner spoke of radios that were purchased and are to be distributed to ESD's and Fire Departments. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a Memorandum of Understanding for Homeland Security. All voting "Aye". MOTION PASSED.

24061 SET THE PRICE AND DISTRIBUTION POLICY FOR THE 2007 EDITION OF THE HAYS COUNTY ROAD ATLAS [T1-1125]

GIS/911 Addressing Manager Steve Floyd spoke of new road atlas for Hays County – the preferred method of distribution will be by CD at a cost of \$20.00. They will have a version geared to emergency services. Commissioner Barton spoke of postponing action on cost to be charged for books based on the actual cost for printing the books. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to set the price at \$20.00 for CD version of the 2007 Edition of the Hays County Road Atlas. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING OPTIONS FOR FUNDING HAYS COUNTY TXDOT PARTNERSHIP PROGRAM, PARKS AND OPEN SPACE CAPITAL PROGRAM, AND OTHER CAPITAL IMPROVEMENTS [T1-1314]

Maria Elena Gonzales, San Marcos resident and Dianne Wassenich, San Marcos resident, made public comment. Commissioner Conley spoke of possible May Election for a bond issue. Elections Administrator Joyce Cowan advised that there will be a constitutional amendment election held May 12th. Last day to order an election is March 12th. Financial Advisor Dan Wegmiller spoke of bonding amount needed to cover reimbursable and non-reimbursable funds for the TxDot Partnership Program (\$170 million) and Open Space Capital Program (\$20-20.5 million) and the amount of tax increase needed (2 cents = \$190 million). Commissioner Conley spoke in support of holding a bond election in May. Bond Counsel from Fulbright & Jaworski spoke of having a draft proposition ready for holding an election in May. [T1-2699] Mike Weaver of Prime Strategies spoke of numbers presented previously to the court regarding the state road projects. He spoke of considerations regarding RM 1826 and FM110 projects. [T2-203] Charles O'Dell, Hays CAN, made public comment.

**WORKSHOP RELATING TO AGRICULTURAL ISSUES** [T2-332]

County Extension Agent Bryan Davis spoke of meeting with several court members regarding agricultural issues, in particular regulated herbicides. The Hays County Vineyard community has concerns about damage to their crops caused by other agriculture uses. Jimmy Bush, with the Texas Dept. of Agriculture, spoke regarding regulation of pesticides in the State. He explained the different classifications of pesticides and the regulations that could be adopted by the county. [T2-720] Gary Elliott, Driftwood Vineyard, spoke of damage to his vineyard by the herbicide 24D. [T2-898] Mark Pina, Mandola Estate Winery, provided members of the court with an economic impact study from the wine industry. [T2-928] Jim Jansen, Jansen Family Farm, farms land on RM1626, RM967, and east of IH35 to Lockhart. He spoke of his cotton production and stated that he uses 24D to kill cotton stalks in the fall (Sept & Oct.) as required by law and he would not like to see regulations against this herbicide. [T2-1043] Harold Tietjen spoke of his hay production in Hays County and surrounding counties. He uses 24D primarily by commercial application and restrictions would hurt his production. [T2-1365] Dr. Buck Holmes, State Extension Weed Specialist, spoke of their being several formulations of 24D with different volatility and he spoke of alternatives which are more expensive. [T2-1606] Don Meador, Dreamcatcher Ranch, spoke of importance of getting rid of weeds for grazing livestock. He is not in favor of more regulations. [T2-1674] Jim Kamas spoke in favor of education and he spoke of commercial applicators being careful where they spray. Jimmy Bush, TDA, spoke of addressing complaints by investigation. [T2-2042] Brian Davis spoke of the job of the extension service is to educate the public.

WORKSHOP RELATING TO AGENDA GUIDELINES AND COMMISSIONERS' COURT MEETING TIMES [T2-2125]

Judge Sumter suggested having a regular meeting every other week and a workshop meeting on the weeks not having a regular meeting. Commissioner Barton spoke of previous courts having regular meetings every other week and it did not work out. Discussion was had regarding deadlines, backups, etc. Discussion was had regarding hiring a court coordinator for Commissioners' Court. Suggested deadline was 2:00 p.m. for turning in agenda request forms. Discussion was had regarding public comments.

24062 ACTION REGARDING APPOINTING A REPRESENTATIVE FROM A CITY WITHIN HAYS COUNTY TO THE CAMPO BOARD [T2-3327]

Commissioner Barton spoke of possible appointment of Buda Mayor John Trube or the Mayor of Kyle who has shown interest in the appointment. Commissioner Conley spoke of Buda, Kyle, and San Marcos being along the I35 corridor. Judge Sumter spoke of need to allow smaller cities to be notified of this appointment and provide their input. Discussion was had regarding setting a two year term to the appointment. **A motion was made by Commissioner Barton, seconded by Judge Sumter to ask the County Judge's office to contact the Mayor of all cities in the county that we are making an appointment to the CAMPO board and ask them to send in nominations no later than March 7, 2007 at 10:00 a.m. and notify them that this appointment would be for a term ending December 31, 2007. All voting "Aye". MOTION PASSED.**

24063 AUTHORIZE RESERVED PARKING SPACES FOR ELECTED OFFICIALS WHO WORK AT THE HAYS COUNTY JUSTICE CENTER IN SAN MARCOS [T3-197]

Commissioner Barton spoke of request for reserved parking spaces at the Justice Center for elected officials who work at the Justice Center. It can be difficult for them to keep to court schedules and there is an obvious security issue. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Director of Maintenance to reserve one parking space for each elected officials who work at the Hays County Justice Center in San Marcos. All voting "Aye". MOTION PASSED.**

24064 ESTABLISH A SALARY FOR THE SPECIAL COUNSEL TO THE COMMISSIONERS' COURT, EMPLOYED BY THE DISTRICT ATTORNEY, TO BE IN EXCESS OF THE MINIMUM SALARY SPECIFIED BY THE COUNTY PAY GUIDELINES [T3-288]

A motion was made by Commissioner Barton, seconded by Judge Sumter to establish a salary of \$65,000.00 for the Special Counsel to the Commissioners' Court, employed by the District Attorney, to be in excess of the minimum salary specified by the county pay guidelines. All voting "Aye". MOTION PASSED.

24065 SELECT A TRANSPORTATION WEBSITE TEMPLATE [T3-302]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to select the Transportation Website Template with the white county seal. All voting "Aye". MOTION PASSED.



24066

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POSSIBLE EMPLOYMENT AND/OR APPOINTMENT OF AN INTERIM DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT, OR AN INTERIM PLANNER, OR AN INTERIM DESIGN REVIEW CONSULTANT, TO WORK WITHIN OR OVERSEE THE ENVIRONMENTAL HEALTH DEPARTMENT AND/OR ASSIST THE COMMISSIONERS' COURT WITH ENVIRONMENTAL HEALTH ISSUES, SUBDIVISION AND DEVELOPMENT PLANNING, AND RELATED FUNCTIONS AND ACTION IN OPEN COURT, INCLUDING ACTION TO MAKE AN APPOINTMENT, TENDER AND OFFER, SET A SALARY OR RATE OF COMPENSATION

Court convened into closed executive session at 4:30 p.m. and reconvened into open meeting at 4:55 p.m. [T3-383] Commissioner Barton spoke of qualification and experience of Thomas L. Forest. A motion was made by Commissioner Barton, seconded by Judge Sumter to hire Thomas L. Forest as Director of Planning and Environmental Health on an interim basis not to exceed the end of this fiscal year as a temporary employee of the county - not eligible for county benefit package - and set his salary at \$7500 per month to be effective March 5, 2007. All voting "Aye". MOTION PASSED.

DISCUSSION RELATED TO THE JOB DUTIES TO BE ASSIGNED AN INTERIM ENVIRONMENTAL HEALTH DIRECTOR, AND/OR DUTIES THAT MIGHT BE ASSIGNED TO OTHER PERSONNEL WITHIN THE ENVIRONMENTAL HEALTH DEPARTMENT - OR OTHER COUNTY DEPARTMENTS - RELATED TO SUBDIVISION REVIEW, GROWTH MANAGEMENT, AND REGIONAL PLANNING

[T3-520] Commissioner Barton spoke of need for this position to be involved in planning issues.

ADJOURNMENT

I, LINDA C. FRITSCHÉ, 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 27, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 28th DAY OF FEBRUARY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 DEBBIE GONZALES INGALSBE
 JEFFERSON W. BARTON
 WILL CONLEY
 KAREN FORD
 LIZ GONZALEZ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 3
 COMMISSIONER, PCT. 4
 DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

WORKSHOP TO REIVEW OF HEALTH INSURANCE (EOY 9/30/06 AND 1ST QUARTER FOR FY '07 (OCT-DEC)), DEBRIEFING ON GASB 45 ANALYSIS, PROVIDED BY BURKE SUNDAY, SUNDAY AND ASSOCIATES.

Burke Sunday of Sunday and Associates spoke of the differences of Insurance of the past and they way they treat patients today. He also spoke of working closely with the Insurance Committee. We currently have approximately 584 employees on the core plan. The plan covers the first \$551.00. The Open Access In-Network Plan was made available to lower insurance rates for those who cover their dependants. He also spoke of the dental plan and being able to provide two dental plans for the employees and their families. This year we have been running less than 1% under the FY '05-'06 budget. Reserves have slowly increased annually. Mr. Sunday spoke of trying to keep the premiums down for those who have to carry their dependants. He also spoke of the National average being 13% and Hays County is an average of 8%. Mr. Sunday spoke of GASB and how we will be made to come into compliance by 10/1/08. We will not have to fund it at that time but it is wise to fund it. As Hays County stands we are very well funded. Britney Ritchie spoke of the two benefits the county provides and Mr. Sunday spoke of Hays County currently having 25 retirees and 20 that are actually receiving the \$100 insurance plan. Mr. Sunday spoke of the \$18,000 for the study that will have to be done 6 months prior to coming into compliance. And a study will have to be done every 24 months. Accrued liability for current retirees - \$8,278,415; future liability is \$6,563,140; total liability \$14,841,555. Mr. Sunday spoke of different plans that might help. Hays County will have to pay out approximately \$2.9 million per year for GASB 45 at current status. Even if Hays County lowered the amount that the county supplements, it would increase the amount that we would have to pay out to GASB 45. Pat Wagner of Holtman, Wagner & Company LLP, spoke of liabilities to fund for GASB 45.

DISCUSSION REGARDING OPTIONS FOR FUNDING HAYS COUNTY TXDOT PARTNERSHIP PROGRAM, PARKS AND OPEN SPACE CAPITAL PROGRAM AND OTHER CAPITAL IMPROVEMENTS.

[T1-2174] Discussion was had about the different propositions. Commissioner Ford spoke of having language from different counties we might want to use on the proposition. Commissioners spoke of maybe putting all roads as one vote rather than all separated. Discussion was had about McCarty Lane and how it came to be part of the loop. Commissioner Ingalsbe spoke of McCarty Lane being part of the loop discussion since 1984. Commissioner Barton spoke of maybe having the election in November rather than May. Discussion was had about contact sensitive design. Discussion was had about CR 110 and the San Marcos Loop. Discussion was had about being much more clear as far as, what roads, how wide, and how long are the roads. Richard Salmon spoke of parks project and property available at this time that won't be available in the future.

Court was adjourned.

I, LINDA C. FRITSCH, 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 28, 2007.



Linda C. Fritsche
 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





MARCH 6, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 6TH DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Mike Plumpt Klumpp, Pastor of Grace Point Fellowship Church in Dripping Springs gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Constable Pct. 2 James Kohler introduced Mark Blanton as his new Deputy Constable. District Judge Charles Ramsay spoke of health benefits for a retiring court reporter.

24067 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$989197.22 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24068 APPROVE BUDGET AMENDMENT 07-11

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Budget Amendment #07-11 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24069 APPROVE MINUTES OF FEBRUARY 26, 27, 28, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve Minutes of February 26, 27, & 28, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24070 APPROVE THE HIRING OF GRAHAM & ASSOCIATES TO PROVIDE APPRAISALS OF PROPERTIES ALONG MCCARTY LANE FOR THE AMOUNT OF \$950 PER PARCEL

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the hiring of Graham & Associates to provide appraisals of properties along McCarty Lane for the amount of \$950 per parcel. All voting "Aye". MOTION PASSED

[PCT. 3 #07-3-07, 5 LOTS] BURNETT RANCH SECTION 2 RESUB OF LT 14 - PUBLIC HEARING AND POSTPONED APPROVAL OF FINAL PLAT [T1-70]

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. Ron Ancelet voiced his concerns. Toni Gallucci voiced her concerns. Lon Breitenbach, owner of Lot 14, spoke in response to concerns that were raised. Subdivision Coordinator Sandra Irvin spoke of notices that were sent out. Jack Hollon, Hays Trinity Groundwater Conservation District, answered questions asked by Commissioner Conley and Commissioner Conley asked that Mr. Breitenbach contact the Hays Trinity Groundwater Conservation District. Commissioner Conley requested postponement of action at this time. Judge Sumter closed the public hearing.

24071 [PCT. 4 #06-4-026, 1 LOT] HIGHPOINTE PHASE 3 SECTION 2 - APPROVAL OF FINAL PLAT [T1-409]

Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. Commissioner Ford advised that this will be a condominium regime - it is on public water supply and a wastewater system. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Highpointe Phase 2 Section 2". All voting "Aye". MOTION PASSED



Clerk's Note: Agenda Item #7 RE: CALL FOR A PUBLIC HEARING ON MARCH 20, 2007 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF COTTONWOOD ROAD was PULLED. No discussion and no action taken.

24072 ALLOCATE FUNDS FOR UPGRADE OF TELEPHONE SYSTEM AT PERSONAL HEALTH DEPARTMENT [T1-438]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve allocation of funds for upgrade of telephone system at Personal Health Department. All voting "Aye". MOTION PASSED

24073 ACTION TO FUND A PERMANENT, PART-TIME DEPUTY CLERK II POSITION FOR THE PCT 4 OFFICE OF JUSTICE OF THE PEACE [T1-454]

Justice of the Peace Pct. 4 Terry Kyle spoke of need for a part-time Deputy Clerk II position. County Auditor Bill Herzog spoke of various places to pull funding for this position. Judge Kyle will need to resubstantiate the need for this position during the upcoming budget process. A motion was made by Commissioner Ford, seconded by Judge Sumter to fund a permanent part-time Deputy Clerk II position for the Pct. 4 office of Justice of the Peace. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #9 RE: DISCUSSION AND POSSIBLE ACTION TO RETAIN KELLY HART & HALLMAN LLP TO PROVIDE REGULATORY AND LEGAL SERVICES TO HAYS COUNTY REGARDING THE COUNTY'S SUBDIVISION AND DEVELOPMENT REGULATIONS was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #10 RE: DISCUSSION AND POSSIBLE ACTION TO RETAIN NAISMITH ENGINEERING, INC. TO ASSIST HAYS COUNTY COMMISSIONERS' COURT WITH THE REVIEW AND REVISION OF DEVELOPMENT STANDARDS FOR HAYS COUNTY was PULLED. No discussion and no action taken.

24074 ACCEPT THE FINANCIAL REPORT AND THE ANNUAL REPORT TO THE COMMISSIONERS' COURT FROM HAYS COUNTY ESD #4 [T1-749]

A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the financial report and the annual report to the Commissioners' Court from Hays County ESD #4. All voting "Aye". MOTION PASSED

24075 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A USE OF PREMISES AGREEMENT BETWEEN HAYS COUNTY, HAYS COUNTY CIVIC CENTER MANAGER, L.U.L.A.C. AND VIVA! CINCO DE MAYO [T1-762]

Commissioner Ingalsbe advised that the Cinco de Mayo organization has acquired a storage trailer which they would like to place at the civic center. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a use of premises agreement between Hays County, Hays County Civic Center Manager, L.U.L.A.C. and Viva! Cinco de Mayo. All voting "Aye". MOTION PASSED

24076 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH FUGRO CONSULTANTS, INC. FOR GEOTECHNICAL INVESTIGATION OF THE HAYS COUNTY PRECINCT 4 OFFICE BUILDING SITE IN DRIPPING SPRINGS [T1-810]

Commissioner Ford spoke of proposal from Fugro Consultants Inc. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to enter into a contract with Fugro Consultants Inc. for geo-technical investigation of the Hays County Precinct 4 office building site in Dripping Springs pending approval by Special Counsel. All voting "Aye". MOTION PASSED



DISCUSSION REGARDING THE ORDERING OF A BOND ELECTION TO BE HELD IN HAYS COUNTY, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND PROVIDING AN EFFECTIVE DATE [T1-849]

Commissioner Conley spoke of discussions the court has had regarding roads and parks/open space issues. Richard Schneider, Executive Director of the Buda Area Chamber of Commerce, spoke in support of a bond election. Warren Kettman, Buda Economic Development, spoke in support of a bond election and he spoke of new development in the Buda/Kyle area. Maria Elena Gonzales, San Marcos resident, read from an article from Texas Monthly online suggesting postponement of bond elections until after the Legislature meets. Todd Derkucz, San Marcos Greenbelt Alliance, spoke in support of parks and open space issues. [T1-1230] Charles O'Dell, President of Hays CAN, spoke of 2000 road bond issue. Terry Tull, Goldenwood property owner & member of the advisory committee of the Hill Country Alliance, spoke in support of parks and open space. He spoke of need to address safety issues on county roads. Hanlon Skillman Spoke of road issues - he opposes pass through financing. [T1-1498] Pokey Rehmet, Wimberley resident, urged the court to call for an election. He supports open space and parks. Michael Pape, Wimberley resident, spoke in support of open space and parks. Jack Hollon, Wimberley resident, spoke of Ranch Road 12 project. He felt like more of the bond money should go toward parks and open space. David Baker, Wimberley Valley Watershed Association Board, spoke of Parks & Open Space Master Plan that was developed and he urged the court to move forward with the initiative. [T1-1745] Dubb Smith, Dripping Springs resident, spoke in support of holding a bond election. He would like to see FM1826 safety improvements on the bond issue. Jim Green, San Marcos resident, spoke in support of the road bond election, including FM1826. Charles Ruth, lives on FM1826, spoke of issues he has with TxDot. Dianne Wassenich, San Marcos resident, supports open space and parks. [T1-2170] Commissioner Conley spoke of Habitat Conservation Plan (HCP). Allen Glenn, HCP legal advisor, spoke of grant pool for habitat preservation and conservation banking and he spoke of habitat protection and endangered species be included in the bond issue. Mike Weaver, Prime Strategies, advised that dollars are budgeted for environmental mitigation. [T1-2542] Commissioner Barton spoke of preserving areas of Hays County and improving roadways across the county.

[T2-1491] Commissioner Conley spoke of change in Proposition #2 ballot language:

"The issuance of \$_____ of Hays County Tax Bonds for the preservation of water quality, water quantity, wildlife habitat, and for parks, open space, natural areas and related projects and levying of taxes in payment thereof"

Commissioner Ford spoke of not being ready to move forward with a proposition regarding FM 1826. She spoke of this being a cost sharing program not a pass through financing project. Commissioner Conley gave history of the 2001 road bond projects and changes made by the Legislature in funding state road improvements. Commissioner Barton spoke of need for improvements to Dacy Lane (located in Pcts. 1 & 2) and he spoke of possible extension of FM1626 from I35 to SH21. Road Supt/Engineer Jerry Borcharding spoke of funding needed for Fischer Store Road, CR266, and other unnamed county roads and acquisition of right-of-way to address safety issues. Commissioner Barton spoke of possible drainage study to address flooding issues on county roads. Jerry Borcharding spoke of cost differences between chip seal and hot mix. Discussion was had regarding having three propositions (2 road propositions) instead of two (roads and parks/open space). [T2-3100] Commissioner Ford spoke of a \$12 million proposition to address Dacy Lane (\$ 2.5 mil), FM1826 (\$7.5 mil), and CR266 & drainage study (\$2.0 mil). [T3-128] County Auditor spoke of possible costs involved in separating bond packages. The consensus of the court is for a park package @ \$30 million. Court to consider two road packages on Friday.

Clerk's Note: Agenda Item #16 RE: DISCUSSION AND POSSIBLE ACTION TO APPROVE HIRING NAISMITH ENGINEERING FOR THE SITE PLANNING SERVICES FOR THE NEW PCT. 4 OFFICE BUILDING was PULLED. No discussion and no action taken.

Commissioner Barton introduced two new staff members: Special Counsel Mark Kennedy and Temporary Environmental Health Director Tom Forrest.




WORKSHOP RELATING TO PARKS AND OPEN SPACE REVIEW [T1-2802]

Grants Administrator Richard Salmon spoke of current bond dollars used to obtain grants. David Baker spoke. Richard Salmon spoke of pages 37 & 39 of the Master Plan. Twenty-six meetings were held for Master Plan. The national average is 10 acres per thousand population and Hays County is at 0.59 acres. Todd Derkacz, Greenbelt Alliance, spoke of ways to determine the needs for parks and open space. Mike Blizzard with Opinion Analyst spoke of opinion poll regarding road and parks/open space bond issue. There was very strong support of the parks/open space and the road bonds. The strongest reason was to preserve water quality and protect the drinking water supply. Approving the bonds would cost an average of \$60-65 per year to taxpayers. Mr. Blizzard spoke of how they determined who to poll: a voter file based on voting history. Discussion was had regarding a \$30 million bond package for parks and open space. David Baker spoke of the organizations/groups that help to fund the survey. Diane Wassenich spoke of water quality. Financial Advisory Dan Wegmiller spoke of tax increase for debt of \$190-195 million and flexibility of the debt. Charles O'Dell spoke of hardship for people with limited income. George Coffey, Executive Director of Hill Country Conservancy, provided maps of the San Antonio - Austin corridor and he spoke of the Storm Ranch and the Onion Creek Natural area. Discussion was had regarding conservation easements. [T2-1474] Commissioner Ford suggested creation of a citizens group to provide input if the parks and open space bond passes.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 MARCH 6, 2007.




**LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS**





MARCH 9, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9TH DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER

COUNTY JUDGE

JEFFERSON W. BARTON
 WILL CONLEY
 KAREN FORD
 LIZ GONZALEZ

COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 3
 COMMISSIONER, PCT. 4
 DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS: DEBBIE GONZALES INGALSBE, COMMISSIONER, PCT. 1 was not present for this meeting.

Judge Sumter called the meeting to order,

DISCUSSION AND POSSIBLE ACTION TO ORDER A BOND ELECTION TO BE HELD IN HAYS COUNTY, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND PROVIDING AN EFFECTIVE DATE.

Mark Kennedy, Special Counsel gave an overview of the language for the parks. Dan Wegmiller spoke. David Baker spoke about water protection. Commissioner Ford spoke of water quantity, she spoke of letting voters know that we will not be acquiring water rights, but preserving the quality of water. Commissioner Barton spoke of adding the language of protection of aquifer recharge areas. Commissioner Barton spoke of meeting he had with about 40-50 residents and the consensus was that the people were in favor of the parks bond and only a few that weren't in favor of the roads bond. Commissioner Conley also spoke of a meeting he had attended and had similar situations. He also spoke of the residents anxious to voice their opinions on the ballots. Commissioner Ford spoke of RM 1826. She spoke of bringing that road in for safety issues (ie...shoulders, turn lanes, resurfacing). She also spoke of acquiring 100 feet of ROW we currently have 60 feet. Discussion was had about the money the state will give the project \$5 million. The project total is \$20 million. Discussion was had about chip seal vs. hot mix seal. County Auditor asked about new development that might help fund part of the upgrade on 1826. Charles O'Dell of Hays CAN spoke. Discussion was had about the other roads that will be part of the bond project. The projects were talked about and the bond amount needed; pass-through \$173 million; 1826 \$10 million; Dacy Lane \$2 million; State Hwy 21 \$2 million. Mark Kennedy, Special Counsel, spoke of bond money from the pass-through could not be used on other roads not specified in it. Discussion was had about putting all the roads in as one package, and about putting RM 1826 on its own. Dan Wegmiller spoke of package deal has better flexibility. Dianne Wassenich spoke. Todd Derkacz spoke.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 MARCH 9, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12TH DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

24077 ACTION TO ORDER A BOND ELECTION TO BE HELD IN HAYS COUNTY, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND PROVIDING AN EFFECTIVE DATE

PARKS

Attorney Jeff Kuhn, Fulbright & Jaworski, appeared before the court. Discussion was had regarding wording of the proposition. [T1-229] A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the issuance of general obligation bonds in the amount of \$30,000,000.00 for parks, natural areas, open space, and related projects, and the preservation of water quality, aquifer recharge areas, and wildlife habitat. All voting "Aye". MOTION PASSED.

ROADS

Commissioner Barton provided a resolution for consideration regarding number of propositions to be voted on. Special Counsel Mark Kennedy and Jeff Kuhn advised that this resolution should be considered as a statement and not a resolution. Commissioner Barton advised that he is proposing three propositions: (1) one proposition for the general package of state road improvements where feasibility studies have been underway for several years and which have been considered together in repeated public meeting, workshops, presentations and reports in 2006 and 2007, this proposition to include also other county projects as deemed prudent by the Court, including but not limited to the further extension of FM1626 and areas around its intersection with Dacy Lane; (2) one proposition for FM1826; and (3) one proposition for parks. Commissioner Barton spoke of economic development issues. Judge Sumter felt like SH21 has already been committed and monies are available to address the safety issues. She feels like the other roads (FM1626, Loop 110, & RR12) are mobility issues and FM1826, Dacy Lane, Fisher Store Road, CR266, and drainage issues are safety issues. Jeff Kuhn explained language in proposed propositions. Commissioner Ford spoke of having a proposition that addresses safety issues on FM1826, SH21, Dacy Lane, drainage, etc. [T1-836] Charles O'Dell, Hays CAN, spoke. [T1-907] Janet Acord spoke. Commissioner Ford advised that she would not support a proposition with just FM1826 on it. [T1-1329] Mike Weaver, Prime Strategies, spoke of progress on SH21.

A motion was made by Commissioner Barton, seconded by Commissioner Conley to include roads styled as Loop 110, RR12, State Highway 21, and FM1626, and also possibly certain county road projects if excess funds are available. MOTIONS WITHDRAWN

[T1-1233] A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Proposition One to include SH21, FM1626, Loop 110, and RR12. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED.

[T1-1504] Commissioner Barton spoke of various options. Commissioner Conley spoke of putting State roads in one proposition and county roads in another proposition. Commissioner Ford spoke of a proposition to address FM1826, Dacy Lane, and other county road projects that are needed for safety or economic development, and drainage improvement study. Commissioner Conley spoke of need for ROW acquisition on Fisher Store Road. County roads that were not completed in the previous bond projects were Mt. Gainor Road and Fisher Store Road. There are funds to complete Mt. Gainor (\$500,000 for fencing, materials for minimal improvements, and clear the new right-of-way). Discussion was had regarding changing low water crossings to bridges. Mike Weaver spoke of funding amounts for various projects. Commissioner Ford spoke of Proposition in the amount of \$10 million for FM1826 to address safety issues. Commissioner Barton spoke of Dacy Lane improvements in the amount of \$3.5 million. Commissioner Ford spoke of Fischer Store Road (\$500,000), other county roads projects and drainage issues (\$500,000), and CR266 (\$500,000 for ROW). A total of \$15 million for second road proposition was discussed. Road Supt/Engineer Jerry Borcharding spoke of CR266, Centerpoint Road, and Posey Road (will need improvements because of new high school on CR266). Commissioner Barton and Commissioner Conley advised that they prefer to have one road package. Commissioner Ford spoke in favor of two road packages. Jeff Kuhn advised that countywide drainage improvement study must be directly tied to roads. Commissioner Ingalsbe spoke of her concerns.



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[T1-2915] A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Road Proposition Two to include construction and safety improvements on FM1826, Dacy Lane, for right-of-way purchase on Fisher Store Road and Old Bastrop Highway (CR266), and any other county road whose needs for right of way, reconstruction and/or safety improvements can be met under this obligation and for a countywide study that relates to drainage issues on other state and county roadways. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "No". Commissioner Ford and Judge Sumter voting "Aye". MOTION FAILED. [T1-3365] A motion was made by Commissioner Conley, seconded by Commissioner Ford to include FM 1826 in Proposition One. All voting "Aye". MOTION PASSED [WAS RESCINDED BELOW]. Commissioner Barton spoke of need to include money for Dacy Lane, countywide drainage issues, R-O-W on Fisher Store Road, etc. Discussion was had regarding a \$182 million road bond issue. [T2-60] A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to rescind previous action and remove FM1826 from Proposition One. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED.

A motion was made by Commissioner Conley, seconded by Commissioner Barton to accept a dollar amount of \$172,000,000 and the following language for Proposition One: "The issuance of \$172,000,000.00 of Hays County Road Bonds for county road construction and improvement, and for constructing and improving FM1626, RR12, and FM110 – roadways that are subject to an existing TxDot Partnership Agreement – and for State Highway 21; and the levying of a tax in payment thereof". All voting "Aye". MOTION PASSED.

Commissioner Barton spoke in support of a motion that would provide for R-O-W on FM1826 and other considerations discussed earlier (Fisher Store Road, Dacy Lane, CR266, countywide drainage). Discussed \$6.5 million for right-of-way. Commissioner Ford spoke of going out to the voters within the next twelve months with a proposition regarding FM1826. Jeff Kuhn spoke of there being other ways to raise capital outside of the bond proposition.

[T2-540]

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt an Order calling a bond election to be held in Hays County, Texas; making provision for the conduct of the election; making provision for the conduct of a joint election with various political subdivisions; resolving other matters incident and related to such election; and providing an effective date; with two propositions on that bond, the first one being "The issuance of \$172,000,000.00 of Hays County Road Bonds for County road construction and improvement, and for constructing and improving FM 1626, RR 12, and FM 110 – roadways that are subject to an existing TxDot Partnership Agreement – and for State Highway 21; and the levying of a tax in payment thereof", and the second one being "The issuance of \$30,000,000.00 of Hays County road bonds for parks, natural areas, open space, and related projects, and the preservation of water quality, aquifer recharge areas, and wildlife habitat, and the levying of a tax in payment thereof". All voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 MARCH 12, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 13TH DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, David Skinner, Sr Pastor of the Dripping Springs United Methodist Church gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags.

24078 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF NATIONAL AGRICULTURAL WEEK IN TEXAS, MARCH 18 - 24, 2007

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a Proclamation of the Hays County Commissioners Court in support of National Agricultural Week in Texas, March 18-24, 2007. All voting "Aye". MOTION PASSED

24079 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$492,609.51 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24080 APPROVE BUDGET AMENDMENT 07-12

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment #07-12 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24081 APPROVE MINUTES OF MARCH 6, 2007

Commissioner Ford requested a correction to the minutes: the invocation was given by Mike Klumpp, not Mike Plumt. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the Minutes of March 6, 2007 as presented by the County Clerk with requested correction. All voting "Aye". MOTION PASSED

24082 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PLANNED MAINTENANCE AGREEMENT WITH CLIFFORD POWER SYSTEMS INC. TO MAINTAIN THE GENERATORS AT THE JUSTICE CENTER

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute a Planned Maintenance Agreement with Clifford Power Systems Inc. to maintain the generators at the Justice Center. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #5 RE: APPROVE CONTINUATION OF THE HAYS COUNTY BURN BAN was PULLED. No discussion and No action taken.

24083 APPROVAL TO AMEND LIST OF PRE-QUALIFIED CIVIL ENGINEERING FIRMS TO INCLUDE NAISMITH ENGINEERING, DAVID VENHUIZEN AND ERIN BANKS AND ASSOCIATES

Commissioner Barton advised that he is not opposed to this firm, only the procedure. Discussion was had regarding updating the list and redoing the process. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve amending list of pre-qualified civil engineering firms to include Naismith Engineering, David Venhuizen and Erin Banks and Associates. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton Voting "No". MOTION PASSED



24084 [PCT. 2 #03-2-87, 4 LOTS] ROLLING HILLS ESTATES RESUBDIVISION OF LOT 20 BK 2 CALL FOR A PUBLIC HEARING ON MARCH 27, 2007, AND APPROVE PRELIMINARY PLAN

[T1-197] Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. Commissioner Barton advised that a formal variance application for the shared access driveway will be submitted at final reading. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on March 27, 2007 and approve preliminary plan for "Rolling Hills Estates Resubdivision of Lot 20 Block 2". All voting "Aye". MOTION PASSED**

24085 [PCT. 3 #07-3-07, 5 LOTS] BURNETT RANCH SECTION 2 RESUBDIVISION OF LOT 14 - APPROVE FINAL PLAT [T1-221]

Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. Lon Breitenbech spoke of addressing concerns of area residents. Andy Grubbs, a licensed Geo-Scientist, spoke of a little fissure (runoff cave) on the property and grapevine cave. He spoke of voluntary compliance with a 150 feet setback. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Burnett Ranch Section 2 Resub of Lot 14". All voting "Aye". MOTION PASSED**

28086 [PCT. 4 #06-4-079, 5 LOTS] VINEYARD RIDGE - APPROVE FINAL PLAT [T1-390]

Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Vineyard Ridge". All voting "Aye". MOTION PASSED**

24087 ACCEPT BOND RECONSTRUCTION OF HILLSIDE TERRACE AND AUTHORIZE FINAL PAYMENT OF CAPITOL EXCAVATION [T1-411]

Road Supt./Engineer Jerry Borcharding gave staff recommendation to accept reconstruction and authorize final payment. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept bond reconstruction of Hillside Terrace and authorize final payment of Capitol Excavation. All voting "Aye". MOTION PASSED**

24088 CALL FOR A PUBLIC HEARING ON MARCH 27, 2007 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF COTTONWOOD ROAD [T1-430]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on March 27, 2007 to establish traffic regulations All voting "Aye". MOTION PASSED

24089 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR HIGH POINTE SUBDIVISION, PHASE 1 SECTION 1

[T1-454] Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release. Roads are private and no maintenance bond is required. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction/drainage improvements and release the construction bond for "High Pointe Subdivision Phase 1 Section 1". All voting "Aye". MOTION PASSED**

24090 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR HIGH POINTE SUBDIVISION PHASE 2 SECTION 1 AND SECTION 2A

[T1-454] Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release. Roads are private and no maintenance bond is required. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction/drainage improvements and release the construction bond for "High Pointe Subdivision Phase 2 Section 1 and Section 2A. All voting "Aye". MOTION PASSED**

24091 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS FOR HIGH POINTE SUBDIVISION PHASE 3 SECTION 2A

[T1-454] Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction/drainage improvements for "High Pointe Subdivision Phase 3 Section 2A". All voting "Aye". MOTION PASSED**



24092 ACCEPT ROAD CONSTRUCTION/DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION, PHASE 3, SECTION 11B [T1-473]

Road Supt/Engineer Jerry Borchering gave staff recommendation for acceptance and release. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction/drainage improvements and release the construction bond and acceptance of the maintenance bond for two years for "Belterra Subdivision Phase 3 Section 11B". All voting "Aye". MOTION PASSED

24093 ADOPT A RESOLUTION OF SUPPORT FOR THE JACOB'S WELL NATURAL AREA PROJECT [T1-529]

Patrick Cox, President of Wimberley Valley Watershed Assoc., spoke in support of the project. David Baker and Winton Porterfield spoke in support of the parks bond election and the resolution of support being adopted. A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a Resolution of Support for the Jacob's Well Natural Area Project. All voting "Aye". MOTION PASSED

24094 AUTHORIZE PURCHASE OF A LIEBERT 5 TON DOWNFLOW AIR CONDITIONING UNIT FOR THE COMPUTER EQUIPMENT ROOM AT THE JUSTICE CENTER [T1-710]

Maintenance Supervisor Ron Knott and IT Director Jeff Magill appeared before the court and spoke of need to replace the current unit. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve purchase of a Liebert 5 Ton Downflow Air Conditioning Unit for the computer equipment room at the Justice Center in the amount of \$19,908.00 to be paid out of contingency funds. All voting "Aye". MOTION PASSED

24095 APPROVE REQUEST FOR FUNDS TO UPGRADE EMERGENCY SYSTEMS IN THE 9-1-1 COMMUNICATIONS CENTER [T1-845]

Emergency Management Coordinator Jeff Turner spoke of need to upgrade the emergency systems in the 9-1-1 Communications Center. Deputy Sheriff Dennis Gutierrez spoke in support of upgrade. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve request for funds to upgrade emergency systems in the 9-1-1 Communications Center in the amount of \$13,963.32 to be funded out of contingencies. All voting "Aye". MOTION PASSED

24096 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$31,000 GRANT FROM TXDOT FY 2007 SECTION 5310 PROGRAM AND TO PROVIDE \$7,750 IN MATCHING FUNDS TO PURCHASE GAS FUELED ACCESSIBLE MINIVAN FOR COUNTY VA SERVICES

[T1-941] Grants Administrator Richard Salmon explained the grant. Purchase would not be until next fiscal year. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to accept \$31,000 grant from TxDot FY2007 Section 5310 Program and to provide \$7,750 in matching funds to purchase gas fueled accessible minivan for county VA services. All voting "Aye". MOTION PASSED

24097 APPROVE BUDGET CALENDAR FOR FY 2008 BUDGET [T1-998]

County Auditor Bill Herzog presented the FY2008 Budget Calendar. Budget workshops will be held between August 1 - 14th and on September 12, 2007 the court will set the tax rate and levy taxes, adopt the budget and set salaries for elected officials. A motion was made by Commissioner Barton, seconded by Judge Sumter To approve Budget Calendar for FY2008 Budget. All voting "Aye". MOTION PASSED

24098 ACTION TO HIRE AN ENGINEERING/SURVEYING FIRM FOR PROVIDING PLAN/PROFILE/CROSS-SECTION DOCUMENTS AND CONSTRUCTION STAKING FOR THE WIDENING OF BEBACK INN ROAD [T1-1083]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to hire Pro-Tech Engineering, not to exceed \$7500, for providing plan/profile/cross-section documents and construction staking for the widening of Beback Inn Road. All voting "Aye". MOTION PASSED

24099 APPROVE POSTING OF PUBLIC NOTICE OF HAYS COUNTY'S INTENTION TO AMEND FILING FEES ON ALL CIVIL SUITS [T1-1122]

Commissioner Ford spoke of new legislation. Draft language for public notice: "Hays County intends to seek legislation that would increase the filing fee on all civil suits by an amount not to exceed \$20 to be placed in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the Hays County civil courts." Discussion was had regarding \$20 amount - change to NTE \$30. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve posting of public notice of Hays County's intention to amend filing fees on all civil suits. All voting "Aye". MOTION PASSED



24100 ADOPT A RESOLUTION SUPPORTING THE CREATION OF A MUD (MUNICIPAL UTILITY DISTRICT) LOCATED OFF FISHER STORE ROAD IN WIMBERLEY [T1-1221]

Charles O'Dell, Hays CAN, spoke. A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a resolution supporting the creation of a MUD (Municipal Utility District) located off Fisher Store Road in Wimberley. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford voting "No". MOTION PASSED

24101 APPROVE HIRING NAISMITH ENGINEERING FOR THE SITE PLANNING SERVICES FOR THE NEW PCT. 4 OFFICE BUILDING AND AUTHORIZE COMMISSIONER FORD TO NEGOTIATE CONTRACT WHICH WILL BE BROUGHT BACK BEFORE THE COURT FOR APPROVAL [T1-1398]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve hiring Naismith Engineering for the site planning services for the new Pct. 4 office building and authorize Commissioner Ford to negotiate contract which will be brought back before the court for approval. All voting "Aye". MOTION PASSED

24102 PRESENTATION REGARDING TREASURER'S REPORT AND APPROVE SEPTEMBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT [T1-1510]

Britany Richie, Treasurer's office Accountant, gave a slide show presentation giving an overview of the Treasurer's report and investment report. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the September 2006 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

24103 APPROVE R-O-W LICENSE AGREEMENT WITH DRIPPING SPRINGS ISD [T1-1933]

Road Supt/Engineer Jerry Borcharding spoke in support of the agreement. Special Counsel Mark Kennedy recommended that Indemnification clause be "all capped". Charles O'Dell, Hays CAN, spoke. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve R-O-W License Agreement with the Dripping Springs ISD as recommended. All voting "Aye". MOTION PASSED

24104 RETAIN NAISMITH ENGINEERING, INC. TO ASSIST HAYS COUNTY COMMISSIONERS' COURT WITH THE REVIEW AND REVISION OF DEVELOPMENT STANDARDS FOR HAYS COUNTY [T1-2135]

Special Counsel Mark Kennedy spoke of need to clarify a number of terms before proceeding. A motion was made by Commissioner Ford, seconded by Judge Sumter to allow the County Judge, with support of Special Counsel, to retain Naismith Engineering Inc. to assist Hays County Commissioners' Court with the review and revision of development standards for Hays County. Motion amended to include the Environmental Health Director to the review process. To be paid from contingency funds. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #28 RE: APPOINT A SMALL CITY ELECTED OFFICIAL REPRESENTATIVE TO CAMPO was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #29 RE: ADOPT STATE STANDARDS REGARDING SETBACK REQUIREMENTS, DRIVEWAY SPACING, AND DRIVEWAY CONSTRUCTION STANDARDS ON WINTERS MILL PARKWAY was PULLED. No discussion and no action taken.

24105 EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY IN OR AROUND THE CITY OF KYLE, TEXAS

Court convened into closed executive session at 11:45 a.m. Re: Seton Health Care and reconvened into open meeting at 12:50 p.m. [T1-2465]

A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint a committee consisting of Commissioner Ingalsbe, Commissioner Barton, Special Counsel Mark Kennedy, and Planning Director Tom Forrest, with technical support from Road Director Jerry Borcharding and County Auditor Bill Herzog, to negotiate and meet on behalf of the county with the City of Kyle and representatives from Seton Health Care to discuss possible economic incentives. All voting "Aye". MOTION PASSED

Court was adjourned.



I, LINDA C. FRITSCHER, 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 MARCH 13, 2007.



Linda C. Fritsche

LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 20th DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, Nancy Marroquin - Pastor of the Dripping Springs Presbyterian Church - gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

24106 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 1,088,467.25 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24107 APPROVE BUDGET AMENDMENT 07-13

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Budget Amendment #07-13 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24108 APPROVE MINUTES OF MARCH 9, 12, 13, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Minutes of March 9, 12, & 13, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24109 APPROVAL TO HOLD ON-LINE AUCTION FOR SHERIFF'S DEPARTMENT SALVAGE VEHICLES W/RENE BATES AUCTIONEERS AND AUTHORIZE PURCHASING TO ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve holding an on-line auction for Sheriff's Department salvage vehicles with Rene Bates Auctioneers and authorize Purchasing to advertise. All voting "Aye". MOTION PASSED

24110 APPROVE THE SPECIFICATIONS TO REPLACE THE ROOF AT THE HAYS COUNTY CIVIC CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the specifications to replace the roof a the Hays County Civic Center. All voting "Aye". MOTION PASSED

24111 [PCT. 4 #06-4-064, 3 LOTS] SPRINGLAKE TRACT 90 - APPROVE PRELIMINARY PLAN

[T1-55] Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Springlake Tract 90". All voting "Aye". MOTION PASSED

24112 [PCT. 4 #06-4-10, 40 LOTS] THE VINEYARD PHASE 1 - APPROVE FINAL PLAT [T1-65]

Subdivision Coordinator Sandra Irvin gave staff recommendation for final plat approval. Hanlon Skillman spoke in opposition to this subdivision. Special Counsel Mark Kennedy gave approval to the Letter of Credit. Commissioner Ford spoke of being in the process of revising the subdivision rules and regulations. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "The Vineyard Phase 1" and accept Letter of Credit for construction of road and drainage improvements. All voting "Aye". MOTION PASSED



24113 [PCT. 4 #07-4-03, 3 LOTS] VISTA RANCH REPLAT TRACT A - APPROVE PRELIMINARY PLAN [T1-195]

Subdivision Coordinator Sandra Irvin gave staff recommendation for preliminary plant approval. City of Dripping Springs has already given their approval. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plat of "Vista Ranch Replat Tract A". All voting "Aye". MOTION PASSED

24114 CALL FOR A PUBLIC HEARING ON APRIL 3, 2007 TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX EMPLOYEE PARKING LOT(S) [T1-214]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on April 3, 2007 to establish traffic regulations and enforcement for parking restrictions at the courthouse annex employee parking lots. All voting "Aye". MOTION PASSED

24115 CALL FOR A PUBLIC HEARING ON APRIL 3, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON SAWYER RANCH ROAD, CR 164 [T1-222]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for 25 MPH during construction of roadway. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on April 3, 2007 to establish traffic regulations on Sawyer Ranch Road (CR164). All voting "Aye". MOTION PASSED

24116 CALL FOR A PUBLIC HEARING ON APRIL 3, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION, PHASE 3 [T1-235]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on April 3, 2007 to establish traffic regulations in Creek Road Ranch Subdivision Phase 3. All voting "Aye". MOTION PASSED

24117 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PAULS VALLEY ROAD [T1-244]

Judge Sumter called the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of a STOP sign on Pauls Valley Road at its intersection with Fitzhugh Road. All voting "Aye". MOTION PASSED

24118 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT RENEWAL APPLICATION FOR UP TO \$102,402 TO THE DEPARTMENT OF STATE HEALTH SERVICES FOR IMMUNIZATION SERVICES FOR FY 08 [T1-257]

Health Department Director Nick Icosipentarios explained the grant. This is a renewal grant to continue to provide immunization services. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to submit grant renewal application for up to \$102,402 to the Department of State Health Services for immunization services for FY08. All voting "Aye". MOTION PASSED

24119 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION FOR \$89,939 TO THE DEPARTMENT OF STATE HEALTH SERVICES TO IMPLEMENT THE IMMTRAC PROGRAM [T1-296]

Health Department Director Nick Icosipentarios explained the grant. Grant funds will be used to hire 2 employees to provide outreach, education and follow up for Hays County families of children who consent to participate in the statewide immunization registry. DSHS will provide \$89,939 which is 100% of total costs for salary, benefits, travel and supplies for the new employees. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant application for \$89,939 to the Department of State Health Services to implement the IMMTRAC Program. All voting "Aye". MOTION PASSED



24120 APPROVE SPECIFICATIONS FOR BID #2007-B03 PAVING & DRAINAGE IMPROVEMENTS FOR THE HAYS COUNTY JUVENILE DETENTION CENTER AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE [T1-352]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve specifications for Bid #2007-B03 Paving & Drainage Improvements for the Hays County Juvenile Detention Center and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

24121 AUTHORIZE THE COUNTY JUDGE AND STAFF TO NEGOTIATE AN AGREEMENT FOR RECYCLE OF COMPUTER EQUIPMENT THAT IS NO LONGER OF VALUE OR USE TO THE COUNTY AND DISPOSE OF THE PROPERTY [T1-449]

IT Director Jeff McGill spoke of disposal of computer equipment. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge and staff to negotiate an agreement for pickup of computer equipment that is no longer of value or use to the County and dispose of the property. All voting "Aye". MOTION PASSED

24122 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATIONS TO NON-PROFIT AND CORPORATE FOUNDATIONS TO EXPAND THE LINKED DEPOSIT PROGRAM USING EXISTING FUNDS AS MATCH [T1-533]

Grants Director Richard Salmon spoke. This will expand the county's Linked Deposit Program for water and energy related projects. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to submit grant applications to non-profit and corporate foundations to expand the Linked Deposit Program using existing funds as match. All voting "Aye". MOTION PASSED

24123 APPOINT A SMALL CITY REPRESENTATIVE TO CAMPO [T1-612]

Commissioner Barton spoke of new CAMPO rules being adopted allows for a city representative (city with population less than 50,000) to be appointed by the county. He spoke of nominations that have been submitted by various cities. A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Buda Mayor John Trube for a term to expire on December 31, 2007 as the Hays County small city representative to CAMPO. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Mike Gonzales, Mayor of Kyle, as alternate small city representative to CAMPO. All voting "Aye". MOTION PASSED.

24124 AUTHORIZE A PUBLIC MEETING REGARDING THE REFINANCING OF THE HEALTH CARE FACILITY KNOWN AS HAYS COUNTY NURSING AND REHAB CENTER, LOCATED AT 1900 MEDICAL PARKWAY, SAN MARCOS, TEXAS, BY WAY OF A BOND, THE INTEREST ON WHICH IS PROPOSED TO BE TAX-EXEMPT

[T1-705] Nick Meindl (Jenkins & Gilchrist) explained the request and rules to be followed. Special Counsel Mark Kennedy advised that he has reviewed this and he recommends authorization for a public meeting. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize a public meeting regarding the refinancing of the Health Care Facility known as Hays County Nursing and Rehab Center located at 1900 Medical Parkway, San Marcos, Texas, by way of a bond, the interest on which is proposed to be tax-exempt. All voting "Aye". MOTION PASSED

24125 ADOPT A RESOLUTION SUPPORTING THE IMPLEMENTATION OF A FEE DEDICATED TO IMPROVING CIVIL COURT FACILITIES [T1-848]

A motion was made by Commissioner Ford, seconded by Judge Sumter adopt a resolution supporting the implementation of a fee dedicated to improving civil court facilities. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING AN AGREEMENT WITH SOUTH MADRONE TRAIL WATERLINE LLP WITH REGARD TO FINANCIAL PARTICIPATION IN THE CONSTRUCTION OF A 6" WATER LINE TO SERVE RESIDENTS OF THE VILLAGE OF BEAR CREEK [T1-887]

Commissioner Ford spoke of the proposed agreement. This would bring surface water from LCRA to the residents on South Madrone Trail in the Village of Bear Creek. Roger Kew spoke in opposition to agreement. Tony Bagwell spoke in support of this agreement. John Hudson spoke in support of this agreement. Mr. Bagwell spoke of capping wells. Dola Price spoke in support of the agreement. Charles O'Dell, President of Hays CAN, spoke in opposition to the agreement. Ivy Hjernevik spoke in opposition to this agreement. [T1-1400] Andrew Backus spoke of need for groundwater conservation districts to be able to regulate areas like this. [T1-1502] Tony Bagwell spoke of other options for the Village of Bear Creek and he spoke of meetings and workshops that have been held. Commissioner Ford suggested postponement at this time.



PRESENTATION FROM MEMBERS OF THE HAYS COUNTY LEGISLATIVE REVIEW COMMITTEE REGARDING HB 3570, HB 3058, HB 3447, HB 3039, HB 2645, HB 2648 [T1-1871]

Commissioner Ford provided members of the court with proposed bills being reviewed by the legislative review committee: HB 3570 pertaining to rock quarries, HB 3058 pertaining to rain water harvesting, HB 3447 giving certain counties the ability to regulate land development (county authority), HB 3039 pertaining to the prevention of discharge of treated wastewater into streams or waterways in the contributing and/or recharge zones of the Barton Edwards Aquifer, HB 2645 pertaining to scenic highway designation on numerous Hays County roads, and HB 2648 pertaining to counties' authority to regulate outdoor lighting. No action was taken.

PRESENTATION FROM MEMBERS OF THE FIX290 CITIZEN ORGANIZATION WITH POSSIBLE ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THEIR EFFORTS FOR ALTERNATE SOLUTIONS TO THE TXDOT INTERCHANGE PLANNED AT THE HWY 290/71 INTERCHANGE IN OAK HILL [T1-2115]

A powerpoint presentation was given by the FIX290 Citizens Organization showing an alternative solution to the TxDot interchange planned at the Hwy. 290/71 interchange in Oak Hill. Their concept would preserve Williamson Creek and would eliminate toll road. Discussion was had regarding consideration by CAMPO. [T1-2804] Hanlon Skillman and Roger Kew spoke. No action was taken.

WORKSHOP RELATING TO ELECTION ISSUES (BOX EXPLANATION) [T1-2920]

Election Administrator Joyce Cowan spoke of developing a program to recruit workers with the assistance of the Human Resources Department. Also with the assistance of the HR Department, they have surveyed all polling locations on requirements for ADA and will need to do some enhancements to some locations (need to have a certified person assist and review). She spoke of equipment needs – every new precinct created will require more equipment. Discussion was had regarding various bills being considered by the legislature. Joyce Cowan spoke of early voting needs and wants to know desires of the court – some legislation could assist in this: 12 hour early voting days and no excuse mail ballot request. Discussion was had regarding creation of additional precincts and clean up of other precincts. Proposes: (a) take Pct. 128 into Pct. 127, (b) take Pct. 111 into Pct. 112 – problems with Pct. 110 [leave as is], (c) take Pct. 232 into Pct. 230 [problems in City of Kyle and City of Buda], (d) bring in city annexations into the precinct they boundary provided it does not cross commissioner lines or create additional problems, (e) leave Pct. 315 as is or create Pct. 314 [City of San Marcos votes within Pct. 315], (f) create a new precinct in Commissioner Pct. 3 [Wimberley] – we have 2 cities within Pct. 335 & 337 [Woodcreek and Wimberley], (g) create a new precinct in Commissioner Pct. 4 [Dripping Springs] – taking some territory out of 441 and 443 – take in some territory to 449 from 441. Commissioner Barton suggested additional voting boxes in Kyle – Amberwood Subdivision (Kyle) residents have to drive to Niederwald to vote. Democratic Chairman Gloria Whitehead spoke of recommendations. Joyce Cowan requested recommendations from the court to update the maps. [T2-428] Discussion was had regarding current recommendations from the election commission. Judge Sumter suggested that each commissioner be given a map of their precinct to work on.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 MARCH 20, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





MARCH 26, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 DEBBIE GONZALES INGALSBE
 JEFFERSON W. BARTON
 WILL CONLEY
 KAREN FORD
 LINDA C. FRITSCHÉ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 3
 COMMISSIONER, PCT. 4
 COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

WORKSHOP REGARDING CONTEXT SENSITIVE SOLUTIONS DESIGN FOR RR12, FM1626 AND FM110

Commissioner Conley introduced representatives of HNTB. Doug Mann and Mark Mathews gave a powerpoint presentation. Context Sensitive Solutions is "a collaborative, interdisciplinary approach that involves stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources while maintaining safety and mobility." Goals of the Project are to draw from the region's existing landscape, people, history, and culture and create a design that is meaningful, livable, unique to the region and buildable solutions. Principles of CSS: (1) engage stakeholders to build partnerships and recognize community values, (2) utilizes interdisciplinary teams using a wide range of professionals in an integrated approach to get comprehensive results, (3) embraces a multimodal approach that integrates all modes of transportation including pedestrian, bicycles, transit and motor vehicles, (4) serves and respects its larger context, (5) provides a safe and efficient system, and (6) applies to all DOT activities. Mr. Mann gave various examples of roadway enhancements (terracing, native plantings, ornamental roadway lighting, rock walls, etc.) and flexible rural, suburban, and urban roadway designs. It was stated that it is not too late to change designs for the RR12, FM1626, and FM110 projects. Court was moved to the County Judge's office due to family court use of the courtroom (no tape from this point on). Representatives from Prime Strategies and Carter::Burgess were also present at the workshop. Discussion was had regarding only showing stakeholders designs that are within the cost parameters. There may be maintenance issues where the county might have to assume some responsibility for maintenance. Former Wimberley Mayor Steve Klepfer spoke. Discussion was had regarding functional classification and design flexibility. Public meetings are needed in each affected area prior to the bond election.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 MARCH 26, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 27th DAY OF MARCH A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order, John Moore, Minister of the Church of Christ in Dripping Springs gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

24126 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 2 - 8, 2007 AS "NATIONAL PUBLIC HEALTH WEEK" IN HAYS COUNTY.

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring the week of April 2 - 8, 2007 as "National Public Health Week" in Hays County. All voting "Aye". MOTION PASSED

24127 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 942,765.76 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24128 APPROVE BUDGET AMENDMENT 07-14

County Auditor Bill Herzog advised that an addition was made to the budget amendment for Building Maintenance in the amount of \$10,000 from contingencies for A/C repairs. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Budget Amendment #07-14 as proposed by the County Auditor with addition of \$10,000 amendment to Building Maintenance budget. All voting "Aye". MOTION PASSED

24129 APPROVE MINUTES OF MARCH 20, 2007

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the Minutes of March 20, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24130 APPROVE UTILITY PERMITS #01913-01915

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Utility Permit #0913 on CR170/Elder Hill Road issued to P.E.C., #0914 on CR164/Sawyer Ranch Road issued to P.E.C., and #0915 on CR170/Elder Hill Road issued to P.E.C. as submitted by the Road Department. All voting "Aye". MOTION PASSED

24131 APPROVE THE RE-DESIGNATION OF COUNTY JUDGE, ELIZABETH SUMTER, AS THE SIGNATORY AUTHORITY TO THE RURAL CAPITAL AREA WORKFORCE DEVELOPMENT BOARD

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the re-designation of County Judge Elizabeth Sumter as the signatory authority to the Rural Capital Area Workforce Development Board. All voting "Aye". MOTION PASSED



24132 APPROVE INCREASE IN CONTRACT WITH LANGFORD ASSOCIATES BY \$10,000 ON THE 5-MILE DAM PARK PROJECT DUE TO INCREASE IN SCOPE OF WORK AND COUNTY ACQUISITION OF A \$332,670 TPWD BOAT RAMP GRANT AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

The total amount for the contract will go from \$25,000 to \$35,000. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve to approve increase in contract with Langford Associates by \$10,000 on the 5-Mile Dam Park Project due to increase in scope of work and county acquisition of a \$332,670 TPWD Boat Ramp Grant and to authorize County Judge to execute amended contract. All voting "Aye". MOTION PASSED

24133 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR \$38,000 WITH LANGFORD ASSOCIATES, INC. FOR PROJECT MANAGEMENT FOR FEMA/HMGP PROJECT TO INSTALL AN EARLY-WARNING SYSTEM

A grant was approved by FEMA under their Hazard Mitigation Grant Program for \$600,000, county match is \$200,000 for a project total of \$800,000. This project is to install an interactive early-warning system on low-water crossing throughout the county. Hays County will receive \$12,000 in administrative funds. A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute a contract for \$38,000 with Langford Associates Inc. for Project Management for FEMA/HMGP Project to install an early-warning system. All voting "Aye". MOTION PASSED

24134 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR \$40,000 WITH LANGFORD ASSOCIATES, INC. FOR PROJECT MANAGEMENT FOR THE WIMBERLEY BYPASS TRAILS PROJECT

On February 20, 2007 the Commissioner's Court awarded Project Management on this project to Langford Associates and directed Purchasing Manager to negotiate contract. The project consists of the development of 4.4 miles of trails along the new Wimberley ByPass through the Blue Hole Regional Park and ending up in downtown Wimberley. A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to execute a contract for \$40,000 with Langford Associates Inc. for Project Management for the Wimberley ByPass Trails Project. All voting "Aye". MOTION PASSED

24135 [PCT. 2 #03-2-87, 4 LOTS] ROLLING HILLS ESTATES RESUB LOT 20 BLOCK 2 - APPROVE VARIANCE FOR SHARED ACCESS DRIVE, HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT [T1-154]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and granting of variance to SAD. Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Barton spoke of variance to serve more lots than provided in the county subdivision regulations. The homes have already been on the ground for years and this is to clean up that division. There is a shared access driveway agreement between the property owners. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve variance to shared access driveway and approval final plat of "Rolling Hills Estates Resubdivision of Lot 20 Block 2". All voting "Aye". MOTION PASSED

24136 NORTH RIDGE PHASE 2 - APPROVE AND ISSUE DOCUMENTS PURSUANT TO THE APPROVAL OF THE FINAL PLAT [T1-224]

Public comment was made by Charles O'Dell [Hays CAN], Alex Brown [Geologist for Hays Trinity Groundwater Conservation District], Doug Cones, and Robert Wade. Special Counsel Mark Kennedy spoke of final plat consideration in December 2006 and the law that applies which approves it by "Operation of Law". There may need to be a replat because of the easement issue. Commissioner Ford advised that she spoke with the developer regarding rainwater collection systems and Developer Robert Wade advised that he will be supplying potential owners with information regarding rainwater collection systems. A motion was made by Commissioner Ford, seconded by Judge Sumter to recognize that the final plat of "North Ridge Phase 2" is approved by Operation of Law on the 61st day after it was declared complete and to issue documents reflecting that approval, and to furthermore, have staff look into the approved plat and make a determination regarding a possible replat. All voting "Aye". MOTION PASSED



24137 [PCT. 4 #06-4-77. 3 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 7 & PART OF LOT 8 - CALL FOR A PUBLIC HEARING ON APRIL 10 AND APPROVE PRELIMINARY PLAN [T1-1136]

A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on April 10, 2007 and approve preliminary plan for "Rolling Oaks Section 3 Resubdivision of Lot 7 & part of Lot 8" with addition of a plat note is needed to indicate that water will be supplied by individual wells. All voting "Aye". MOTION PASSED

24138 [PCT. 4 #07-4-16, 2 LOTS] SPRINGLAKE REPLAT OF LOT 125 - APPROVE PRELIMINARY PLAN [T1-1174]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Springlake Replat of Lot 125". All voting "Aye". MOTION PASSED

PUBLIC HEARING TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS AT THE INTERSECTION OF COTTONWOOD ROAD AND OUTLOOK ROAD [T1-1221]

Judge Sumter declared the public hearing open. Public comment was made by Linda Anderson and David Jones. Judge Sumter closed the public hearing. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a STOP sign at this intersection. Commissioner Conley postponed action at this time.

DISCUSSION REGARDING AUTHORIZING COMMISSIONER INGALSBE TO NEGOTIATE WITH A PROPERTY OWNER ON THE SELECTION OF A SITE FOR THE GOVERNMENT CENTER [T1-1596]

Commissioner Ingalsbe gave a powerpoint presentation regarding the government site evaluation. The building committee is recommending the elimination of the Thorpe Lane property. The pros and cons for the Hunter Road site and the Wonder World Drive site were provided. At this point, the committee is recommending the Wonder World Drive site because of no out of pocket expense and additional acreage availability. The building committee consist of County Auditor Bill Herzog, Purchasing Agent Cindy Maiorka, District Attorney Sherri Tibbe and Commissioner Pct. 1 Debbie Ingalsbe. Public comment was made by Chris North, Amy Kirwin, Jim Green, Maria Elena Gonzales, and Charles O'Dell (Hays CAN). Laurie Anderson, City of San Marcos Engineer, spoke of drainage issues at both the Wonder World Drive and Hunter Road sites. Scott Gregson (representing the Hunter Road property) and Chris Carson (representing the Wonder World Drive property) spoke of drainage issues on their respective properties. Sheriff Allen Bridges encouraged the court to consider a site without floodplain for the emergency command center. [T1-2590] Scott Gregson made an offer to the county for a property exchange and Chris Carson spoke of additional acreage offered. Judge Sumter spoke in support of the Hunter Road property. Commissioner Ford spoke in support of the Hunter Road property concept and new offer. Commissioner Conley spoke of flexibility with Wonder World Drive site. Commissioner Barton spoke in support of Hunter Road concept - possible commuter rail site - but he will support the recommendation of the committee. Commissioner Ingalsbe advised that the committee will meet with the property owners to receive final offers, with Friday being the deadline, and bring their recommendation back to the court.

24139 APPROVE SUPPORT OF AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF BUDA FOR LAW ENFORCEMENT SERVICES AND AUTHORIZE COMMISSIONER BARTON TO NEGOTIATE FINAL CONTRACT [T2-38]

Public comment was made by Buda resident Tommy Poer. Sheriff Allen Bridges spoke in support of a cooperative agreement with the City of Buda for law enforcement services. This agreement would provide for four patrol deputies and one Captain. The City of Buda would provide funding in the amount of \$375,600 annually. Commissioner Barton spoke of previous discussion in Commissioners Court on February 6, 2007 and issues that have been addressed. Buda City Manager Robert Camareno spoke of funding - the city will upfront 7 ½ months of payments (\$230,000) to cover the equipment and vehicles for startup. County Auditor Bill Herzog spoke of figuring of soft costs. Sheriff Bridges spoke of using the substation in Buda at this time and possibly look for storefront space in the future. [T2-463] Commissioner Barton read a proposed order of support for this agreement setting out various terms [see copy in file]. A motion was made by Commissioner Barton, seconded by Commissioner Conley to support an interlocal agreement between Hays County and the City of Buda for law enforcement services as proposed, with a projected total of \$375,600 per year, and authorize Commissioner Barton to negotiate a final contract to be brought back to the court for final authorization and budget amendments. All voting "Aye". MOTION PASSED



24140 PRESENTATION OF RULE CHANGES FOR CONSIDERATION BY THE COMMISSIONERS' COURT, ENVIRONMENTAL HEALTH DEPARTMENT AND LEGAL COUNSEL. UPDATE FROM NAISMITH ENGINEERING ON SUBDIVISION RULES REVIEW & REVISION. ACTION TO CALL FOR PUBLIC HEARING ON THESE RULE CHANGES [T2-692]

Tom Brown, Naismith Engineering, spoke of stakeholders meeting that was held and proposed interim rules were reviewed. He spoke of recommended changes. Commissioner Barton voiced his concerns. Members of the court will review the proposed changes. **A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on April 10, 2007 at 1:00 p.m. to consider subdivision rule changes. All voting "Aye". MOTION PASSED**

WORKSHOP RELATING TO ENVISION CENTRAL TEXAS [T2-1368]

A powerpoint presentation was made to the court. ECT is a non-profit organization created in 2001 by leaders representing business, environment, neighborhoods and government in the 5 county central Texas region. Presentation addressed suburban sprawl, CAMPO mobility 2030 plan, projected growth in the region, workshops held, land use and transportation modeling, and regional vision survey (12,500 responses). Most respondents favored more compact growth style paired with more open space. There are six committees: Transportation and Land Use Committee, Economic Vitality Committee, Community Design Committee, Open Space Committee, Social Equity Committee, and Community Outreach Committee. Metric Task Force is new – will put together measurements for success and set goals. Greenprinting was discussed – it is a process and a tool to help communities make decisions about land conservation. Travis county has a list of greenprint priorities and ECT is trying to raise enough money to greenprint all five counties. ECT 2007 operating budget = \$283,000 They are requesting a contribution of \$15,000 from Hays County plus an additional \$50,000 for greenprint funding (\$250,000 for greenprint growth budget). Check their website www.envisioncentraltexas.org

WORKSHOP RELATING TO UPPER SAN MARCOS WATERSHED [T2-3010]

Bill Taylor, Upper San Marcos Watershed District, introduced Jody Polk and Juel Peevy (members of the board). He explained the history of the district and spoke of flooding that has occurred in the past that required placement of the five dams (designed to contain a 100 year flood). Mr. Taylor spoke of Site 5 being located near a park that the City of San Marcos recently purchased and converted. He also spoke of controlled release rather than a wall of water that usually happens in a flood and he spoke of maintenance that is done periodically. Judge Sumter asked about a dam study and Commissioner Ingalsbe asked about possibly getting another dam and what site might they consider. Bill Taylor spoke of losing out on the Willow Creek property area and he spoke of the existing dams being in recharge areas and they provide significant recharge to the aquifer. The field trip was cancelled due to wet conditions.

24141 APPROVE THE SAFETY IMPROVEMENT STUDY FOR SH 21 AND TO FUND THE FOLLOWING ON-GOING PROJECTS FROM THE 2001 ROAD BOND FUND TO COMPLETION UNTIL THE DECISION OF THE MAY 12TH BOND ELECTION; SH 21 (APPROXIMATELY 2 MILLION), FM 110 TO FINISH ENVIRONMENTAL ASSESSMENT PROCESS (APPROXIMATELY 50,000.00) AND FINISHING THE SURVEY WORK ON FM 1626 FOR BOTH SEGMENTS A AND B (APPROXIMATELY 200,000.00). THE REMAINDER OF THE 2001 ROAD BOND FUNDS SHOULD BE SET ASIDE UNTIL AFTER THE MAY 12TH ELECTION RESULTS ARE IN [T3-150]

Former Hays County Judge Eddy Etheredge spoke of safety improvements needed on State Highway 21. Charles O'Dell of Hays CAN spoke. Discussion was had about a stakeholders meeting that will be held in a few weeks. Judge Sumter spoke of FM 1626 and survey work that hasn't been completed, but needs to be done. The court spoke of approximately \$400,000 needed for these projects. [T3-593] **A motion was made by Judge Sumter seconded by Commissioner Ford to set aside remaining funds from the 2001 Road Bond funding as follows: \$275,000 for FM1626 Sections A & B, \$50,000 for FM110, \$75,000 for Ranch Road 12 in terms of expenditures until May 12, 2007 and any other expenditures from the 2001 Road Bonds should come before the court beyond these numbers. All voting "Aye". MOTION PASSED**

24142 APPROVE THE NEW LEASE AGREEMENT WITH LYNX PROPERTY SERVICES FOR ADULT PROBATION [T3-614]

Commissioner Ingalsbe spoke of lease being up on April 1, 2007. Special Counsel Mark Kennedy spoke of different issues (ie. leakage, carpet, toilet maintenance) that need to be addressed and negotiated. County Auditor Bill Herzog spoke of \$4,000.00 that was built into that line item and \$3,200.00 that is needed. The additional money will come out of contingencies. [T3-734] **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve the new lease agreement with Lynx Property Services for Adult Probation subject to negotiation of certain terms and items outlined by legal counsel. All voting "Aye". MOTION PASSED**



Clerk's Note: Agenda Item #18 RE: ADOPT A RESOLUTION IN SUPPORT OF REAPPORTIONMENT OF THE DISTRICT COURTS FOR HAYS COUNTY was PULLED. No discussion and no action taken.

24143 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH THOMSON WEST ONLINE LEGAL RESEARCH [T3-775]

Special Counsel Mark Kennedy spoke of three bids received. The Criminal District Attorney's office uses the on-line service rather than using the books. County Auditor Bill Herzog advised that funding will be out of the District Attorney's budget – will require a budget amendment. **A motion was made by Commissioner Judge Sumter seconded by Commissioner Barton/Ingalsbe to authorize the County Judge to enter into a contract with Thomson West Online Legal Research. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #20 RE: DISCUSSION AND POSSIBLE ACTION TO PLACE A DIVIDER WALL IN DISTRICT JUDGE'S OFFICE was PULLED. No discussion and no action taken.

24144 AUTHORIZE THE DIRECTOR OF THE ENVIRONMENTAL HEALTH DEPARTMENT TO SPEND UP TO \$5,000.00 FOR A REVIEW AND UPDATE OF THE RULES REGARDING ON-SITE SEWAGE FACILITIES, AND THE APPLICATION OF THOSE RULES TO SPECIFIC SITES IN HAYS COUNTY [T3-910]

Interim Environmental Health Director Tom Forrest spoke of needing assistance in the updating and review of OSSF rules. He also spoke of money saved in his budget in salaries line item that will enable him to hire someone with more expertise in the OSSF area. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Ford to authorize the Director of the Environmental Health Department to spend up to \$5,000.00 for a review and update of the Rules regarding on-site sewage facilities and the application of those rules to specific sites in Hays County and amend the budget next week. All voting "Aye". MOTION PASSED**

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, 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 MARCH 27, 2007.



Linda C. Fritsche

**LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS**





APRIL 3, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 3RD DAY OF APRIL A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Mark Porterfield, Minister of Buda United Methodist Church gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Diane Wassenich gave public comment regarding flooding in Hays County.

24145 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$891,706.55 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24146 APPROVE BUDGET AMENDMENT 07-15

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Budget Amendment #07-15 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24147 APPROVE MINUTES OF MARCH 26 & 27, 2007

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Minutes of March 26 and March 27, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24148 WAIVE SEPTIC INSPECTION FEE FOR THE TRAINING CAMPUS OF TEXAS HEARING AND SERVICE DOGS, A 501(C)(3) NON-PROFIT ORGANIZATION

Texas Hearing and Service Dogs [4925 Bell Springs Road, Dripping Springs] trains dogs to assist Texans living with hearing and mobility challenges and provides the dogs and training free of charge. A motion was made by Commissioner Ford, seconded by Judge Sumter to waive septic inspection fee for the Training Campus of Texas Hearing and Service Dogs, a 501 (C) (3) Non-profit organization, located at 4925 Bell Springs Road in Dripping Springs. All voting "Aye". MOTION PASSED

24149 WAIVE SEPTIC INSPECTION FEE FOR THE NEW ESD #5 HENLY S. FIRE STATION LOCATED AT RR 2325 AND PLAINVIEW DRIVE (IN PCT. 3, BUT SERVING PCT. 4)

A motion was made by Commissioner Ford, seconded by Judge Sumter to waive septic inspection fee for the new ESD#5 Henly South Fire Station located at RR2325 and Plainview Drive (in Pct. 3 but serving Pct. 4). All voting "Aye". MOTION PASSED

24150 APPROVE A R-O-W LICENSE AGREEMENT FOR KUYKENDALL SUBDIVISION^[T1-105]

Road Supt./Engineer Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Right-of-Way License Agreement for Kuykendall Subdivision. All voting "Aye". MOTION PASSED



24151 [PCT. 3 #07-3-14, 56 LOTS] WIMBERLEY SPRINGS SECTION 1 (FKA INDIAN OAKS) -WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-131]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Preliminary plan is being waived because lot sizes are increased, thereby creating fewer lots than previously platted. Winton Porterfield, representing Wimberley Springs Partners, spoke in support of this plat. Craig Calley spoke in support of this subdivision. **A motion was made by Commissioner Conley, seconded by Judge Sumter to waive preliminary plan and approve final plat of "Wimberley Springs Section 1". All voting "Aye". MOTION PASSED**

[PCT. 4 #06-4-064, 3 LOTS] SPRINGLAKE TRACT 90 (UNRECORDED) - FINAL PLAT [T1-251]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Al Blair presented a letter from the President of the Springlake Property Owners Association requesting postponement of action today. Commissioner Ford suggested postponement at this time.

24152 [PCT. 4 #07-4-15, 2 LOTS] SYCAMORE CREEK REPLAT LOT 11 - CALL FOR A PUBLIC HEARING ON APRIL 17, 2007 AND APPROVE PRELIMINARY PLAN [T1-285]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on April 17, 2007 and approve preliminary plan for "Sycamore Creek Replat Lot 11". All voting "Aye". MOTION PASSED**

24153 [PCT. 4 #07-4-03, 3 LOTS] VISTA RANCH REPLAT TRACT A - APPROVE FINAL PLAT

[T1-305] Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "Vista Ranch Replat Tract A". All voting "Aye". MOTION PASSED**

24154 [PCT. 4 #07-4-16, 2 LOTS] SPRINGLAKE REPLAT LOTS 125 A, B, C - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-314]

Judge Sumter declared the public hearing open. Al Blair spoke in support of this resubdivision. Judge Sumter closed the public hearing. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "Springlake Replat of Lots 125A, 125B, and 125C". All voting "Aye". MOTION PASSED**

24155 APPROVE VACATION OF RECORDED SUBDIVISION PLAT OF BUSH RANCH PHASE 1 IN BOOK 13 PAGES 225-232 AND APPROVE SUBDIVISION PLAT OF BUSH RANCH PHASE 1 REVISED PLAT [T1-330]

Interim Environmental Health Director Tom Forrest gave staff recommendation for approval. Tom Darmstadter spoke of changes that were made on the revised plat. Items being altered are the degree of accuracy of the survey callouts as well as a landscape easement being better differentiated from other types of easements. Charles O'Dell, President Hays CAN, spoke. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve vacation of recorded subdivision plat of "Bush Ranch Phase 1" All voting "Aye". MOTION PASSED**

24156 CALL FOR A PUBLIC HEARING ON APRIL 17, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN SILVERADO SUBDIVISION SECTION 2 [T1-472]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on April 17, 2007 to establish traffic regulations in Silverado Subdivision Section 2. All voting "Aye". MOTION PASSED

24157 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS AND ENFORCEMENT FOR PARKING RESTRICTIONS AT THE COURTHOUSE ANNEX PARKING LOT(S) [T1-501]

Judge Sumter declared the public hearing open. Deputy Constable Ray Helm spoke of need for employee stickers on vehicles and legal signs to be posted. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to establish traffic regulations and enforcement for parking restrictions at the courthouse annex parking lots - 2 hour parking behind the annex and restrict "employee only" to parking lot across the street. All voting "Aye". MOTION PASSED**



24158 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN CREEK ROAD RANCH SUBDIVISION, PHASE 3 [T1-642]

Judge Sumter declared the public hearing open . No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 25 MPH speed limit during construction. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 25 MPH speed limit in the Creek Road Ranch Subdivision Phase 3 during road construction. All voting "Aye". MOTION PASSED**

24159 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON SAWYER RANCH ROAD, CR 164 [T1-661]

Judge Sumter declared the public hearing open . No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation for 25 MPH speed limit during construction. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to hold a public hearing to establish traffic regulations of 25 MPH speed limit on Sawyer Ranch Road (CR164) during road construction. All voting "Aye". MOTION PASSED**

24160 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE THE CONSTRUCTION BOND FOR HOWARD RANCH SUBDIVISION PHASE 2 [T1-689]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance and release – the roads are private and do not require a maintenance bond. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road construction, drainage, improvements and release the construction bond for Howard Ranch Subdivision Phase 2. All voting "Aye". MOTION PASSED**

24161 ADOPT THE EARLY VOTING SCHEDULE FOR THE MAY 12, 2007, CONSTITUTIONAL AMENDMENT ELECTION AND HAYS COUNTY BOND ELECTION

[T1-710] Elections Administrator Joyce Cowan provided the early voting schedule for the May 12, 2007 elections. Commissioner Conley requested an early voting site at Texas State University. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt the Early Voting Schedule for the May 12, 2007 Constitutional Amendment Election and Hays County Bond Election with the addition of early voting at Texas State University (2 days to be determined), and provide early voting from 10a.m.-2p.m. on Saturday May 5th in Dripping Springs and Buda. All voting "Aye". MOTION PASSED**

24162 ADOPT THE ELECTION DAY POLLING SITES FOR THE MAY 12, 2007, CONSTITUTIONAL AMENDMENT ELECTION AND HAYS COUNTY BOND ELECTION

[T1-965] Elections Administrator Joyce Cowan provided the election day polling sites for the May 12, 2007 elections. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to adopt the election day polling sites for the May 12, 2007 Constitutional Amendment Election and Hays County Bond Election. All voting "Aye". MOTION PASSED**

24163 APPROVE COUNTY WEB PAGE AND HANDOUT AS IT PERTAINS TO THE HAYS COUNTY TXDOT PARTNERSHIP PROGRAM [T1-1008]

Mike Weaver, Prime Strategies, spoke of website. He asked for additional input. Commissioner Barton suggested adding parks information and information regarding SH 290 and SH 21. Commissioner Conley spoke of website being created to inform citizens of the partnership with TxDot. Commissioner Ford spoke of her suggestions for the web page. Discussion was had regarding how to incorporate information regarding the bond issue on the website. Charles O'Dell, President of Hays CAN, made public comment. Discussion was had regarding context sensitive solutions (CSS). [T1-1892] **A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Commissioner Ford to be the county liaison to the website and bring recommendations back to the court. All voting "Aye". MOTION PASSED**

24164 APPROVE APPOINTMENT OF NEIL S. FOX II TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 [T1-2206]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve appointment of Neil S. Fox II to the Northwest Hays County Emergency Services District #5. All voting "Aye". MOTION PASSED



24165 ENTER INTO A CONTRACT WITH LOOMIS AUSTIN, INC TO DO A GOLDEN CHEEK WARBLER SURVEY ON THE WINTER'S MILL PARKWAY [T1-2260]

Charles O'Dell, President Hays CAN, made public comment. This action will continue an agreement with the U.S. Army Corps of Engineers and continue the survey until we fulfill our requirements to do a 10 year bird survey. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to enter into a contract with Loomis Austin Inc. to do a golden cheek warbler survey on the Winter's Mill Parkway. All voting "Aye". MOTION PASSED**

24166 APPROVE A SECURITY SERVICES AGREEMENT FOR DUDLEY JOHNSON AND RANDALL VETTER PARKS [T1-2459]

Parks Manager Jerry Pinnix spoke of having obtained three quotes for security services. There are funds budgeted for this agreement. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a Security Services Agreement for Dudley Johnson and Randall Vetter Parks. All voting "Aye". MOTION PASSED**

24167 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA FOR LAW ENFORCEMENT SERVICES [T1-2840]

Commissioner Barton spoke of previous consideration of this agreement and issues that have been addressed. Buda is reimbursing the county for additional cost of liability insurance. Changes made were recommended by the Texas Association of Counties. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an interlocal agreement with the City of Buda for law enforcement services. All voting "Aye". MOTION PASSED**

24168 CLARIFY AND/OR EXPAND THE COURT'S POLICY ON USE OF THE 6% LCRA FEE

[T1-3080] Commissioner Ford asked the court to consider the following purposes for the 6% funds received on an annual basis from LCRA: (1) open space natural areas and riparian area conservation or restoration or purchase, (2) for public education or incentive programs for rain water harvesting and water/energy conservation, (3) consultation on water quality, water quantity and wastewater issues, (4) support for the Hays Trinity Groundwater Conservation Districts – for particular research projects, (5) any other project that promotes sustainable groundwater use or mitigates the environmental impacts of dense development. Commissioner Barton spoke of making #4 generic for water conservation districts. Commissioner Ford agreed to change the wording to "support for groundwater conservation districts within Hays County". Charles O'Dell, Hays CAN, made public comment. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt and clarify the Court's Policy on use of the 6% LCRA fee as follows: (1) open space natural areas and riparian area conservation or restoration or purchase of riparian area, (2) for public education or incentive programs for rain water harvesting and water/energy conservation, (3) consultation on water quality, water quantity and wastewater issues, (4) support for groundwater conservation districts within Hays County for particular research projects, and (5) any other project that promotes sustainable groundwater use or mitigates the environmental impacts of dense development. All voting "Aye". MOTION PASSED**

24169 ADOPT RESOLUTION SUPPORTING HB 3347 AND HB 2645 [T1-3366]

Commissioner Ford spoke of resolutions in support of legislation introduced by State Representative Patrick Rose. HB3447 is intended for classification of counties within the hill country groundwater management areas and HB2645 relates to scenic roadways and bans erecting of off premise signs adjacent to and visible from certain roads: FM150, FM1826, FM12, FM165, and CR170/Elder Hill Road in Hays County. Commissioner Barton suggested minor changes to the resolutions presented (take out "the Western portion of" out of first sentence in resolution for HB3447 and add "that" between the words beauty and enriches in sentence before Now Therefore in resolution for HB2645). **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to adopt resolution supporting HB 3347 and HB 2645 and send to Representative Rose. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #26 RE: AUTHORIZE THE PAYMENT OF \$144,151.80 TO CTMC FOR OUTSTANDING INVOICES AND APPROVE AN INTERIM RATE OF 70% OF CHARGES TO PROVIDE MEDICAL SERVICES TO PRISONERS UNTIL A FORMAL AGREEMENT IS NEGOTIATED was PULLED. No discussion and no action taken.



WORKSHOP RELATING TO THE HAYS COUNTY HEALTH DEPARTMENT AND THE CHANGING ENVIRONMENT IN HAYS COUNTY, THE POSSIBILITIES OF FORMING PARTNERSHIPS IN PROVIDING HEALTH CARE, AND OUR RELATIONSHIP WITH THE STATE [T2-1]

Health Department Director Nick Iccosipentarhos gave a powerpoint presentation setting out their mission, philosophy, services provided, and 2007 budget. He spoke of buildings in San Marcos and Kyle and he spoke of population growth in the county. Mr. Iccosipentarhos spoke of need to open the Kyle clinic five days per week and need for specialist care. He would like to provide services – one day per week – in Dripping Springs and Wimberley.

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS

The Court convened into closed executive session at 2:50 p.m. and reconvened into open meeting at 6:00 p.m. [T2-1451] Commissioner Barton advised that the court met in executive session to discuss a possible economic development partnership with the City of Kyle and provide incentives for Seton Health Care and we had members of our staff in executive session along with two representatives of Seton Health Care and four representatives from the City of Kyle. No action was taken.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 APRIL 3, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF APRIL A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Refugio Arredondo Jr. from Powerhouse Ministries in Kyle gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

PRESENTATION ON THE TEXAS HILL COUNTRY TRAIL REGION, PART OF THE TEXAS HISTORICAL COMMISSION, SERVING NINETEEN COUNTIES

T. J. Higgenbotham, former Chairman and current member of the Texas Hill Country Trail Region, spoke of the Texas Hill Country Trail Region (19 county region). They will be asking for support from Hays County (\$2,000).

24169 ADOPT A PROCLAMATION RECOGNIZING APRIL 9TH - APRIL 13TH AS WIMBERLEY EDUCATION FOUNDATION WEEK

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation recognizing April 9th - 13th as "Wimberley Education Foundation Week". All voting "Aye". MOTION PASSED

24170 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS CHILD ABUSE AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a Proclamation recognizing the month of April as "Child Abuse Awareness Month". All voting "Aye". MOTION PASSED

PUBLIC COMMENT

[T1-285] Larry Stephenson, Sr. (Austin resident) made public comment regarding La Ventana subdivision. Ralph Davis (San Marcos resident) made public comment regarding parks bonds.

24171 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$388,021.14 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24172 APPROVE BUDGET AMENDMENT 07-16

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Budget Amendment No. 07-16 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24173 APPROVE MINUTES OF APRIL 3, 2007

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Minutes of April 3, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED



24174 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$18,150 GRANT FROM THE CAPITAL AREA PLANNING COUNCIL OF GOVT. (CAPCOG) – SOLID WASTE GRANT PROGRAM AND EXECUTE CONTRACT

Grant funds will be used to purchase baler, electrical hookup, and two dump hoppers for the transfer station in Wimberley. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to accept \$18,150 grant from the Capital Area Planning Council of Govt. (CAPCOG) – Solid Waste Grant Program and execute contract. All voting "Aye". MOTION PASSED

24175 AWARD RFP 2007-P04 LANDSCAPE ARCHITECT/SAN MARCOS SPRINGS CONSERVATION PLAN TO LAND DESIGN AND AUTHORIZE STAFF TO NEGOTIATE CONTRACT AND RETURN TO COMMISSIONERS' COURT FOR APPROVAL

Purchasing received four proposals and after evaluation by the committee and reference check, it is recommended that the award go to Land Design. A motion was made by Commissioner Ford, seconded by Commissioner Conley to award RFP 2007-P04 Landscape Architect/San Marcos Springs Conservation Plan to land design and authorize staff to negotiate contract and return to Commissioners' Court for approval. All voting "Aye". MOTION PASSED

24176 AWARD RFP 2007-P05 PROJECT MANAGEMENT CONSULTANT/SAN MARCOS SPRINGS CONSERVATION PLAN TO LANGFORD & ASSOCIATES AND AUTHORIZE STAFF TO NEGOTIATE CONTRACT AND RETURN TO COMMISSIONERS' COURT FOR APPROVAL

Purchasing received only one proposal. A motion was made by Commissioner Ford, seconded by Commissioner Conley to award RFP 2007-P05 Project Management Consultant/San Marcos Springs Conservation Plan to Langford & Associates and authorize staff to negotiate contract and return to Commissioners' Court for approval. All voting "Aye". MOTION PASSED

[PCT. 4 #06-4-77, 3 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 7 – PUBLIC HEARING AND FINAL PLAT CONSIDERATION [T1-418]

Judge Sumter declared the public hearing open. Sandra Kuhns voiced her concerns and Ernest Garza spoke in opposition to the replat. Public hearing was closed. Commissioner Ford postponed action on this plat until determination is made regarding ownership.

24177 SILVERADO ESTATES LOTS 39, 40, 42, 43 – RELEASE UTILITY EASEMENTS

[T1-490] Interim Environmental Health Director Tom Forrest gave staff recommendation for release of utility easements on common lot lines of Lots 39, 40, 42, & 43 of Silverado Estates Subdivision. Copy of Releases were submitted from Pedernales Electric Coop and Verizon Southwest. A motion was made by Commissioner Ford, seconded by Commissioner Conley to release utility easements on common lot lines of Lots 39, 40, 42 & 43 Silverado Estates. All voting "Aye". MOTION PASSED

24178 ACCEPT FINANCIAL REPORT AND ANNUAL REPORT FROM THE SOUTH HAYS COUNTY ESD #3 [T1-507]

Buddy Martin and Chief David Smith appeared before the court and presented the financial report and annual report from the South Hays County ESD #3. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept the financial report and annual report from the South Hays County ESD#3. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING SPONSORSHIP IN A RANDALL ARENDT CONSERVATION DESIGN WORKSHOP ON APRIL 16, 2007 [T1-649]

Randall A. Arendt is a nationally known planner who focuses on green building and conservation design. His early book "Rural by Design" is a standard in many college classes. He has written a number of other books and sample codes detailing innovative planning and regulatory ideas. His first trip to Texas in the mid 1990's was to attend a Hays County Workshop. At the invitation of Commissioner Barton and Commissioner Ford, he is returning now for a follow-up. Commissioner Barton spoke of previous visit by Randall Arendt. Commissioner Ford spoke of sponsorship for this event to be held at the performing arts center in Kyle. No action needed.



24179 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$75,000 GRANT FROM THE OFFICE OF THE GOVERNOR – DISCRETIONARY JUSTICE ASSISTANCE GRANT FOR THE COUNTY’S COPSYNCH PROJECT AND TO EXECUTE CONTRACT [T1-763]

Postink Technology will install and interface COPsync software on mobile data terminals and desktops used by Hays County Law Enforcement Officers to provide for the seamless integration of real-time data transmission between COPsync system and the Hays County's Odyssey system. Grants Administrator Richard Salmon felt like the 10 year contract for the software should be renegotiated. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to accept \$75,000 grant from the Office of the Governor – Discretionary Justice Assistance Grant for the county's COPSYNCH Project and to execute contract. All voting "Aye". MOTION PASSED**

24180 ACTION TO SELECT A SITE FOR A NEW HAYS COUNTY GOVERNMENT CENTER AND AUTHORIZE COMMISSIONER INGALSBE TO NEGOTIATE ANY REMAINING DETAILS [T1-810]

Bob Galinger (President of Willow Creek Estates HOA), Ray Kotowski (Willow Creek resident), and Bob Bryant (Willow Creek resident) spoke in support of the Wonder World Drive site. Commissioner Ingalsbe spoke of this being a difficult decision – both sites are good. She went through various issues regarding both sites. Scott Gregson spoke regarding the Hunter Road site and possible flooding. Chris Carson spoke regarding the Wonder World Drive site. Commissioner Conley spoke in support of the Wonder World Drive site. Commissioner Ford spoke of Wonder World Drive site having more acreage available for less money. [T1-1570] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to select the Wonder World Drive/Carson site for a new Hays County Government Center and authorize Commissioner Ingalsbe to negotiate any remaining details. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #16 RE: ADOPT A RESOLUTION IN SUPPORT OF REAPPORTIONMENT OF THE DISTRICT COURTS FOR HAYS COUNTY was PULLED. No discussion and no action taken.

24181 ACTION BY COURT MEMBERS TO INDIVIDUALLY AND/OR COLLECTIVELY HELP SPONSOR THE AQUARENA EARTH DAY CELEBRATION WITH A MINIMUM CONTRIBUTION OF \$100 FOR THIS FIRST ANNUAL AQUARENA EARTH DAY FESTIVAL TO BE HELD ON APRIL 22, 2007 [T1-1664]

Commissioner Ford spoke of celebration to be held and special project funds in each commissioner's budget – she is asking members of the court to put in a minimum of \$100 each. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to collectively help sponsor the Aquarena Earth Day celebration with a minimum contribution of \$100 for this first annual Aquarena Earth Day Festival to be held on April 22, 2007. All voting "Aye". MOTION PASSED**

24182 ALLOW JUDGE SUMTER, SPECIAL COUNSEL MARK KENNEDY, WITH ASSISTANCE FROM BILL HERZOG, COUNTY AUDITOR, TO CRAFT AN AGREEMENT WITH THE SOUTH MADRONE TRAIL WATERLINE LLC WHEREIN THE COUNTY PROVIDES FINANCIAL ASSISTANCE THROUGH A SUSTAINABLE LOAN PROGRAM IN ORDER TO ASSIST IN BRINGING SURFACE WATER TO EXISTING HOMEOWNERS IN AN AREA WHERE GROUNDWATER WELLS ARE THREATENED OR NO LONGER PRODUCTIVE [T1-1844]

Charles O'Dell, Hays CAN, made public comment. Commissioner Ford spoke of program that has been put together by some residents of Village of Bear Creek. The city is in support of this project. This agreement will constitute a pilot program in Hays County for areas within the LCRA CCN. It is our intention to pursue this program in order to take pressure off our groundwater resources and to provide assistance to existing homeowners (not new development) in an area where surface water is nearby and a viable alternative to unproductive groundwater wells. In return for its financial involvement, the County is requiring that all homeowners who tap on to this surface line must permanently plug their groundwater wells, except in instances where the HTGCD deems an active well can be used for their data collection and research only. Further, the County will require that any future development or density occurring along segments of this surface water line which has been made possible with the County's financial assistance, follow the recommendations set forth in the Regional Water Quality Protection Plan (www.waterquality.org). **A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow Judge Sumter, Special Counsel Mark Kennedy, with assistance from County Auditor Bill Herzog, to craft an agreement with the South Madrone Trail Waterline LLC wherein the county provides financial assistance through a sustainable loan program in order to assist in bringing surface water to existing homeowners in an area where groundwater wells are threatened or no longer productive. All voting "Aye". MOTION PASSED**



24183 EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES. POSSIBLE DISCUSSION AND/OR ACTION TO FOLLOW IN OPEN COURT [T1-2265]

Steve Arendt, property owner in La Ventana, asked the court to resolve this issue as quickly as possible. Bruce Wilson also requested that the court resolve this issue quickly. Special Counsel Mark Kennedy advised that there are several items that will be discussed in executive session. Court convened into closed executive session at 11:50 a.m. and reconvened into open meeting at 1:10 p.m. [T1-2530] Nick Ramus spoke of project that was started in 1997 and numerous obstacles along the way (9 revisions). Special Counsel Mark Kennedy advised that he will provide an answer through Mr. Ramus' attorney. [T1-2844] **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize outside counsel to provide notice to new owner of La Ventana Subdivision and the Surety Bond Company that they have two weeks to provide us with a plan to start immediately on the road and bridge work and a plan to complete it as quickly as possible and if not, Hays County will bring suit against both. All voting "Aye". MOTION PASSED**

PUBLIC HEARING ON INTERIM SUBDIVISION RULES

[T1-2890] Tom Brown, Naismith Engineering, provided a powerpoint presentation of proposed interim rule changes to the Hays County Development Regulations. Rules that would be amended include: revision of Section 3.12 to expand the information required for water availability, addition of Section 3.13 wastewater service availability requirements, and addition of Section 3.14 notification of affected political subdivisions. Sections proposed to be deleted: 3.12(1)(c), 3.12(1)(d), 3.12(1)(e), and 3.12(1)(f) currently incorporated in TCEQ Chapter 230 rules. Mr. Brown went through Chapter 230.1 – 230.10 TCEQ rules and he went over the comparison of existing and proposed changes to Section 3.12 and 3.13 and new Section 3.14 regarding notification requirements. Judge Sumter declared the public hearing open. Charles O'Dell asked about liability for well spacing and plat note requirement. [T2-373] Dianne Wassenich urged the court to adopt the interim rules. Hank Smith spoke of need to look at providing surface water to replace groundwater sources. Winton Porterfield spoke of need to consider the role of the county in storing and providing data being obtained and the necessity for that information. Andrew Hawkins, representing S.O.S. Alliance, spoke briefly. Public hearing was closed.

Court convened into closed executive session at 2:30 p.m. and reconvened into open meeting at 3:20 p.m.

WORKSHOP REGARDING CENTRALIZED 911, CAPCOG [T2-548]

Les Karnes, State Comptrollers Office, spoke of study done regarding combining emergency fire and police calls through one dispatch center (911 combined dispatch). He spoke of combined dispatch in Bell County which is working great. Ken Bell, San Marcos Fire Marshal, spoke possible countywide communication center – there are currently 3 PSAP centers in Hays County which CAPCOG has to provide funds. He spoke of Travis County combined emergency center and he spoke about equipment provided by CAPCOG. Mike Baker, Fire Chief for City of San Marcos, spoke of Collin County center and he spoke of how the local four centers operate at the present time. They are asking if the county is interested in them researching the possibility of creating a combined dispatch center in Hays County. Howard Williams, Chief of Police in San Marcos, spoke of duplication of infrastructure. He feels like a combined center would save money and would provide better communication between the various entities. Dave Smith, Chief of South Hays ESD#3, spoke of issues that have been talked about for years among the various emergency services – technology is a major issue. Lt. Dennis Gutierrez, Hays County Sheriffs Office dispatch, spoke of dispatching 911 for the City of Kyle and the system is already up-to-date technology. He spoke of pay being an issue for dispatchers. Mike Baker advised that Collin County has a stand alone agency with board members from the various entities. Judge Sumter voiced her support of centralized 911. Hays County EMC Jeff Turner spoke of the various emergency services districts that provide services throughout the county and they are a funding source. He spoke of need for better communications and short term issues need to be addressed. Technology is needed for the fire and ESDs. Dennis Gutierrez spoke of having a CAD and Odyssey system that does not communicate with each other. Chief Howard Williams spoke of need for a common communication platform for all entities. Jeff Turner advised that a work group needs to meet to determine what the main issues are that need to be addressed on the short term. Ken Strange, Wimberley ESD, spoke of problems reaching dispatch in the early hours of the morning in an emergency. Kevin Rawls, San Marcos/Hays County EMS, spoke of problems having to deal with various dispatch centers – technology is a big issue. Theresa York, representative of CAPCOG, advised that they are willing to work with all the entities to make things happen.



Court convened into closed executive session at 4:30 p.m. and reconvened into open meeting at 7:55 p.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS

No discussion in open session and no action taken.

24184 EXECUTIVE SESSION UNDER SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE RELOCATION OF THE HAYS COUNTY, PRECINCT 2 OFFICE. POSSIBLE DISCUSSION AND/OR ACTION TO FOLLOW IN OPEN COURT [T2-1701]

Commissioner Conley was not present for action on this item. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioner Barton to negotiate an agreement with a property appraiser to appraise existing county property on FM150 and also the property on which sits the Health Department in Kyle, Texas and bring it back to the County Judge for execution. All present voting "Aye". MOTION PASSED

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 APRIL 10, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17th DAY OF APRIL A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Rev. David Sweet (Hays Hills Baptist Church) gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24185 ADOPT A PROCLAMATION DECLARING THE WEEK OF APRIL 21 - 28, 2007 AS "NATIONAL INFANT IMMUNIZATION WEEK" IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt Proclamation declaring the week of April 21-28, 2007 as "National Infant Immunization Week". All voting "Aye". MOTION PASSED

PUBLIC COMMENT

Charles O'Dell (Hays CAN) made public comment regarding urban design and planning workshop. Andrew Backus, Hays Trinity Groundwater Conservation District, made public comment regarding the Randall Arendt workshop held April 16th.

24186 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 888,606.32 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24187 APPROVE BUDGET AMENDMENT 07-17

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-17 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24188 APPROVE MINUTES OF APRIL 10, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of April 10, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24189 WAIVE REAPPLICATION FEE FOR A SEPTIC PERMIT FOR THE JESUS CHRIST IS THE ANSWER CHURCH

The Jesus Christ is the Answer Church paid for and received a septic permit, however, because of weather delays and other issues they have not been able to construct the septic in the allotted amount of time. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to waive reapplication fee for a septic permit for the Jesus Christ is the Answer Church. All voting "Aye". MOTION PASSED

24190 APPROVE PAYMENT/REIMBURSEMENT FOR HOTEL STAY IN AUSTIN (COUNTY TREASURER ASSISTANT)

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment/reimbursement for hotel stay in Austin (County Treasurer Assistant). All voting "Aye". MOTION PASSED

24191 APPROVE THE CHANGE OF THE STAFF ASSISTANT-PURCHASING, GRADE 914 TO PURCHASING SPECIALIST, GRADE 915

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the change of the Staff Assistant-Purchasing Grade 914 to Purchasing Specialist Grade 915. All voting "Aye". MOTION PASSED



24192 AUTHORIZE COUNTY JUDGE TO ACCEPT \$400,000 GRANT FROM TEXAS PARKS AND WILDLIFE DEPT. - OUTDOOR GRANT PROGRAM AND TO EXECUTE CONTRACT

Hays County, the City of San Marcos and the Nature Conservancy entered into an agreement to work together to purchase 250.7 acres adjacent to the San Marcos Springs. Grant funds are being obtained by all groups to purchase and develop the property. Only passive development is being considered, due to the sensitive environmental nature of the recharge area. Only about ½ of the \$400,000 grant can be used to purchase the property, the other ½ has to be used for construction, project management, and landscape architect. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize County Judge to accept \$400,000 grant from Texas Parks and Wildlife Dept. - Outdoor Grant Program and to execute contract. All voting "Aye". MOTION PASSED**

24193 [PCT. 2 #07-2-12, 2 LOTS] PALOMINO PARK - APPROVE PRELIMINARY PLAN [T1-204]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. Commissioner Barton suggested that staff request possibility of dedication of additional right of way on Palomino Road. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Palomino Park" subdivision contingent on a possible request for additional r-o-w before acceptance of final plat. All voting "Aye". MOTION PASSED**

24194 [PCT. 4 #06-4-064, 3 LOTS] SPRINGLAKE TRACT 90 (UNRECORDED) - APPROVE FINAL PLAT [T1-259]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Steven Harris (representing Springlake Property Owners Assn) spoke in opposition to this plat. Felicia Febles, resident of Springlake Subdivision, spoke in opposition to this plat. Letters of opposition were submitted by Melissa Brooks and Kenny & Loretta Edwards. Commissioner Ford spoke of this plat complying with county rules. Commissioner Barton spoke of laws that prohibit the court to address some of the concerns brought up. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Springlake Tract 90". All voting "Aye". MOTION PASSED**

24195 [PCT. 4 #07-4-15, 2 LOTS] SYCAMORE CREEK REPLAT LOT 11 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-580]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Sycamore Creek Replat of Lot 11". All voting "Aye". MOTION PASSED**

24196 [PCT. 4 #06-4-77, 3 LOTS] ROLLING OAKS SECTION 3 RESUB LOT 7 - APPROVE FINAL PLAT [T1-600]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Judge Sumter read a letter from Ernest Garza in opposition to the resubdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Rolling Oaks Section 3 Resubdivision of Lot 7". Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley and Judge Sumter voting "Aye". Commissioner Ford voting "No". MOTION PASSED**

24197 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR SILVERADO SUBDIVISION, SECTION 2 [T1-671]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction and drainage improvements and to accept maintenance bond for 2 years. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and accept maintenance bond for two years for "Silverado Section 2" subdivision. All voting "Aye". MOTION PASSED**

24198 CALL FOR A PUBLIC HEARING ON MAY 1, 2007 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MOUNTAIN DRIVE AND OAK HAVEN

[T1-689] Road Department recommendation is to establish a 3-Way STOP at the intersection of Mountain Drive and Oak Haven in Willow Creek Estates Subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on May 1, 2007 to establish traffic regulations at the intersection of Mountain Drive and Oak Haven. All voting "Aye". MOTION PASSED**



24199 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN SILVERADO SECTION 2 [T2-701]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 30 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of 30 MPH speed limit in Silverado Section 2. All voting "Aye". MOTION PASSED

24200 APPOINT COMMISSIONER CONLEY TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS - CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION [T1-714]

Charles O'Dell, Hays CAN, made public comment regarding CARTPO. Judge Sumter spoke of work Commissioner Conley has done while serving on this board. Court is allowed to appoint three members. A motion was made by Judge Sumter, seconded by Commissioner Barton to appoint Commissioner Conley and Commissioner Ingalsbe to the Capital Area Council of Governments - Capital Area Regional Transportation Planning Organization and allow them to make recommendation for third appointment. All voting "Aye". MOTION PASSED

24201 ADOPT A RESOLUTION IN SUPPORT OF CONTEXT SENSITIVE SOLUTIONS AS DEFINED BY THE FIX290 ORGANIZATION'S PARKWAY CONCEPT AND IN SUPPORT OF THE GROUP'S EFFORTS FOR ALTERNATIVE SOLUTIONS TO THE TXDOT INTERCHANGE PLANNED BY HWY 290/71 [T1-767]

Commissioner Barton suggested changing wording in the resolution [T1-890] - in paragraph 10 change wording as follows.....eliminates the three-level flyover at the "Y", could reduce overall project costs..... Commissioner Conley spoke of funding concerns. A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a resolution, with proposed amendment, in support of Context Sensitive Solutions as defined by the FIX290 Organization's Parkway Concept and in support of the group's efforts for alternative solutions to the TxDot Interchange Planned by Hwy 290/71. All voting "Aye". MOTION PASSED

24202 ACTION TO SUPPORT TEXAS SENATE BILL 1341 [T1-946]

Commissioner Ford spoke of Senate Bill 1341 regarding future management of the Edwards aquifer. A motion was made by Commissioner Ford, seconded by Judge Sumter to support Texas Senate Bill 1341 which would freeze actions on Edward's Aquifer pumping at its current state for two years to allow the ongoing Edward's Aquifer Recovery Implementation Program to build a consensus plan to preserve spring flows and protect the Edward's Aquifer. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #19 RE: APPROVE AN AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF BUDA, SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND THE MEADOWS AT BUDA COMMERCIAL, LTD. was PULLED. No discussion - no action taken.

24203 ADOPT RESOLUTION REGARDING APPROVAL OF BONDS FOR SAN MARCOS HEALTH CARE PROPERTIES, INC. PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE [T1-1069]

Nick Meindl of Hunton & Williams (Dallas, Tx) spoke of public hearing held on April 11, 2007 and he explained that in order for these bonds to be tax-exempt, the Commissioners Court must approve the exemption after a public hearing - there is no liability to the county. Hays Nursing and Rehab Center will be receiving some of the proceeds from the bonds. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt resolution regarding approval of bonds for San Marcos Health Care Properties Inc. pursuant to Section 147(F) of the Internal Revenue Code. All voting "Aye". MOTION PASSED

24204 AWARD "FLASH FLOOD WARNING SYSTEM" PROJECT TO WATERMARK SAFETY INC. AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT FOR \$750,000

[T1-1135] Frank Gutierrez, High Sierra Electronics, spoke of his experience and the company he works for. Grants Administrator Richard Salmon spoke of 182 low water crossings in Hays County - this will address the top 16 crossings. He spoke of demonstrations and presentations - references were checked and contract has been reviewed. Special Counsel Mark Kennedy spoke of final contract. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to award "Flash Flood Warning System" project to Watermark Safety Inc. and to authorize County Judge to execute a contract for \$750,000. All voting "Aye". MOTION PASSED



24205 APPROVE SERVICES AGREEMENT BETWEEN HAYS COUNTY AND WATERMARK SAFETY, LTD. FOR THE MAINTENANCE OF AN EARLY WARNING SYSTEM FOR LOW-WATER CROSSINGS IN HAYS COUNTY; AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE SAID AGREEMENT

[T1-1302] Grants Administrator Richard Salmon spoke of cost after the one year period. Special Counsel Mark Kennedy pointed out additions made to the contract. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve services agreement between Hays County and Watermark Safety Ltd. for the maintenance of an early warning system for low-water crossings in Hays County and to authorize the County Judge to execute said agreement. All voting "Aye". MOTION PASSED

24206 CALL FOR A SECOND PUBLIC HEARING ON THE INTERIM SUBDIVISION RULES AT WHICH TIME THE COURT MAY ALSO TAKE ACTION TO APPROVE

[T1-1336] Commissioner Ford spoke of available locations for a public hearing. Naismith Engineering will conduct that meeting. [T2-280] A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a second public hearing on the interim subdivision rules on April 24, 2007 and post for the earliest possible date for adoption of the Interim Subdivision Rules. All voting "Aye". MOTION PASSED

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:10 p.m.

EXECUTIVE SESSION UNDER SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE RELOCATION OF THE HAYS COUNTY, PRECINCT 2 OFFICES

No action taken in open court on this item.

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS

No action taken in open court on this item.

24207 EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

[T1-1580] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to settle claims that were recently re-issued to Hays County by CTMC by paying CTMC 70% of its current claim in full satisfaction and accord of any claim that exists or may exist prior to today, April 17, 2007 and to furthermore agree and authorize the County Judge to form an agreement with CTMC that calls for Hays County to pay legitimate, invoiced claims by CTMC at a rate of 65% of that total invoiced amount beginning today, April 17, 2007 and continuing until another written agreement is in place. All voting "Aye". MOTION PASSED

A Motion was made by Commissioner Ingalsbe, seconded by Judge Sumter To rescind and/or revoke permit #2005-416. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter Voting "Aye". Commissioner Barton and Commissioner Conley voting "No". MOTION PASSED

LIBRARY WORKSHOP - 1:00 P.M.

[T1-1627] Gary Knight, President of the Wimberley Library Board of Trustees, gave a powerpoint presentation. Others present were Directors: Stephanie Langenkamp - Director of the San Marcos Public Library, Marjorie Martinez - Director of the Buda Public Library, Bill Mears - Director of the Kyle Community Library, SuzAnne Beard - Director of the Wimberley Village Library, Cara Russell - Director of the Dripping Springs Community Library, and Tom Ballard of the Wimberley Library District was also on hand. Other representatives that were present: Dick Bloom, Susan Black, Ruth Jennings, Joan Heath and Linda Coker. Dripping Springs and Wimberley are Library Districts which are funded by sales tax. Buda, Kyle, and San Marcos are primarily funded through their respective cities. The county provides funding to all five libraries in one amount which is divided as follows: 40% to San Marcos, 15% to Buda, Dripping Springs, Kyle and Wimberley. In 2007 the county funded libraries \$153,400. They will be requesting \$300,000 this next fiscal year. All five libraries are facing the need for expanded facilities. Discussion was had regarding the various programs offered by the libraries (i.e. adult literacy, G.E.D., summer reading program, story time, etc.) and the different types of users. Discussion was had regarding possible grant funding and other ways the county may assist libraries.



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MENTAL HEALTH WORKSHOP [T2-330]


Donna Murphee, CTMC Licensed Social Worker, spoke of the Emergency Mental Health Task Force. The task force is multi-purposed: Improves communication between agencies that have clients in common, identifies gaps in services in all agencies, advocates for persons living with mental illness, provides a forum for discussing current problems, refines and improves processes, and gives the problem of delivering mental health services in San Marcos a unified voice to decision-makers. Their purpose is to establish a center that will provide a safe, non-judgmental atmosphere for people to stay as long as 23 hours to stabilize after a personal crisis, as well as provide the basic necessities for clients during that time. A psychiatric consultation and staff trained in crisis management is available 24 hours a day, seven days a week. A Crisis Stabilization Center saves lives; improves officer safety, liability and deployment; reduce community costs; decrease the likelihood of consequences resulting from the use of deadly force during intervention with acutely mentally ill person; and decreased inappropriate use of state hospital funding. Tom Morgan, Director of Schieb Mental Health Center, spoke of State Hospital diverting patients to other facilities and transportation issues. Sheriff Allen Bridges spoke of training deputies in crisis intervention (40 hour course) and he spoke of transportation of these patients by the Sheriff's Department. He supports creation of a Crisis Stabilization Center. Ed Kuny spoke of 64% of local jail inmates were found to be in need of mental health services and should not be in jail. He spoke of what would be available through a Crisis Respite Center. Requesting that City and County get together and provide transportation – a car and off-duty officer – to save the City Police and Sheriff's Dept. money. Dr. Clay Ross, Schieb Mental Health Center, spoke of various disorders and treatment that is needed. Mr. Kuny spoke of possibility of obtaining grant funding. Donna Murphee spoke of hospital participation. Sheriff Bridges spoke in support of this crisis center and he spoke of budget request he is submitting. Commissioner Conley suggested formalizing a county task force.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 APRIL 17, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24th DAY OF APRIL A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Constable Pct. 1 Lupe Cruz gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24208 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF SOIL AND WATER STEWARDSHIP WEEK

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation of the Hays County Commissioners Court in support of "Soil and Water Stewardship Week". All voting "Aye". MOTION PASSED

24209 ADOPT A PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT IN SUPPORT OF COUNTY GOVERNMENT WEEK, APRIL 22-28, 2007

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt a Proclamation of the Hays County Commissioners Court in support of County Government Week April 22-28, 2007. All voting "Aye". MOTION PASSED

PUBLIC COMMENT

Bill Breedlove, Wimberley resident, made public comment about county cemeteries and county burial policy. Andrew Backus, Board President of Hays Trinity Groundwater Conservation District, spoke about HB3039 & HB3447. Harold Tietjen spoke about the body farm proposed along SH21.

24210 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 547,243.98 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24211 APPROVE BUDGET AMENDMENT 07-18

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Budget Amendment #07-18 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24212 APPROVE MINUTES OF APRIL 17, 2007

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Minutes of April 17, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24213 APPROVE PURCHASE AND MONTHLY SERVICE OF CELL PHONE FOR PERSONAL HEALTH

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve purchase and monthly service of cell phone for Personal Health. All voting "Aye". MOTION PASSED

24214 APPROVE OCTOBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve October 2006 Treasurer's Report and Investment Report submitted by the County Treasurer. All voting "Aye". MOTION PASSED



24215 APPROVE OUT OF STATE TRAVEL FOR ASST. FIRE MARSHAL BO MONTAGUE FOR ARSON CANINE ANNUAL RE-CERTIFICATION

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve out-of-state travel for Assistant Fire Marshal Bo Montague for arson canine annual re-certification. All voting "Aye". MOTION PASSED

24216 [PCT. 2 #07-2-05, 241 LOTS] SHADOW CREEK PHASE 7 -APPROVE PRELIMINARY PLAN [T1-351]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Shadow Creek Phase 7". All voting "Aye". MOTION PASSED

24217 [PCT. 3 #07-3-08, 8 LOTS] PINNACLE RIDGE ESTATES - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-374]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and accept construction fiscal surety. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Pinnacle Ridge Estates" and accept construction fiscal surety. All voting "Aye". MOTION PASSED

24218 [PCT. 4 #06-4-029, 47 LOTS] CHAMA TRACE - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-386]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and accept construction fiscal surety. Andrew Backus, Board President of Hays Trinity Groundwater Conservation District, spoke of shared wells. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Chama Trace" and accept construction fiscal surety. All voting "Aye". MOTION PASSED

24219 [PCT. 4 #03-4-089, 39 LOTS] RIM ROCK PHASE 3 SECTION 2 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-430]

Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval and accept construction fiscal surety. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Rim Rock Phase 3 Section 2" and accept construction fiscal surety. All voting "Aye". MOTION PASSED

24220 ADOPT GORDON STREET AS A COUNTY ROAD [T1-443]

Road Supt/Engineer Jerry Borcharding spoke of Gordon Street being a short road that connects two county roads (Spring Road and Wren Haven Road). He recommends accepting this road for county maintenance. A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt Gordon Street as a county road. All voting "Aye". MOTION PASSED

24221 FORMALLY ADOPT GLOSSON RANCH ROAD AS A COUNTY ROAD [T1-513]

Road Supt/Engineer Jerry Borcharding spoke of this road being traditionally thought of as a county road and was maintained by the county in the past. There has been right-of-way donated and bought to widen this roadway. Staff recommends acceptance of Glosson Ranch Road as a county maintained road - this is a dirt road approx. ¾ mile long. Plans are to pave this roadway. Commissioner Barton spoke of property owners participation in bringing roads up to county standards in some instances. A motion was made by Commissioner Ford, seconded by Judge Sumter to formally adopt Glosson Ranch Road as a county roadway. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ACCEPTANCE OF PROPERTY DONATION AT THE ENTRANCE OF RIVERBEND RANCH SUBDIVISION [T1-619]

Road Supt/Engineer Jerry Borcharding spoke of Riverbend Ranch Subdivision being developed at the end of Hilliard Road - this subdivision has private roads - the HOA is asking that the court take over the culdesac at the end of Hilliard Road and pave it. School buses do turn around in the culdesac. Commissioner Ford spoke of history of this issue. Jerry Borcharding suggested requesting Riverbend Ranch HOA to pay for materials to pave road up to their entrance. Commissioner Ingalsbe and Commissioner Conley felt like the HOA should bring it up to county standards and then donate it to the county. No action taken this date.

**24222 ADOPT ELLA LANE AS A COUNTY ROAD [T1-759]**

Commissioner Ford gave history of this road – part of the road is already county maintained. Road Supt/Engineer Jerry Borcharding gave staff recommendation to adopt Ella Lane as a county roadway. **A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt Ella Lane as a county road. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING NEW BOUNDARY LINES TO COUNTY ELECTION PRECINCTS

[T1-839] Elections Administrator Joyce Cowan spoke of creation of additional precincts and clean up of other precincts. Precinct 443 is over the maximum number allowed by law and Precinct 337 is just short of the maximum. Recommendations: (a) take Pct. 128 into Pct. 127, (b) take Pct. 121 into Pct. 120, (c) take Pct. 232 into Pct. 230 [Kyle area – desire is to create an additional precinct on the east side of IH35: Steeple Chase and Amberwood additions, (d) bring in city annexations into the precinct they boundary provided it does not cross Commissioner or JP lines or create additional problems, (e) leave Precinct 315 as is or create Precinct 314 [City of San Marcos votes within Precinct 315], (f) create a new precinct in Commissioner Pct. 3 [Wimberley/Woodcreek] [Pct. 333 new voting precinct], (g) create a new precinct in Commissioner Pct. 4 by taking some territory from Pct. 441 & 443 [Pct. 444 new voting precinct] – take in some territory to 449 from 441. Commissioner Conley suggested taking a section of Pct. 333 and put it back on the other side of Ranch Road 12 and bring Pct. 335 back down to Hugo Road. Commissioner Barton suggested some changes in Pct. 223 & 221. He prefers creating a new precinct east of Kyle (Amberwood and Steeple Chase). Changes would not take place until January 2008. This item will be brought back to the court next week for action after changes are made. Commissioner Barton spoke of Pct. 228 – 7,000 homes are being proposed in this area in the future.

24223 APPROVE SERVICES AGREEMENT BETWEEN HAYS COUNTY AND GARY PENNINGTON, R.P.L.S. FOR PROFESSIONAL SURVEYING AND MAPPING SERVICES; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT [T1-1314]

The work proposed is for Lot 14 Northwest Hills, the low water crossing at Jacobs Well Road and Cypress Creek, and a portion of Shelton Ranch Road. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve services agreement between Hays County and Gary Pennington, R.P.L.S. for professional surveying and mapping services and to authorize the County Judge to execute said agreement. All voting "Aye". MOTION PASSED**

24224 ACTION TO BRING AREAS WITHIN THE JUSTICE CENTER UP TO NATIONAL AND STATE FIRE INSPECTION STANDARDS [T1-1349]

Maintenance Supervisor Ron Knott advised that the work is needed to bring the Justice Center into compliance with National and State Fire Standards. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve funding in the amount of \$3,850.00 out of contingencies to bring areas within the Justice Center up to national and state fire inspection standards. All voting "Aye". MOTION PASSED**

24225 APPROVE THE TRANSFER OF VEHICLE FROM THE HAYS COUNTY SHERIFF'S OFFICE TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-1381]

Health Dept. Director Nick Icosspentarhos spoke of need for the vehicle. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the transfer of vehicle from the Hays County Sheriff's Office to the Hays County Personal Health Department. All voting "Aye". MOTION PASSED**

24226 AUTHORIZE THE EXPENDITURE OF UP TO \$2,500.00 TO CARTS FOR THE REPAIR OF THE VETERAN'S AFFAIRS BUS [T1-1435]

Commissioner Ingalsbe advised that there are funds in countywide operations line item #01-414-5743. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the expenditure of up to \$2,500.00 to CARTS for the repair of the Veteran's Affairs bus to be funded out of the countywide operations budget (line item #01-414-5743). All voting "Aye". MOTION PASSED**

24227 AUTHORIZE THE REPAIR OF OUR LARGE WALK-IN COOLER AT THE HAYS COUNTY CIVIC CENTER [T1-1505]

Commissioner Ingalsbe spoke of coolers at the civic center that are not working. She recommends repairing the largest cooler. There are funds in the budget in countywide operations line item #04-414-5743 (\$1,267) and contingencies (\$1,113). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton authorize the repair of large walk-in cooler at the Hays County Civic Center. All voting "Aye". MOTION PASSED**



HOLD A PUBLIC TO CONSIDER A PETITION FOR CREATION OF A FRESH WATER SUPPLY DISTRICT IN PRECINCT 2 OF HAYS COUNTY, PURSUANT TO THE PROVISIONS OF TEXAS WATER CODE, CHAPTERS 49 AND 53, SAID DISTRICT TO BE STYLED "HUDSON RANCH FRESH WATER SUPPLY DISTRICT NO. 1 [T1-1588]

Commissioner Barton spoke of Hudson Ranch being in the unincorporated area of Hays County near Ruby Ranch. They are interested in creating a district to provide a collective fresh water supply. Judge Sumter declared the public hearing open. Lee Weber advised that they did have discussion with previous court regarding a subdivision development agreement. He presented a diagram of the master plan limiting impervious cover to 20% - proposing 1,377 lots - will provide an elementary school site in the subdivision. Commissioner Barton spoke of developer meeting with the school district and the Ruby Ranch HOA. He spoke of water and wastewater considerations. Mr. Weber advised that they have met with GBRA and the City of Buda to provide water to other areas. David Smith, Attorney for developer, explained authority of fresh water supply districts - temporary directors would be appointed by the court to organize the initial structure of the district and hold election for permanent board - they will have property taxing authority. Mr. Weber spoke of water reuse and permits obtained from TCEQ. Special Counsel Mark Kennedy spoke of maintenance tax (must be approved by voters). Mr. Weber spoke of surface water supply from GBRA through the Buda system. Andrew Backus spoke [T1-2183]. This development is in the boundaries of the Edwards Aquifer Water Authority. Recommended directors are: [T1-2235] Delton Hudson, Elizabeth Edwards, Debra Eason, J. Brannin Prideaux, and Robert C. Alden. David Smith spoke of qualification issue. Charles O'Dell, Hays CAN, spoke [T1-2410]. Lee Weber spoke of process that is being followed. Discussion was had on need for additional time to look at resumes for temporary directors, review development agreement, legal counsel review, etc. Judge Sumter closed the public hearing. [T2-3284] Mark Kennedy advised that the public hearing has been held and this can be placed back on the agenda for action next week. Lee Weber provided resumes for three of the proposed temporary directors and will provide one other. Delton Hudson (proposed director) is the property owner. Mr. Weber spoke of creating an entity that can contract with the City of Buda for water. They want to exceed county standards. Commissioner Conley spoke in support of this district.

DISCUSSION REGARDING REVISED INDIGENT BURIAL POLICY FOR HAYS COUNTY [T1-3372]

Commissioner Ingalsbe spoke of indigent burial policy that was previously adopted by the court. She spoke of need to clear up issue regarding burying people in other cemeteries if space is available and at no cost to the county. She advised that the county cemetery has been plotted and records are being kept. Discussion was had regarding allowing headstones (flush with the ground). Special counsel to review policy, make changes, and bring back to the court for action at a later date.

24228 HOLD A SECOND PUBLIC HEARING TO ESTABLISH INTERIM SUBDIVISION RULES WITH ACTION TO ADOPT SUCH RULES [T2-272]

Tom Brown, Naismith Engineering, spoke of changes made to the rules: expanded water availability analysis for both surface water and ground water (for groundwater it will be the TCEQ chapter 230 rules), new section 3.14 dealing with waste water availability requesting developer detail where wastewater service is coming from, cleanup in section 3.11 where all reference to wastewater availability and OSSF rules was deleted and was included in 3.14 with reference to chapter 9 of existing rules detailing what has to go into an OSSF application, and notification of affected political subdivision. Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. [t2-309] **A motion was made by Commissioner Ford, seconded by Judge Sumter to establish the Interim Subdivision Rules that have been through our stakeholders review system and adopt these rules in 3.13 & 3.14. All present voting "Aye". MOTION PASSED** Commissioner Conley was not present to vote.

24229 AUTHORIZE COMMISSIONER INGALSBE TO MAKE OFFERS TO PROPERTY OWNERS ON MCCARTY LANE BASED ON APPRAISAL VALUES [T2-334]

Commissioner Ingalsbe advised that appraisals have been received and she is requesting authorization to make offers and negotiate with property owners. **A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioner Ingalsbe to make offers to property owners on McCarty Lane based on appraisal values, not to exceed the appraised value, and if rejected she be authorized to negotiate, along with staff, on behalf of the court and bring a recommendation back to the court. All voting "Aye". MOTION PASSED**

NEW ACCESS POINT IN HIGH POVERTY COUNTY/HOSPITAL DISTRICT [T2-366]

Nick IcoSSIPentArhos spoke of federal grant for New Access Point in high poverty county/hospital district. Grants Administrator Richard Salmon spoke of grant - the poverty level is not based on income, it is based on number of providers to the population. He spoke of Texas counties that qualify but some are not even aware of the grant. Grant pays for salaries only (personnel) and not facilities or other operational costs. Richard Salmon spoke of use of funds, length of time this grant will be available, and items that must be submitted with grant application. Nick IcoSSIPentArhos spoke of need for mental health providers needed.



Gary Jepson, President/CEO of Central Texas Medical Center, spoke of number of Texans that don't have medical insurance – at least 25% of Hays County residents do not have health insurance – all are not indigent but many are. He stated that CTMC does not have the grant writing skills needed – they do have a building that could be used for this purpose (on Thorpe Lane) and they operate a 501a to employ physicians. They are willing to partner with the county and support the concept. [T2-841] Serena Starkey, MPA with Community Care Services Dept – Community Health Center - Austin, advised that the low income population is in San Marcos and Kyle. Transportation is an issue with low income patients. It would be feasible to have the facility in San Marcos. Richard Salmon spoke in favor of getting a planning grant. Serena Starkey spoke of planning grant helping you to put together a service delivery model.

Court convened into closed executive session at 2:30 p.m. and reconvened into open meeting at 2:55 p.m. regarding the following agenda items:

EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES, IN CONNECTION WITH THE LA VENTANA SUBDIVISION

EXECUTIVE SESSION UNDER SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE RELOCATION OF THE HAYS COUNTY, PCT. 2 OFFICES

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS

No discussion and no action was taken on the executive sessions that were held.

WORKSHOP ON FIREARM REGULATIONS IN SMALL LOT SUBDIVISIONS [T2-1645]

Commissioner Barton spoke of a young boy who was killed while playing in his yard in Green Pastures by a stray bullet – two families have suffered from this incident. State law allows county's to regulate the discharge of firearms in subdivisions with less than 10 acre lots. Commissioner Barton spoke of not being anti-gun but he feels like we can have regulations that protect children and families and give reasonable use of guns in the county – there is no absolute protection from reckless behavior but we can give law enforcement a tool. Special Counsel Mark Kennedy advised that he was given a regulation written in 1987 from Comal County. District Attorney Sheri Tibbe spoke of importance in protecting our citizens and seeing that laws are enforced. Commissioner Conley read from a Travis County act that addresses shooting across property lines. Commissioner Barton read from the Local Government Code Section 235.022 regarding discharge of firearm. Hays County Deputy Sheriff Skip Casteel, spoke of Parks & Wildlife statute which deals with discharge of firearms across property lines and he spoke of difficulty in prosecuting those cases. Mike Cox, NRA member and firearms instructor, spoke of safety training to prevent irresponsible use of firearms and reckless endangerment. The NRA endorsed the law being considered (archery, air rifles, etc.) He spoke of property under one acre that could be safe for discharge of firearms (property with cliffs, berms, etc.). He spoke of assistance you can get to plan a public shooting range. [T2-2500] Charles Angel, concealed handgun instructor, spoke of certified shooting ranges. They advocate gun safety and instruct people that they are responsible for consequences of discharging firearms and he spoke of different types of bullets. Commissioner Conley spoke of Comal County regulation Mark Kennedy spoke of penal code regarding discharge of firearms in certain area and the Comal County regulation. He feels like LGC 235.022 is very broad – you need a clear regulation with possible room for waivers. Skip Casteel spoke of limited authority given to counties. Discussion was had to create a committee to put together proposed regulation for consideration by the court.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, 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 APRIL 24, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



MAY 1, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 1ST DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mark Newton from the First Baptist Church in San Marcos gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Robert Daigh, Austin Engineer for TxDot, spoke of large reduction in federal allocation of state funding. He advised that no new pass through financing applications are being accepted. Charles O'Dell, Citizens for Responsible Roads, gave public comment regarding statement made by Mr. Daigh

24230 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$ 463,825.24 As presented by the County Auditor. All voting "Aye". MOTION PASSED

24231 APPROVE MINUTES OF APRIL 24, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Minutes of April 24, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24232 APPROVE BUDGET AMENDMENT 07-19

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Budget Amendment #07-19 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24233 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Utility Permit # 01916 on Appaloosa Way issued to Time Warner Cable, #01917 on CR133/Hillside Terrace issued to Reliant Energy, #01918 on Reunion Blvd. issued to Hays Reunion Ranch LP, #01919 on Crystal Hills Drive issued to Hays Reunion Ranch LP, #01920 on Bear Creek Pass issued to Hays Reunion Ranch LP, #01921 on CR188/Martin Road issued to P.E.C. Inc., and #01922 on CR140/Post Road issued to CenterPoint Energy as submitted by the Road Department. All voting "Aye". MOTION PASSED

24234 APPROVE AWARD OF BID #2007-B02 REMOVAL & INSTALLATION OF NEW ROOF FOR HAYS COUNTY CIVIC CENTER TO VINCENT'S ROOFING

Five bids were received with Vincent's Roofing being the lowest bid and best value for the county. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve award of Bid#2007-B02 Removal & Installation of new roof for Hays County Civic Center to Vincent's Roofing in the amount of \$262,560.00. All voting "Aye". MOTION PASSED

24235 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR UP TO \$30,417 FOR FY 07-08

The Safe and Drug Free Schools & Communities Act (SDFSC) grant request for \$30,417 will be used to fund the 3rd year of operation for the Wimberley School Resource Officer. The portion not paid by the grant is paid 75% by the local school district and 25% by the County - county portion is \$5,070. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit grant application to the Office of the Governor - Criminal Justice Division for up to \$30,417 for FY 07-08. All voting "Aye". MOTION PASSED



24236 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS PRESERVATION TRUST FUND FOR UP TO \$25,000, TO STABILIZE THE OLD HAYS COUNTY JAIL

This is a grant application to the Texas Preservation Trust Fund for up to \$25,000. The Burdine Foundation is providing the \$50,000 match for this project. No county funds included/needed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit a grant application to the Texas Preservation Trust Fund for up to \$25,000 to stabilize the old Hays County Jail. All voting "Aye". MOTION PASSED

24237 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$10,512 GRANT TO THE OFFICE OF GOVERNOR - CJD - JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

A large number (80%) of juveniles in the Juvenile Center are either in need of mental health evaluations or continued mental health services. The purpose of this grant, and county funds, is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to submit \$10,512 grant to the Office of Governor - CJD - Juvenile Justice and Delinquency Prevention Program. All voting "Aye". MOTION PASSED

24238 APPROVE RESOLUTION AUTHORIZING THE DESIGNATION OF 3.5 ACRES LOCATED ON THE EAST END OF THE 43-ACRE COUNTY PARK PROPERTY AS "OPEN SPACE", AS PER REQUIREMENTS OF THE TPWD GRANT

The Commissioners' Court designated 3.5 acres as "open space" on July 23, 2003 and Texas Parks & Wildlife Department is requesting a resolution before processing future invoices. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve resolution authorizing the designation of 3.5 acres located on the east end of the 43 acre county park property as "open space" as per requirements of the TPWD Grant. All voting "Aye". MOTION PASSED

24239 APPROVE NOVEMBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve November 2006 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

24240 APPROVE COMMISSIONERS' COURT ADOPTION OF INTERIM HAYS COUNTY SUBDIVISION AND DEVELOPMENT RULES AND REGULATIONS ON APRIL 24, 2007 AND DECLARE SAID INTERIM RULES EFFECTIVE AS OF MAY 1, 2007

Special Counsel Mark Kennedy spoke of posting these rules on the county website. No effective date was declared last week, therefore, this action declares the rules effective May 1, 2007. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Commissioners' Court adoption of interim Hays County Subdivision and Development Rules and Regulations on April 24, 2007 and declare said Interim Rules effective as of May 1, 2007. All voting "Aye". MOTION PASSED

24241 APPROVE REVISED OPERATING RULES FOR THE HAYS COUNTY LINKED DEPOSIT LOAN PROGRAM FOR WATER AND ENERGY RELATED PROJECTS FOR COUNTY RESIDENTS

Grants Administrator Richard Salmon explained that this is an interest buy down program only and the county will not be making, guaranteeing or servicing loans. A correction was made in Subsection B Interest Rebate Program under 110.01 Procedures #6: The total amount of the interest rebate to an approved applicant cannot exceed the maximum of ~~\$3,000.00~~ \$2,500.00 per applicant. Commissioner Ford spoke of projects that can utilize this program. Charles O'Dell, Hays CAN, made public comment. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve revised operating rules for the Hays County Linked Deposit Loan Program for water and energy related projects for county residents. All voting "Aye". MOTION PASSED



24242 [PCT. 2 #07-2-12, 2 LOTS] PALOMINO PARK SUBDIVISION - APPROVE FINAL PLAT

[T1-247] Interim Environmental Health Director Tom Forrest gave staff recommendation for final plat approval. Discussion was had to recommend a shared access driveway. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of "Palomino Park Subdivision". All voting "Aye". MOTION PASSED**

24243 [PCT. 4 #07-4-24] DEERFIELD ESTATES LOT 18 - RELEASE SANITARY EASEMENT

[T1-307] CSME Development is requesting that the existing sanitary easement be abandoned and relocated to a different location on the property. Interim Environmental Health Director Tom Forrest gave staff recommendation for release of sanitary easement as requested. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release sanitary easement on Deerfield Estates Lot 18. All voting "Aye". MOTION PASSED**

24244 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR THE OAKS AT GATLIN CREEK SUBDIVISION [T1-331]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept road construction and drainage improvements, release of construction bond and acceptance of maintenance bond for Oaks at Gatlin Creek subdivision. *Clerk's Note: Original Letter of Credit #NZS569104 was amended to reduce it from a construction amount of \$47,187 to a maintenance amount of \$4,718.70 with an expiration date of March 3, 2009.* **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release of construction bond, and acceptance of maintenance bond for two years for the Oaks at Gatlin Creek Subdivision. All voting "Aye". MOTION PASSED**

24245 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR KUYKENDALL SUBDIVISION [T1-356]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept road construction and drainage improvements, release of construction bond and acceptance of maintenance bond for Kuykendall subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release of construction bond, and acceptance of maintenance bond for two years for the Kuykendall subdivision. All voting "Aye". MOTION PASSED**

24246 CALL FOR A PUBLIC HEARING ON MAY 15, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN GOLDENWOOD SUBDIVISION

Andrew Backus, representing the Goldenwood Property Owners Assoc., made public comment. Road Department is recommending a speed limit of 25 MPH throughout the subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on May 15, 2007 to establish traffic regulations in Goldenwood Subdivision. All voting "Aye". MOTION PASSED**

24247 CALL FOR A PUBLIC HEARING ON MAY 15, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN KUYKENDALL SUBDIVISION [T1-406]

Road Dept. is recommending a speed limit of 25 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 15, 2007 to establish traffic regulations in the Kuykendall Subdivision. All voting "Aye". MOTION PASSED**

24248 CALL FOR A PUBLIC HEARING ON MAY 15, 2007 TO ESTABLISH SPEED LIMIT AND ANY OTHER TRAFFIC SAFETY SIGNAGE NEEDED ON NUTTY BROWN ROAD

[T1-416] Road Dept. is recommending a speed limit of 45MPH and to establish "no passing" zones. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 15, 2007 to establish speed limit and any other traffic safety signage needed on Nutty Brown Road. All voting "Aye". MOTION PASSED**

24249 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MOUNTAIN DRIVE AND OAK HAVEN [T1-427]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to establish traffic regulations of a 3-Way STOP at the intersection of Mountain Drive and Oak Haven in Willow Creek Estates Subd. All voting "Aye". MOTION PASSED**



24250 ROAD NAME DESIGNATION - NAME A PRIVATE ROAD TUSCANY VILLA PATH LOCATED IN TUSCANY VILLA SUBDIVISION [T1-437]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve road name designation of "Tuscany Villa Path" to a private road located in Tuscany Villa Subdivision. All voting "Aye". MOTION PASSED

24251 ADOPT NEW BOUNDARY LINES TO COUNTY ELECTION PRECINCTS [T1-501]

Elections Administrator Joyce Cowan presented the adjusted boundary lines to county election precincts. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt new boundary lines for the County Election Precincts as presented. All voting "Aye". MOTION PASSED

24252 AUTHORIZE COMMISSIONER JEFF BARTON TO FORM A COMMITTEE TO ANALYZE AND DRAFT PROPOSED REGULATIONS FOR THE DISCHARGE OF FIREARMS IN HAYS COUNTY [T1-540]

Gary Connor (Peaceable Texans for Firearm Rights - PTFR) requested a 30 day delay in appointment of a committee and he made public comment regarding recent shooting incident. Commissioner Barton spoke of workshop that was held and public comment that was made at that workshop. A regulation would provide a tool for law enforcement. He presented a list of recommended appointees for the committee. Mr. Connor recommended that Paul Velte (Attorney and member of PTFR) be appointed to the committee. Special Counsel Mark Kennedy spoke of Local Government Code wording which allows prohibition or regulation of discharge of firearms. Commissioner Conley spoke in support of the committee. Judge Sumter spoke of importance to post notice of committee meetings on the county website for public input. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Commissioner Barton to form a committee to assist in preparing a draft proposed regulation for the discharge of firearms on small lots in Hays County - committee to consist of Commissioner Barton, Special Counsel Mark Kennedy, Charles Angel, Delton Hudson, Mike Cox, appointee to be determined by the Hays County Sheriff, Constable James Kohler, Constable Darrell Ayres, Ann Ybarbo, an additional representative of a property owners association to be named by Commissioner Barton, Paul Velte, and each member of the Court be authorized to designate a representative, if they wish. All voting "Aye". MOTION PASSED

24253 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$80,000 GRANT REQUEST TO THE U.S. DEPT. OF HEALTH AND HUMAN SERVICES FOR A PLANNING GRANT UNDER CFDA NO. 93.224 TO PLAN FOR THE POSSIBLE DEVELOPMENT OF A NEW COMPREHENSIVE PRIMARY CARE HEALTH CENTER [T1-1057]

Grants Administrator Richard Salmon advised that this is the planning grant to make the assessment for a possible development of a new comprehensive primary care health center. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to submit \$80,000 grant request to the U.S. Dept. of Health and Human Services for a planning grant under CFDA No. 93.224 to plan for the possible development of a new comprehensive primary care health care. All voting "Aye". MOTION PASSED

24254 INCREASE CONTRACT SERVICES LINE-ITEM IN GRANTS DEPARTMENT BY \$5,000 [T1-1131]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to increase the contract services line item in Grants Department not to exceed \$5,000 to be funded out of contingencies. All voting "Aye". MOTION PASSED

24255 ACTION TO PROVIDE COUNTY COMMUNICATIONS TO THE PUBLIC THROUGH RSS FEEDS AND/OR A BROADCAST LISTSERV

[T1-1164] IT Director Jeff McGill spoke of creating a subscription section on the county web page to provide distribution of information to the public. Commissioner Conley suggested conditions to items being sent out. Jeff McGill spoke of need for a person assigned to updating the county website. A motion was made by Commissioner Ford, seconded by Commissioner Conley to allow IT Department to provide county communications to the public through RSS Feeds and/or a Broadcast Listserv, limited to the agenda, the minutes, emergency communications, and information regarding election dates & locations. All voting "Aye". MOTION PASSED



24256 ADOPT AN ORDER GRANTING PETITION REQUESTING THE CREATION OF A FRESHWATER SUPPLY DISTRICT IN PRECINCT 2 OF HAYS COUNTY, PURSUANT TO THE PROVISIONS OF TEXAS WATER CODE, CHAPTERS 49 AND 53, SAID DISTRICT TO BE STYLED "HUDSON RANCH FRESH WATER SUPPLY DISTRICT NO. 1" [T1-1519]

Commissioner Barton spoke of having received resumes of temporary directors for the district. They are working with the Hays CISD for a school site and with GBRA for possible source of water. Commissioner Ford asked about Section 5 regarding water source – she would like to restrict this district to surface water and not ground water. Judge Sumter spoke of water availability that would have to be determined when land is developed. Sec 5 change paragraph: "is practical and feasible" in that there is an ample supply of water available; for it to read "The project including the proposed improvements is practical and feasible and the terrain of the territory to be included in the district is such a nature that a water work system and drainage system and a wastewater system can be constructed at reasonable cost." T1-1800 Mark Kennedy spoke of item 7 – does not include commentary on water. A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt an Order granting petition, as amended, requesting the creation of a freshwater supply district in Precinct 2 of Hays County pursuant to the provisions of Texas Water Code Chapters 49 and 53, said district to be styled "Hudson Ranch Fresh Water Supply District No. 1". All voting "Aye". MOTION PASSED

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 1:00 p.m.

24257 EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE PLACEMENT OF A HEALTH CARE FACILITY BY SETON FAMILY OF HOSPITALS IN OR AROUND THE CITY OF KYLE, TEXAS. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-1860]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize two members of the Commissioners' Court to attend a public announcement of the Seton development in and around Kyle, Texas, and to voice Hays County's support of that development and agreement with the terms of the Letter of Intent drafted by the City of Kyle, Texas if and when it is signed by developer Seton Healthcare Network and the City of Kyle on May 3, 2007; the terms of which Commissioners' Court shall formally consider for ratification at the regularly scheduled Commissioners' Court session on May 8, 2007. All present voting "Aye". Commissioner Conley was not present to vote. MOTION PASSED Commissioner Barton advised that Commissioner Conley was not present for vote but had indicated his support for this action.

WORKSHOP: CLEAN AIR FORCE OF CENTRAL TEXAS

[T1-1932] Commissioner Ford introduced representatives from Clean Air Force: Deanna Altenhoff, Bill Gill, and Hazel Barber. Deanna Altenhoff gave a powerpoint presentation. Number one issue is ground-level ozone. Federal ozone standard 84 ppb or less and we are at 82 ppb (parts per billion). She spoke of health issues from ground-level ozone. 12 local governments signed the EAC (Early Action Compact) agreement in Dec. 2002 (including Hays County). Bill Gill spoke of air quality monitoring throughout the region. There are two monitors in Hays County (San Marcos & Dripping Springs) which are connected to TCEQ. Hazel Barber spoke of the "clean school bus program of central texas" and advised that more information is available at www.cleanschoolbus.net. She spoke of problem with diesel powered school buses and the number of children that suffer from asthma. Ms. Barber spoke of different fuels that can be used for school buses and she spoke about Senate Bill 529 & House Bill 1291 regarding retrofitting buses to use alternative fuels. [T2-104] Bill Gill spoke of available funding for retrofitting and rebates. Road Supt/Engineer Jerry Borcharding spoke of reporting being done by the Road Department and he spoke of taking initiative regarding idling of county equipment. Commissioner Ford spoke in support of efforts of the Clean Air Force of Central Texas and spoke of need for financial support.



**SUBDIVISION/OSSF POLICY AND PROCEDURES FROM START TO FINISH.
DISCUSSION ABOUT POLICY DIRECTION [T2-485]**

SUBDIVISION PROCEDURES

Interim Environmental Health Director Tom Forrest gave a powerpoint presentation setting out the procedures followed when subdividing and developing property in Hays County. He went through the steps for preliminary plan and final/record plat. Mr. Forrest also went through the various check lists for application materials, general information, floodplain & drainage, streets & ROW, water/wastewater & utilities, and reports.

OSSF PROCEDURES

Interim Environmental Health Director Tom Forrest gave a powerpoint presentation setting out the OSSF procedures for residential applications and commercial applications. Discussion was had regarding fees: \$35 for Class A building permit, \$275 for a SFR OSSF permit, \$100 for design review fee, and \$150 for Class B building permit. Fees: \$500 for all non-SFR permits and \$150 for review fee. There is a \$50 charge for extra trips that are required for county representatives to visit the site and confirm the findings of the SE/PE. Discussion was had regarding variances and reviews. Mr. Forrest went through check list for OSSF procedures. Discussion was had regarding how complaints are handled.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 1, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





MAY 8, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8th DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE WAS ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Father Pedro Garcia from St. Mary's Catholic Church in Wimberley gave the invocation and Commissioner Ford led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Tax Assessor-Collector Luanne Caraway presented Starlene Varnell (Substation Chief Deputy) with a 10 year service pin. District Court Coordinator Jimmie Kitchen presented a 5 year service pin to Bridget Elliott (Asst. District Court Coordinator). Constable Pct. 4 Debbie Brown presented Constable Pct. 5 Matt Mancillas with a 5 year service pin.

PUBLIC COMMENT

Lila Knight, Architectural Historian and member of the Hays County Historical Commission, gave public comment about the proposed forensic archeo research lab "Body Farm" on SH21.

24258 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$1,434,390.29 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

24259 APPROVE BUDGET AMENDMENT 07-20

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Budget Amendment #07-20 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED

24260 APPROVE MINUTES OF MAY 1, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve minutes of May 1, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

24261 APPROVE DECEMBER 2006 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve December 2006 Treasurer's Report and Investment Report. All present voting "Aye". MOTION PASSED

24262 AUTHORIZE A TEMPORARY NURSE PRACTITIONER POSITION DURING THE ABSENCE OF THE CURRENT NURSE PRACTITIONER AND AMEND THE BUDGET ACCORDINGLY

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize a temporary Nurse Practitioner position during the absence of the current Nurse Practitioner and amend the budget accordingly. All present voting "Aye". MOTION PASSED

24263 APPROVE UTILITY PERMIT #01923

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Utility Permit #01923 on Sawyer Ranch Road issued to Pedernales Electric Coop. as submitted by the Road Department. All present voting "Aye". MOTION PASSED



24264 APPROVE RESOLUTION OF HAYS COUNTY COMMISSIONER'S COURT TO OPPOSE THE PASSAGE OF SB 1638 OR SIMILAR LEGISLATION IN THE 80TH SESSION OF THE TEXAS LEGISLATURE [T1-207]

Tax Assessor-Collector Luanne Caraway spoke of calculation of effective tax rate. This Bill will have an impact on fast growing counties. Commissioner Conley spoke of good parts of the bill. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Resolution of Hays County Commissioners' Court to oppose the passage of SB 1638 or similar Legislation in the 80th session of the Texas Legislature. All present voting "Aye". MOTION PASSED**

24265 AUTHORIZE HIRING CLERK II AT A SALARY HIGHER THAN ENTRY LEVEL IN THE DISTRICT CLERK'S OFFICE [T1-369]

Commissioner Barton spoke of justification presented for this request and he spoke of policy of the county regarding new hires. Judge Sumter advised that there are funds available in the budget. Chief Deputy District Clerk Beverly Crumley spoke of need for this person. Commissioner Barton spoke of problems with allowing issues like this. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize hiring Clerk II at a salary higher than entry level in the District Clerk's office. All present voting "Aye". MOTION PASSED**

24266 APPROVE HIRING OF FORMER EMPLOYEE AT HER PREVIOUS RATE OF PAY FOR THE PURCHASING SPECIALIST POSITION [T1-513]

Purchasing Agent Cindy Maiorka spoke of this person previously employed in the Auditors office and there is funding in the budget. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve hiring of former employee at her previous rate of pay for the Purchasing Specialist position. All present voting "Aye". MOTION PASSED**

24267 [PCT. 3 #07-3-013, 3 LOTS] AVERY ACRES SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-540]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan for "Avery Acres Subdivision". All present voting "Aye". MOTION PASSED**

24268 CALL FOR A PUBLIC HEARING ON MAY 22, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BONHAM RANCH ROAD [T1-562]

Road Supt/Engineer Jerry Borcharding is recommending a speed limit of 30 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 22, 2007 to establish traffic regulations on Bonham Ranch Road. All present voting "Aye". MOTION PASSED**

24269 CALL FOR A PUBLIC HEARING ON MAY 22, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON PUMP STATION ROAD., CR 218 [T1-572]

Road Supt/Engineer Jerry Borcharding is recommending a speed limit of 40 MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on May 22, 2007 to establish traffic regulations on Pump Station Road (CR218). All present voting "Aye". MOTION PASSED**

24270 ACTION TO ENDORSE A LETTER OF INTENT BETWEEN THE CITY OF KYLE AND THE SETON FAMILY OF HOSPITALS AND SCC DEVELOPMENT [T1-609]

Tom Mattis, Kyle City Manager, presented a Letter of Intent - Seton Healthcare Network/SCC Development Project in Kyle. He gave a powerpoint presentation showing the anticipated project being proposed by Seton/SCC which is a multi-phased project with traditional hospital facilities including a 210 bed hospital complex, two medical office buildings, and a range of non-medical activities. This project is estimated to create approximately 4,600 permanent jobs new to Kyle/Hays County (2,300 medical related and 2,300 non-medical). Mr. Mattis spoke of economic incentives and public support (general infrastructure, stormwater detention area ownership/maintenance, future revenue sharing, permitting, impact fees, capital recovery fees, and other incentives). All incentives will be performance based. He spoke of Seton/SCC obligations. Mr. Mattis requested that the court endorse the Letter of Intent. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to endorse a Letter of Intent between the City of Kyle and the Seton Family of Hospitals and SCC Development. All present voting "Aye". MOTION PASSED**



24271 ACTION TO ORDER THE AMENDMENT OF THE HAYS COUNTY ROAD NO. 132 REALIGNMENT AND EXPANSION ROADWAY PLAN [T1-1098]

Buda City Administrator Robert Camareno spoke of the project and action needed. A motion was made by Commissioner Barton, seconded by Commissioner Conley to order the amendment of the Hays County Road No. 132 realignment and expansion roadway plan. All present voting "Aye". MOTION PASSED

24272 APPROVE AN AGREEMENT BETWEEN HAYS COUNTY, THE CITY OF BUDA, SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND THE MEADOWS AT BUDA COMMERCIAL, LTD. REGARDING THE RELOCATION OF CR 132; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAID AGREEMENT

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve an agreement between Hays County, the City of Buda, South Buda Water Control and Improvement District No. 1 and the Meadows at Buda Commercial Ltd. regarding the relocation of CR132 and to authorize the County Judge to execute said agreement. All present voting "Aye". MOTION PASSED

24273 APPROVE A BUDA ECONOMIC DEVELOPMENT CORPORATION PROJECT IN THE BUDA ETJ TO PROVIDE \$600,000 IN BUDA ECONOMIC DEVELOPMENT FUNDS IN SUPPORT OF THE COMPLETION OF THE BUDA TRUCK BY-PASS, HAYS COUNTY ROAD 132 REALIGNMENT AND EXPANSION ROADWAY PLAN

Warren Ketteman, Buda Economic Development Director, requested approval by the court. A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve a Buda Economic Development Corporation Project in the Buda ETJ to provide \$600,000 in Buda Economic Development funds in support of the completion of the Buda Truck By-Pass, Hays County Road 132 realignment and expansion roadway plan. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING AGENDA GUIDELINES [T1-1169]

Commissioner Barton spoke of proposed revised agenda guidelines. He spoke of Commissioners right to place items on the agenda, the County Judge's responsibilities, and the need to follow the county guidelines and the law. Commissioner Barton spoke of various Attorney General opinions regarding agenda issues.

24274 APPROVE \$3,750.00 OF OUR MEMBERSHIP DUES FOR ENVISION CENTRAL TEXAS [T1-1756]

Discussion was had regarding services provided by Envision Central Texas. The suggested membership fee from Hays County is \$15,000 per year. Judge Sumter suggested a 3 month portion for the remainder of the fiscal year. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve \$3,750.00 of our membership dues for Envision Central Texas out of contingency funds. All present voting "Aye". MOTION PASSED

24275 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING COMMITMENT AGREEMENT (WITH 1ST AMENDMENT) WITH WILSON FAMILY COMMUNITIES, INC. A DELAWARE CORPORATION FOR THE CONSTRUCTION OF A LEFT-TURN LANE ON FM 967 AT RUTHERFORD WEST [T1-2003]

Special Counsel Mark Kennedy spoke of agreement between the county and developer. The county is the conduit for an agreement between the developer and TxDot. The developer will provide funding for the project. Mr. Kennedy spoke of escrowing excess funds to make sure that all funding will be available. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute Advance Funding Commitment Agreement (with 1st amendment) with Wilson Family Communities Inc., a Delaware Corporation, for the construction of a left-turn lane on FM967 a Rutherford West. All present voting "Aye". MOTION PASSED



24276 AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH, CSJ #1776-01-026, AFTER THE EXECUTION OF AN ADVANCE FUNDING COMMITMENT AGREEMENT (WITH 1ST AMENDMENT) FROM WILSON FAMILY COMMUNITIES, INC. A DELAWARE CORPORATION

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute Advance Funding Agreement for Voluntary Local Government contributions to transportation improvement projects with no required match, CSJ #1776-01-026, after the execution of an Advance Funding Commitment Agreement (with 1st amendment) from Wilson Family Communities Inc., a Delaware Corporation. All present voting "Aye". MOTION PASSED

24277 APPOINT A REPRESENTATIVE FROM THE COMMISSIONERS' COURT TO THE BOARD/EXECUTIVE COMMITTEE OF THE CLEAN AIR FORCE [T1-2201]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Commissioner Ford as a representative from the Commissioners' Court to the Board/Executive Committee of the Clean Air Force. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #20 RE: ACTION TO COMMIT HAYS COUNTY PARTICIPATION IN THE CLEAN AIR FORCE MISSION AND ACTIONS THROUGH FINANCIAL SUPPORT was pulled. No action taken. Need to determine funding source.

CONSIDER AN AMENDED COMPENSATION CONTRACT WITH JACKSON & MCELHANEY, ARCHITECTS FOR THE PRECINCT 4 NEW OFFICE BUILDING

[T1-2418] Assistant County Auditor Marisol Alonzo advised that funding would come from Misc. Capital Improvements line item. Special Counsel Mark Kennedy advised that he has not had an opportunity to review the amended contract. No action at this time.

CLERK'S NOTE: AGENDA ITEM #22 RE: ACTION TO WELCOME THE LANCE ARMSTRONG FOUNDATION'S TENTH ANNIVERSARY RIDE FOR THE ROSES TO HAYS COUNTY ON OCTOBER 14, 2007 WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.

24278 ADOPT A RESOLUTION IN SUPPORT OF A PROPOSED EXIT RAMP ON INTERSTATE 35 SOUTH, IN KYLE, TO SERVE THE PLANNED EXTENSION OF KOHLER'S CROSSING [T1-2621]

Commissioner Barton spoke of extension of Kohler's Crossing to the new proposed frontage road of IH35 and he spoke of new development in the area (HEB, Seton hospital, etc.). Commissioner Barton will prepare a formal resolution for consideration next week. A motion was made by Commissioner Barton, seconded by Commissioner Conley to go on record in support of a proposed exit ramp on interstate 35 south in Kyle to serve the planned extension of Kohler's Crossing. All present voting "Aye". MOTION PASSED

24279 APPROVE A FINANCIAL CONTRIBUTION FROM HAYS COUNTY TO THE TEXAS HILL COUNTRY TRAIL REGION AND/OR TEXAS HERITAGE TRAILS PROGRAM

[T1-2955] Commissioner Barton spoke of county supporting this program in the past. Resolutions of support were submitted [Hays County - 2004, City of Dripping Springs - 2005, Dripping Springs Chamber of Commerce - 2005, San Marcos Convention and Visitors Bureau - 2005, and Village of Wimberley - 2004]. A motion was made by Commissioner Barton, seconded by Judge Sumter to appropriate \$1,000 out of contingency funds for financial contribution from Hays County to the Texas Hill Country Trail Region and/or Texas Heritage Trails Program. All present voting "Aye". MOTION PASSED

24280 AUTHORIZE THE COUNTY JUDGE TO ACCEPT, ON BEHALF OF HAYS COUNTY, A CONSERVATION EASEMENT ON APPROXIMATELY 40.766 ACRES OF LAND IN HAYS COUNTY, AS RECORDED IN VOLUME 2755, PAGE 820 OF THE HAYS COUNTY DEED RECORDS; AND TO BIND HAYS COUNTY AS HOLDER OF SAID EASEMENT [T1-3006]

Commissioner Barton spoke of conservation easement being offered on the Blanco River. Special Counsel Mark Kennedy spoke. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to accept, on behalf of Hays County, a conservation easement on approximately 40.766 acres of land in Hays County as recorded in Volume 2755 page 820 of the Hays County Official Public Records and to bind Hays County as holder of said easement. All present voting "Aye". MOTION PASSED



WORKSHOP/PRESENTATION REGARDING HAYS COUNTY RECYCLING PROGRAM

[T1-3503] Resource Management Director Jerry Pinnix gave a powerpoint presentation updating the Hays County Recycling program. Grants are being utilized from the Capital Area Planning Council of Governments – 2004 = \$48,300 2005 = \$27,500 2006 = \$52,150. Items being recycled: glass, newspaper, aluminum cans, plastics, corrugated cardboard, metal & aluminum scrap, used oil products, and auto batteries. The 131.58 tons of recycled products saved the county \$3,809.66 in landfill disposal costs. Combined with the revenue of \$8,003.14 from the sale of recyclables, the total savings to the county is \$11,812.80. Jerry Pinnix spoke of need for a gooseneck trailer and additional personnel (3 total instead of 2.5).

EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION BETWEEN HAYS COUNTY AND THIRD PARTIES, IN CONNECTION WITH THE LA VENTANA SUBDIVISION

Court convened into closed executive session at 1:55 p.m. and reconvened into open meeting at 2:20 p.m. No action taken.

DISCUSSION OF CURRENT FUNDING OPTIONS AND TRENDS FOR ROADS AND TRANSPORTATION IN HAYS COUNTY, INCLUDING STATE AND FEDERAL ROADS AND REVENUE SOURCES, AND HOW FUNDING MAY AFFECT TIMETABLES AND DESIGN CRITERIA FOR PROJECTS OF INTEREST TO HAYS COUNTY [T2-475]

Commissioner Barton spoke of legislation regarding commuter rail funding, studies and costs for road construction/reconstruction. Judge Sumter left the meeting at this time. Commissioner Barton spoke of cut in federal funding for transportation. He spoke of confusion regarding road bond funding. Commissioner Barton spoke of there being more opportunities to find funding (possible grants) if bond package fails. He spoke of need for better communications with the citizens of Hays County. Commissioner Barton advised that TXDot is letting us know that the existing funding contracts will be honored, however, there may be no future contracts. Commissioner Ford spoke of context sensitive design. Judge Sumter came back to the meeting at this time. Commissioner Ford spoke of need for citizen input and she spoke in favor of broadcast email and letters to constituents.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, 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 8, 2007.



Linda C. Fritsche
LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15th DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Ashman from the Trinity Chapel in Wimberley gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24281 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 644,043.00 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24282 APPROVE MINUTES OF MAY 8, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Minutes of May 8, 2007 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24283 APPROVE SPECIFICATIONS FOR BID #2007-B04 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2007-B04 Road Improvements/Hot-Mix overlay and authorize purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24284 APPROVE SPECIFICATIONS FOR BID #2007-B05 ANNUAL CONTRACT FOR CARPET AND FLOOR CARE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2007-B05 Annual Contract for carpet and floor care and authorize Purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED. Commissioner Conley was not present to vote.

24285 [PCT 4 #07-4-27, 3 LOTS] GRACY MEADOWS SUBDIVISION - APPROVE VARIANCE REQUEST & PRELIMINARY PLAN [T1-46]

Commissioner Ford spoke of variance request and preliminary plan. The variance is in regards to the length of the driveway which exceeds county regulations. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve variance to shared access driveway and approve preliminary plan for "Gracy Meadows" subdivision. All voting "Aye". MOTION PASSED

24286 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON NUTTY BROWN ROAD [T1-97]

Judge Sumter declared the public hearing open. Don Ketterman (Friendship Ranch resident) made public comment. Public hearing was closed. Commissioner Ford requested "NO PASSING" signs along the roadway. Road Supt/Engineer Jerry Borchering gave staff recommendation for traffic regulation of 45 MPH speed limit on Nutty Brown Road - there will be a transition to 40MPH prior to stop. A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 45 MPH speed limit, No Passing signs, and transition to 40MPH speed limit prior to intersection on Nutty Brown Road. All voting "Aye". MOTION PASSED



24287 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN GOLDENWOOD SUBDIVISION [T1-165]

Judge Sumter declared the public hearing open. Rob Baxter (President of the Goldenwood HOA) made public comment. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulation of 25 MPH. **A motion was made by Commissioner Ford, seconded by Judge Sumter to establish traffic regulations of 25 MPH speed limit in Goldenwood Subdivision. All voting "Aye". MOTION PASSED**

24288 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN KUYKENDALL SUBDIVISION [T1-244]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for traffic regulation of 25 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 25 MPH speed limit in the Kuykendall Subdivision. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #9 RE: PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN THE OAKS AT GATLIN CREEK SUBDIVISION was PULLED. No discussion and no action taken.

24289 ADOPT BELINDA LANE AS A COUNTY ROAD [T1-258]

Commissioner Barton spoke in support of accepting this road into the county maintenance system. Road Supt/Engineer Jerry Borcharding spoke briefly of the history of this road and the cost to bring it up to county standards – no major reconstruction needs to be done. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to adopt Belinda Lane as a county road. All voting "Aye". MOTION PASSED**

DISCUSSION IN REGARDS TO BRINGING ROADS IN THE GOFORTH VILLAGE SUBDIVISION INTO THE COUNTY MAINTENANCE SYSTEM [T1-316]

Commissioner Barton spoke of this subdivision being constructed in the 1980's. Roads were built to county specifications at that time and it appears that no one followed through to bring them into the county maintenance system. Commissioner Conley spoke of similar situation in his precinct. Road Supt/Engineer Jerry Borcharding advised that it would cost approximately \$156,000 to get all the roads up to county standards (primarily drainage work which could be spread out over a 3 year period). Charles O'Dell, President of Hays CAN, make public comment. Discussion was had regarding a possible attempt to get financial participation from property owners. Commissioner Barton will speak with residents of the subdivision and try to get additional documentation.

24290 ACTION REGARDING A COMPROMISE SETTLEMENT BETWEEN DEVELOPER'S SURETY AND INDEMNITY COMPANY AND INTERIM-LA VENTANA, LLC REGARDING THE LA VENTANA SUBDIVISION [T1-760]

Bruce Wilson, made public comment regarding conditions in the subdivision. Commissioner Ford spoke of moving this project forward. Special Counsel Mark Kennedy spoke of compromise settlement agreement. **A motion was made by Commissioner Ford, seconded by Judge Sumter to ask the County Judge, Special Counsel and outside legal counsel to work together, within the next week, and allow them to enter into a compromise settlement agreement on behalf of the Commissioners' Court between Developer's Surety and Indemnity Company and Interim-La Ventana LLC regarding the La Ventana Subdivision to be ratified at the next Commissioners' Court meeting. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING COMPENSATION CONTRACT WITH JACKSON & MCELHANEY, ARCHITECTS FOR THE NEW PRECINCT 4 OFFICE BUILDING

[T1-1012] Commissioner Ford and Special Counsel Mark Kennedy spoke of the contract. The original amount funded for this project was \$500,000 and it appears that the project will cost closer to approximately \$775,000. No action is needed.

24291 ALLOW THE CITY OF SAN MARCOS TO ANNEX 1.646 ACRES IN THE JAMES W. WILLIAMS SURVEY IN HAYS COUNTY, TEXAS BEING A PORTION OF THE APPARENT RIGHT OF WAY OF YARRINGTON ROAD [T1-1162]

This section of roadway is west of IH35 and serves as the approach to the new railroad overpass that is being constructed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to allow the City of San Marcos to annex 1.646 acres in the James W. Williams Survey in Hays County, Texas being a portion of the apparent right of way of Yarrington Road. All voting "Aye". MOTION PASSED**



24292 ADOPT A RESOLUTION WITH THE PURPOSE OF HAYS COUNTY BECOMING A MEMBER OF THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT [T1-1197]

Alison Schulze, Austin-San Antonio Commuter Rail District, gave a powerpoint presentation regarding project update and status report. Ross Malloy, Austin-San Antonio Commuter Rail District, spoke of commitment from San Antonio and relocation of freight lines. Commissioner Barton spoke of committing the county to the idea – funding would be in the next fiscal year. Commissioner Ford felt like Buda and Kyle should participate in this along with the county. Commissioner Ford asked that the wording in the resolution (*under item #2 regarding funding*) be changed from “shall” to “may”. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to adopt a resolution with the purpose of Hays County becoming a member of the Austin-San Antonio Commuter Rail District with change in word “shall” to “may” as proposed by Commissioner Ford. All voting “Aye”. MOTION PASSED**

DISCUSSION REGARDING ADVANCE FUNDING COMMITMENT AGREEMENT WITH HAYS REUNION RANCH LP A TEXAS LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF A LEFT-TURN ON FM 1826 AT THE REUNION RANCH SUBDIVISION [T1-1633]

Don Kettelman (Friendship Ranch resident) made public comment. Special Counsel Mark Kennedy requested that this item be pulled. The court has already approved an advance funding agreement with TxDot for this project [see *Minutes of December 5, 2006 Resolution #23900*]. Developer has requested that the court postpone action at this time because the development is changing ownership.

WORKSHOP DISCUSSION OF THE COUNTY BOND ELECTION RESULTS, THE PROPOSALS FOR PARKS AND ROADS, AND THE FUTURE DIRECTION OF COUNTY POLICY ON ROADS AND PARKS, BASED ON WHETHER THE BONDS PASSED OR FAILED [T1-1778]

Commissioner Barton spoke of road bonds failing and park bonds passing. He spoke of need to consider the existing TxDot agreement. Special Counsel Mark Kennedy advised the court that the election results have not yet been canvassed. Commissioner Conley spoke of \$30 million approved for parks program. Commissioner Ingalsbe spoke of park projects needed on the east side of I35. Commissioner Ford spoke of citizen driven master plan for parks in Hays County and appointing citizens to a committee from throughout the county. Judge Sumter spoke of need to consider the impact on the tax rate. Commissioner Conley spoke of transportation issues and commitment from the State of Texas (pass through financing agreements). He spoke of the Ranch Road 12 project. Judge Sumter spoke of differences throughout the county. She is in favor of putting together a bond package that addresses the needs from the different areas of the county. Commissioner Conley spoke of existing 2025 Transportation Plan. Commissioner Ingalsbe spoke of upgrade to McCarty Lane and other options in the areas to and from the new schools in San Marcos. Commissioner Barton spoke of need to update our transportation plan and consider other funding options. [T2-167] Commissioner Ford spoke of differences throughout the county.

SUBDIVISION/OSSF POLICY AND PROCEDURES WORKSHOP

[T2-515] Court broke for lunch. Commissioner Conley and Commissioner Barton not present when court reconvened. Judge Sumter spoke of wanting the rules to be somewhat flexible to allow for conservation type development, to allow for higher density development, focus on rainwater collection and set up incentives and not a one size fits all – it should fit the area of the development. Commissioner Ford spoke of Naismith not being at the table today and she feels like they should be here. Winton Porterfield spoke of draft rules and proposed lot sizing. Commissioner Conley and Commissioner Barton came to meeting at this time. Winton Porterfield spoke of his concerns about one acre minimum lot size even when surface water is available – is the point to make the rules stricter or to protect resources? He feels like there needs to be some policy guidelines. Judge Sumter spoke in support of conservation type development. Commissioner Ford spoke of cluster development and multi-use neighborhoods. Commissioner Barton spoke of innovative development design in our rules which allows flexibility. Interim Environmental Health Director Tom Forrest spoke of need to let Naismith know what the county is looking for in the revised rules. Commissioner Conley spoke of need for diversity on the committee. Commissioner Ingalsbe passed out a list of strategies (*low impact development, open space preservation, reduced demands on groundwater, aquifer protection through storm water management, limit impacts on existing infrastructure, advanced treatment of wastewater, and environmental friendly landscape initiatives*) that were considered by the previous court. Tom Forrest spoke of need for technical advisory groups and need for county to update rules every two years. Discussion was had regarding septic tanks that are failing in Dripping Springs and Wimberley. Judge Sumter spoke of need to have a workshop with the court appointed representatives and Naismith.



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AGENDA GUIDELINES WORKSHOP [T2-1648]


The Court went through the proposed revised agenda guidelines and forms. The deadline for submission of agenda items will be NO LATER THAN 2:00 P.M. ON THE WEDNESDAY prior to the meeting. It was stated that not all public hearings require a publishers affidavit – some may just have certifications. Not all references were listed regarding executive session, therefore, the wording needs to be added that these are the most common, but not limited to. Discussion was had regarding public comments. Special Counsel Mark Kennedy spoke of Robert's Rules of Order and need to establish some procedure for the court to follow. Discussion was had regarding need for rules of the court. Judge Sumter suggested that Mark Kennedy draw up a draft for rules of the court. Discussion was had regarding adequate documentation and appropriate background information for agenda items. Discussion was had regarding agenda item routing form to begin in the County Judge's office.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 15, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 22nd DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Eduardo Valverde, from the First San Marcos United Methodist Church, gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24293 ADOPT A PROCLAMATION IN SUPPORT OF HURRICANE AND FLOODING PREPAREDNESS WEEK, MAY 21ST - 27TH, 2007

[T1-23] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation in support of Hurricane and Flooding Preparedness Week May 21-27, 2007". All voting "Aye". MOTION PASSED

24294 ADOPT A PROCLAMATION IN SUPPORT OF BUCKLE UP AMERICA WEEK, MAY 21ST - 28TH, 2007

[T1-63] A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation in support of "Buckle Up America Week May 21-28, 2007". All voting "Aye". MOTION PASSED

Clerk' Note: Agenda Item #3 RE: PRESENTATION BY THE ECONOMIC DEVELOPMENT DIRECTORS OF BUDA, KYLE AND SAN MARCOS was PULLED - presentation to be made on June 5, 2007

PUBLIC COMMENTS

[T1-134] Clay Parham, Negley Elementary School student, presented a petition signed by fourth graders to stop shooting guns in small lots to Commissioner Barton.

24295 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$545,939.45. As presented by the County Auditor. All voting "Aye". MOTION PASSED

24296 APPROVE BUDGET AMENDMENT 07-21

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-21 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24297 APPROVE MINUTES OF MAY 15, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of May 15, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24298 APPROVE JANUARY AND FEBRUARY 2007 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the January and February 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED



24299 AUTHORIZE COUNTY JUDGE TO ACCEPT \$31,000 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310 FUNDING FOR THE BENEFIT OF THE HAYS COUNTY VA PROGRAM AND TO EXECUTE CONTRACT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$31,000 grant from the Texas Department of Transportation Section 5310 funding for the benefit of the Hays County VA Program and to execute contract. All voting "Aye". MOTION PASSED

24300 APPROVE THE CANCELLATION OF COMMISSIONERS' COURT MEETING ON JUNE 19, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the cancellation of Commissioners' Court meeting on June 19, 2007. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #9 RE: APPROVE AWARD OF BID #2007-B03 PAVING & DRAINAGE IMPROVEMENTS FOR THE HAYS COUNTY JUVENILE DETENTION CENTER TO THOMAS-N-THOMAS INC. IN THE AMOUNT OF \$615,505.47 was PULLED. No discussion and no action taken.

24301 [PCT. 3 #07-3-013, 3 LOTS] AVERY ACRES - APPROVE FINAL PLAT

[T1-188] Interim Environmental Health Director Tom Forrest gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Avery Acres". All voting "Aye". MOTION PASSED

24302 [PCT. 4 #00-4-71, 52 LOTS] RIM ROCK PHASE 1 SECTION 3 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY

[T1-199] Interim Environmental Health Director Tom Forrest gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Rim Rock Phase 1 Section 3" and accept construction fiscal security. All voting "Aye". MOTION PASSED

24303 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE

[T1-211] Road Supt/Engineer Jerry Borcharding advised that this would establish a stop sign at the intersection of Ella Lane and Windy Hill Road on Ella Lane. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 5, 2007 to establish traffic regulations on Ella Lane. All voting "Aye". MOTION PASSED

24304 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON GLOSSON RANCH ROAD

[T1-222] Road Supt/Engineer Jerry Borcharding advised that this would provide for a stop sign on Glosson Ranch Road at the access road that leads to Hwy 290. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 5, 2007 to establish traffic regulations on Glosson Ranch Road. All voting "Aye". MOTION PASSED

24305 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON GORDON ROAD

[T1-232] Road Supt/Engineer Jerry Borcharding advised that this would provide for a stop sign on Gordon Ranch at Spring Road and set the speed limit at 20 mph. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 5, 2007 to establish traffic regulations on Gordon Road. All voting "Aye". MOTION PASSED

24306 CALL FOR A PUBLIC HEARING ON JUNE 5, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN THE OAKS AT GATLIN CREEK SUBDIVISION

[T1-246] Road Supt/Engineer Jerry Borcharding advised that this would provide for a stop sign on Towering Oaks Drive at Gatlin Creek Road and also set a speed limit of 15 mph. A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on June 5, 2007 to establish traffic regulations in the All voting "Aye". MOTION PASSED



24307 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON PUMP STATION ROAD (CR 218)

[T1-254] Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish speed limit of 40 mph. All voting "Aye". MOTION PASSED

24308 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BONHAM RANCH ROAD

[T1-280] Judge Sumter declared the public hearing open. Melodie Greider gave public comment. Public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish speed limit of 25 MPH on Bonham Ranch. All voting "Aye". MOTION PASSED

24309 CANVASS ELECTION RESULTS FOR THE CONSTITUTIONAL AMENDMENT ELECTION AND CANVASS ELECTION RESULTS FOR THE HAYS COUNTY BOND ELECTION HELD ON MAY 12, 2007

[T1-337] Elections Administrator Joyce Cowan presented a canvass of the election results from May 12, 2007.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to canvass election results for the Constitutional Amendment Election held on May 12, 2007. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Barton, seconded by Judge Sumter to canvass election results for the Hays County Bond Election held on May 12, 2007. All voting "Aye". MOTION PASSED

PROPOSTION NO. 1

	For	Against
Absentee/Provisional	41	28
Early/Personal Appearance	2252	2770
Election Day	2567	2542
TOTAL	4860	5340

PROPOSTION NO. 2

	For	Against
Absentee/Provisional	45	24
Early/Personal Appearance	3327	1713
Election Day	3564	1549
TOTAL	6936	3286

24310 AUTHORIZE BYRN & ASSOCIATES TO CONTINUE THE DESIGN PROCESS ON THE REMAINING PORTION OF ROADWAY ON MCCARTY LANE THAT THE COUNTY MAINTAINS [T1-494]

Commissioner Ingalsbe spoke of moving forward with design plans for construction of a 3-lane roadway with continuous turn lane and 4 foot shoulders – there is funding in the road department for this. She would like to also identify additional right-of-way that would be needed to build a four-lane roadway. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Byrn & Associates to continue the design process on the remaining portion of roadway on McCarty Lane that the county maintains. All voting "Aye". MOTION PASSED

24311 APPROVE THE AGENDA GUIDELINES [T1-737]

Judge Sumter spoke of changes made to the proposed agenda guidelines. Commissioner Barton suggested various changes to the guidelines submitted.

Changes to be made are: **#8 Public Hearings** - next to the last sentence changed to: It is the responsibility of the relevant Department to post notices pertaining to public hearings. Under **Posting Guidelines #4** All agenda items ~~must~~ should be accompanied..... Under **Requirements for Subdivision Items** – ALL SUBDIVISION ITEM and ~~shall~~ should be signed off on by the Precinct Commissioner. Under **Executive Session #9** – language to direct Special Counsel to draft language for possible action that may be taken after executive session. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the agenda guidelines with recommended changes and instruct special counsel to put together language for executive session items. All voting "Aye". MOTION PASSED



24312 AWARD A SERVICE AGREEMENT TO BEVIS PEST CONTROL FOR THE TREATMENT OF TERMITES AT THE HAYS COUNTY COURTHOUSE [T1-1364]

Maintenance Supervisor Ron Knott explained terms of the agreement. Special Counsel Mark Kennedy recommended change (page 2 section D) of "Galveston County" to "Hays County" as venue for arbitration. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to award a service agreement to Bevis Pest Control for the treatment of termites at the Hays County Courthouse contingent on changing venue of arbitration from Galveston County to Hays County and review by Special Counsel. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley voting "No".

24313 APPROVE TEMPORARY HELP IN THE HUMAN RESOURCES OFFICE [T1-1565]

Human Resources Director Dee Dee Baen requested approval for temporary assistance and she explained the task to be performed by that person. Funding to come out of contingencies or out of the County Judge's salary line item. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve temporary help in the Human Resources office, not to exceed \$2,675.00. All voting "Aye". MOTION PASSED

24314 FORM A CITIZENS ADVISORY COMMITTEE TO GUIDE, RECOMMEND AND ADVISE COMMISSIONERS COURT ON PROGRAMS FOR \$30 MILLION PARKS AND OPEN SPACE BOND MONEY [T1-1673]

Clint Giles, President of the Dripping Springs Youth Sports Association, spoke of increase in participation and requested allocation of parks money in Dripping Springs. Commissioner Conley spoke of need for sporting area in the Wimberley area. Commissioner Ford spoke of need for ball fields and other facilities in Dripping Springs. She suggested that court members seek out people who are interested in becoming a member of the committee and she spoke of what the committee would look at and take into consideration. Recommendations would be brought back to the court for consideration. Commissioner Barton spoke of need for input from Grants Administrator Richard Salmon and he spoke of people who worked on the master plan that have interest and expertise in sports and recreation needs. Commissioner Conley spoke of need for a larger advisory team to include knowledgeable staff from various cities and entities. Commissioner Ford spoke of citizens committee that would listen to representatives from various cities, entities, and organizations. [T1-3004] Charles O'Dell, Hays CAN, spoke of master plan that was developed through a countywide citizens survey. [T1-3314] A motion was made by Commissioner Ford, seconded by Judge Sumter to form a citizens committee to be composed of four appointees to be made by each member of the court plus a three member consensus team to guide, recommend and advise Commissioners Court on programs for \$30 million parks and open space bond money. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING ESTABLISHING A TRANSPORTATION ADVISORY COMMITTEE [T1-3365]

Judge Sumter spoke of need for an advisory committee. She suggested 3 appointments from each member of the court plus the Road Supt/Engineer Jerry Borchering and County Auditor Bill Herzog. Commissioner Barton spoke of need for some decisions that must be made fairly soon. Commissioner Conley spoke of transportation plan that was previously created (2025 plan). Judge Sumter spoke of need for a longstanding transportation committee. Commissioner Conley spoke of need for a workshop to discuss goals for the committee. No action was taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE, TO DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS

Court convened into closed executive session at 1:00 p.m. and reconvened into open meeting at 4:30 p.m. No action was taken regarding this executive session.

24315 TRANSFER TITLE OF A 1998 FORD CROWN VICTORIA TO THE SAN MARCOS/HAYS COUNTY EMS TO BE USED AS A COMMAND VEHICLE [T2-686]

Court discussed this item in closed executive session and then reconvened into open meeting with the following action taken. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to transfer title of a 1998 Ford Crown Victoria to the San Marcos/Hays County EMS to be used as a command vehicle. All voting "Aye". MOTION PASSED



24316 INCREASE OUR CONTRIBUTION TO THE CITY OF SAN MARCOS FOR THE EXPANSION OF THE ANIMAL SHELTER [T2-709]

Commissioner Ingalsbe spoke of increase in the project. Payment could be made over the next ten years. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to increase Hays County's contribution to the City of San Marcos for the expansion of the animal shelter by \$231,704 to be paid out over the next ten years. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley voting "No".

24317 DEVELOP A COURT CALENDAR THAT ACCOUNTS FOR COURT MEMBERS' VACATION SCHEDULES, CONFERENCES , MEETINGS AND OTHER ACTIVITIES THAT MAY AFFECT COURT QUORUMS OVER THE SUMMER MONTHS [T2-881]

Commissioner Ford requested that each member of the court submit a summer calendar so that all can better plan around summer schedules for county business. A motion was made by Commissioner Ford, seconded by Commissioner Barton to request that court members send their summer schedules to the county judges offices no later than the end of day Wednesday May 29, 2007. All voting "Aye". MOTION PASSED

24318 ACQUIRE A LAPTOP AND PROJECTOR FOR USE BY COURT MEMBERS FOR THE PURPOSE OF OUTREACH AND EDUCATION IN PRECINCTS AND THROUGHOUT THE COUNTY [T2-1003]

Commissioner Ford spoke of wanting to do more public meeting using a laptop and projector. Equipment would be housed in the County Judges office and checked out from that office – cost is approximately \$2,050.00. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to explore options to acquire a laptop and projector for use by court members for the purpose of outreach and education in precincts and throughout the county and if purchase is necessary, those items are to be paid out of the countywide operations office equipment line item (#01-414-5711). All voting "Aye". MOTION PASSED

24319 APPROVE STOP WORK ORDERS ON ALL WORK BEING PERFORMED ON RR12, FM1626 AND FM110 IN ASSOCIATION WITH THE PASS THROUGH FINANCING AGREEMENT [T2-1191]

Commissioner Barton spoke of FM1626 survey that is still in progress. He spoke of Huntington Estates Subdivision (west side of FM1626) that is rebuilding their entrance and they are waiting for information regarding future right-of-way that might be needed and the Manchaca Youth Optimist project (Marbridge tract) on FM1626 is relocating utility lines. Approximate cost for completing engineering, surveying, and design is \$15,000. Judge Sumter spoke of stop work order that were issued on March 27th (except ongoing survey and public involvement). Discussion was had regarding delay in getting invoices. Commissioner Conley advised that he supports the stop work order on pass through projects but does not support spending Hays County tax dollars on survey and r-o-w issues in Travis County on state highways. [T2-2005] A motion was made by Judge Sumter, seconded by Commissioner Barton to approve stop work orders on all work being performed on Ranch Road 12, FM 1626 and FM 110 in association with the pass through financing agreement, however, setting aside funds not to exceed \$15,000 for Carter & Burgess coordination work on Huntington Estates and Marbridge tract. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED Commissioner Conley voting "No".

COURT WAS ADJOURNED at 6:00 p.m.

I, LINDA C. FRITSCHER, 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 22, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24th DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order at 9:10 a.m.

WORKSHOP REGARDING PLANNING/SUBDIVISION GOALS

Tom Brown and Gregg Jackson from Naismith Engineering Inc. gave a powerpoint presentation briefing the court and providing an update of the Hays County Development Standards. The presentation covered goals and objectives for the project adopted by the Commissioners' Court and provided a consolidated issues summary. Also covered in the presentation were water availability; wastewater management; transportation and use of county rights of way; drainage, flood control and water quality protection; public notice; fire protection; and additional land use regulations under SB873. Discussion was had regarding building setback through site development permitting and variances. Discussion was had regarding comprehensive planning. Discussion was had regarding water availability. Commissioner Ford spoke of need to continue discussions. Stakeholders need policy directions regarding water availability, wastewater management, transportation and use of county rights of way, drainage, flood control and water quality protection, and public notice fairly quickly. Court agreed to hold another workshop for next Thursday (9 am – 2 pm).

COURT WAS ADJOURNED at 12:10 p.m.

I, LINDA C. FRITSCHÉ, 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, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mark Bryant from the First Baptist Church of Wimberley gave the invocation and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item #1 RE: PRESENTATION OF HAYS COUNTY SERVICE AWARDS was PULLED

Clerk's Note: Agenda Item #2 RE: PROCLAMATION RECOGNIZING MONTH OF JUNE AS HUNGER AWARENESS MONTH was PULLED.

Clerk's Note: Agenda Item #3 RE: PRESENTATION BY THE ECONOMIC DEVELOPMENT DIRECTORS OF BUDA, KYLE AND SAN MARCOS was PULLED.

PUBLIC COMMENT

Terry Capps (Buda resident) spoke in support of widening of FM1626. Michael Marcin (Buda resident) – comments were submitted in writing. Diana Woods (City of Umland Administrator) spoke in support of SH21. Bob Wilson (San Marcos resident) spoke in support of transportation issues. Aart Millecam (San Marcos resident) spoke of growth and need to address transportation issues. Horace Fletcher (Goforth Road resident) spoke of need for road improvements. Ken Bresmen (Buda resident) spoke in support of improvements to FM1626. T. J. Higginbotham (Buda resident) spoke in support of road improvements. Dan Ekakiadis spoke in support of road improvements to FM110 & FM1626. Claude Green (Buda resident) spoke in support of road funding. Warren Kettelman (Buda Economic Development) spoke in support of road improvements. Ted Breihan (San Marcos resident) spoke in support of road improvements. Stuart Hoyt (Kyle area resident) spoke in support of road improvements. Renee Hill (Buda resident) spoke in support of improvements to FM1626. Joe Doug Griffin (Niederwald resident) spoke in support of SH21 road improvements. Thomas Doebner (Buda resident) spoke in support of road improvements. Susan Cook (Gatlin Creek Road resident) spoke of conditions on FM1626 and RM967. Sam Cooper (Buda resident) spoke in support of road improvements. Peter French (San Antonio resident & Plum Creek Developer) spoke in support of road improvements. Carl Urban (Buda resident) spoke in support of better roads. Maria Gonzales (San Marcos resident) spoke of bond package that was presented to the voters. Maxine Weatherford (San Marcos resident) spoke in support of road improvements. Melissa Frinsley spoke in support of FM1626 improvements.

24320 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 358,067.04 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24321 APPROVE BUDGET AMENDMENT 07-22

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Budget Amendment #07-22 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24322 APPROVE MINUTES OF MAY 22, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Minutes of May 22, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED



24323 APPROVE SPECIFICATIONS FOR HAULING OF SOLID WASTE FOR THE HAYS COUNTY TRANSFER STATION AND DRIFTWOOD CITIZENS COLLECTION STATION AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for hauling of solid waste for the Hays County Transfer Station and Driftwood Citizens Collection Station and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

24324 APPROVE RENEWAL CONTRACT WITH STATEWIDE MATERIALS TRANSPORT LTD FOR "HAULING SERVICES FOR HAYS COUNTY ROAD DEPARTMENT" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

All terms and conditions remain unchanged and in full force and effect as provided in the original contract. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal contract with Statewide Materials Transport Ltd for "hauling services for Hays County Road Department" for one (1) additional year as provided in the original contract. All voting "Aye". MOTION PASSED

24325 APPROVE 2008 RENEWAL GRANT APPLICATION FOR TITLE V FAMILY PLANNING WITH TEXAS DEPT. OF STATE HEALTH SERVICES FOR \$20,935.00

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve 2008 renewal grant application for Title V Family Planning with Texas Dept. of State Health Services for \$20,935.00. All voting "Aye". MOTION PASSED

24326 APPROVE AMENDMENT TO INCREASE TITLE V FEE FOR SERVICES FUNDS BY \$13,464.00

Due to realignment of FY07 funds Section IV budget total payment is revised to read as follows: Total payments will not exceed ~~\$60,344~~ \$73,775.00. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve amendment to increase Title V fee for services funds by \$13,464.00. All voting "Aye". MOTION PASSED

24327 APPROVE REAPPOINTMENT OF JULIA RAMSAY-NEW, ANTHONY PALERMO AND FRANK PUCKETT TO THE EMERGENCY SERVICES DISTRICT #7

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve reappointment of Julia Ramsay-New, Anthony Palermo and Frank Puckett to the Emergency Services District #7. All voting "Aye". MOTION PASSED

24328 APPROVE COUNTY TREASURER'S REPORT AND INVESTMENT REPORT FOR MARCH 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve County Treasurer's Report and Investment Report for March 2007. All voting "Aye". MOTION PASSED

24329 APPROVE \$138,270 CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR LANDSCAPE ARCHITECTURAL SERVICES FOR THE WINTERS MILL PARKWAY TRAIL

County staff negotiated the contract down to a level allowable under TPWD and CAMPO/TxDOT program rules as authorized on February 20, 2007. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve \$138,270 contract with Land Design Partners Inc. for landscape architectural services for the Winters Mill Parkway Trail. All voting "Aye". MOTION PASSED

24330 APPROVE \$79,100 ADDITIONAL SERVICES CONTRACT WITH LAND DESIGN PARTNERS, INC. FOR THE DESIGN OF PHASE II OF 5-MILE DAM PROJECT

The county review committee recommends additional services contract of \$79,100 for the design of phase II of the 5-Mile Dam Project as per request of the City of San Marcos. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve \$79,100 additional services contract with Land Design Partners, Inc. for the design of Phase II of 5-Mile Dam Project. All voting "Aye". MOTION PASSED



24331 AUTHORIZE COUNTY JUDGE TO ACCEPT \$20,000 GRANT FROM THE GOVERNOR'S OFFICE OF EMERGENCY MANAGEMENT SHSP PROGRAM FOR \$20,000 AND TO EXECUTE CONTRACT

The original grant was for \$20,000 and it is being increased by the use of Grant Adjustment Notice for an additional \$20,000 under the Governor's Office of Emergency Management SHSP program. There is no match. Grant funds will be used for the combined Haz-Material Team to purchase equipment and response software. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize County Judge to accept \$20,000 Grant from the Governor's Office of Emergency Management SHSP Program for \$20,000 and to execute contract. All voting "Aye". MOTION PASSED

24332 APPROVE \$65,000 ADDITIONAL SERVICES CONTRACT WITH LAND DESIGN PARTNERS, INC. DUE TO INCREASE IN SCOPE OF WORK WITH COUNTY'S ACQUISITION OF TPWD - BOAT RAMP GRANT

The county's review committee recommends additional services contract for addition of Boat Ramp grant portion of 5-Mile Dam Park Project. County staff, along with San Marcos Parks Director Rodney Cobb negotiated the contract total down to a percentage allowable under the TPWD-Boat Ramp grant program limits. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve \$65,000 additional services contract with Land Design Partners, Inc. due to increase in scope of work with county's acquisition of TPWD Boat Ramp Grant. All voting "Aye". MOTION PASSED

24333 AUTHORIZE COMMERCIAL OSSF PERMIT FOR 6,000 SQ. FT. AUTO SHOP LOCATED AT 2840 HARRIS HILL RD. IN PRECINCT 1

Applicant is Rex Rivers - Environmental Health staff recommends approval. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for 6,000 sq.ft. auto shop located at 2840 Harris Hill Road in Precinct 1. All voting "Aye". MOTION PASSED

24334 AUTHORIZE COMMERCIAL OSSF PERMIT FOR OFFICE AND WORKSHOP AT 3413 HUNTER ROAD IN PRECINCT 1

Applicant is Hunter Road Investments - Environmental Health staff recommends approval. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for office and workshop at 3413 Hunter Road in Precinct 1. All voting "Aye". MOTION PASSED

24335 AUTHORIZE COMMERCIAL OSSF PERMIT FOR BAKERY LOCATED AT 2001-B BEEBEE ROAD IN PRECINCT 2

Applicant is Jose Montoya - Environmental Health staff recommends approval. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for bakery located at 2001-B BeeBee Road in Precinct 2. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #21 RE: APPROVE AWARD OF BID #2007-B03 PAVING AND DRAINAGE IMPROVEMENTS FOR THE JUVENILE DETENTION CENTER TO THOMAS-N-THOMAS INC. IN THE AMOUNT OF \$615,505.47 was PULLED.

24336 APPROVE THE REVISED INDIGENT BURIAL POLICY FOR HAYS COUNTY

Special Counsel Mark Kennedy presented the revised Indigent Burial Policy with the addition of rules for cemetery operations. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Revised Rules for Cemetery Operations and Indigent Burials. All voting "Aye". MOTION PASSED

24337 CALL FOR A PUBLIC HEARING ON JUNE 12, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON BELINDA LANE [T1-1232]

Recommendation is to establish a STOP sign on Belinda Lane at Windy Hill Road. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on June 12, 2007 to establish traffic regulations on Belinda Lane. All voting "Aye". MOTION PASSED



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24338 ACTION TO FORM A TRANSPORTATION COMMITTEE AND ADVISORY BOARD THAT WILL ADDRESS IMMEDIATE AND LONG-TERM TRANSPORTATION NEEDS IN HAYS COUNTY; AND TO INITIALLY GUIDE THAT COMMITTEE AND ADVISORY BOARD BY DECLARING TRANSPORTATION PRIORITIES AND GOALS IN THE OPINION OF COMMISSIONERS COURT [T1-1253]

Judge Sumter read a letter from Bob Daigh (TxDot) regarding state funding concerns and requesting that the county inform TxDot as to our intent to either continue or terminate the pass through toll agreement within 30 days. Charles O'Dell (Hays CAN) spoke in support of a transportation committee and advisory board. Dan Ekakiadis spoke of need to address road issues. Susan Cook spoke in support of a citizens transportation and advisory group. San Marcos Mayor Susan Narvaiz offered assistance in order to move quickly. Mary Gonzales spoke in opposition to FM110 in support of a citizens committee. The following people were not present, however, their letters were read: Jerry Lozano (supports FM1626 improvements), Jack Mogab (supports FM1626 improvements), David Patterson (opposed to FM1626 improvements – interested in serving on the citizens committee), Jeffrey del Castillo (supports a citizens committee), and John Carter (supports a citizens committee). Judge Sumter spoke of options that could be considered. Commissioner Barton noted that, for the record, Buda Mayor John Trube and Kyle Mayor Gonzales are in support of road improvements in their area and could not be present today. He spoke of options provided in the TxDot contract whereby the county could move forward with SH21, FM1626, and FM110 and not with RR12 and he spoke in support of the transportation committee. Commissioner Ingalsbe spoke in support of the transportation committee and advisory board. She would like to continue discussions with the City of San Marcos regarding FM110. Commissioner Ford spoke in support of a citizens committee. She would like to ask TxDot to give the county more time to consider the contract. [T1-2090] Commissioner Conley spoke of immediate and long term issues to be considered. He spoke of regional planning through CARPO, CAPCOG, TxDot, CAMPO, etc. and local citizen participation and he supports moving forward with contract regarding FM1626 and FM110 road improvements. Judge Sumter spoke of moving forward to address the needs of Hays County and her plans to meet with citizens along the FM1626 corridor. Commissioner Barton spoke of other options for funding road improvements. [T1-3166] Susie Carter spoke in support of a citizens committee. [T1-2500] **A motion was made by Judge Sumter, seconded by Commissioner Ford to form a Transportation Citizens Advisory Board with each member of the court making three appointments to review short term immediate goals for roads – state or county roads - and long term transportation needs will address all transportation needs for the county to include light rail, hike & bike trails, county/state roads, bus systems, and whatever we need to move our citizens from one area to another. All voting "Aye". MOTION PASSED** [Amendment added 6/5/07: Note for the record that Jerry Lozano was present at the meeting but had to leave before giving his public comment]

24339 APPROVE THE STAKEHOLDERS' COMMITTEE'S RECOMMENDATIONS FOR THE SAFETY IMPROVEMENTS TO STATE HIGHWAY 21 [T1-3233]

Commissioner Ingalsbe spoke of previous bus tour by various representatives from entities in the area and a meeting that was held. Local representatives made recommendations for the safety improvements to SH21. Commissioner Barton spoke of need to prioritize recommendations and address funding. Diana Woods, City of Umland Administrator, spoke of stakeholders meetings and importance of this project. Rod Walls (Hays CISD) spoke in support of moving forward with this project. Recommendations were as follows: (1) *RM150 from Clear Fork Plum Creek to FM2720 – construct left turn lane and level up & overlay approach roadway*, (2) *CR126/High Road at CR127 – construct left turn lane*, (3) *FM2001 – construct left turn lane*, (4) *Gary Job Corp from Old Bastrop Road to CR238 – microsurfacing*, (5) *FM2001/Rhode Road at FM2001 East – channelize intersection and rebuild approach*, (6) *Various locations at CR153, 156, 222, 224, 229, and 238 – rebuild approaches*. Other projects: *SH21 – signing/stripping upgrades (audible striping)*, *Yarrington Road – construct left turn lane, and level-up/overlay various other locations*. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the stakeholders committee's recommendations for the safety improvements to State Highway 21. All voting "Aye". MOTION PASSED**

24340 ADOPT A RESOLUTION OF HAYS COUNTY COMMISSIONERS COURT RECOGNIZING THE IMPENDING NAME CHANGE FOR NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 5 [T2-109]

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Resolution of Hays County Commissioners Court recognizing the impending name change for Northwest Hays County Emergency Services District No. 5 to Hays County Emergency Services District No. 6 effective October 1, 2007. All voting "Aye". MOTION PASSED



24341 AMEND THE SCOPE OF WORK FOR THE PRECINCT 2 BUILDING PLANS AND TO AUTHORIZE COMMISSIONER BARTON TO ACCEPT THE ADDITIONAL SERVICES REQUESTS AS PRESENTED, TO BE PART OF THE ORIGINAL CONTRACT [T2-136]

Commissioner Barton spoke of executive session that was previously held. A site being considered is on FM150/Rebel Drive or adjacent to Kyle City Hall on Front Street. The amendment allows for a schematic design NTE \$19,650. Special Counsel Mark Kennedy spoke of provisions for contingent additional services and optional additional services. [T2-289] A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize architect 3D International Inc. to expend up to \$20,000 on additional services to investigate feasibility of locating county facilities adjacent to Kyle City Hall. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS

Court convened into closed executive session to discuss personnel matters and reconvened into open meeting. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS

Court convened into closed executive session to discuss and conduct Department Head evaluations and reconvened into open meeting. No action taken.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, 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 29, 2007.



Linda C. Fritsche
LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 31ST DAY OF MAY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order. Commissioner Conley was not present when the meeting was called to order.

24342 APPROVE AWARD OF BID #2007-B03 PAVING AND DRAINAGE IMPROVEMENTS FOR THE JUVENILE DETENTION CENTER TO THOMAS-N-THOMAS INC. IN THE AMOUNT OF \$615,505.47

A motion was made by Judge Sumter Seconded by Commissioner Ingalsbe to approve award of bid #2007-B03 paving and drainage improvements for the Juvenile Detention Center to Thomas-N-Thomas Inc. in the amount of \$615,505.47. Commissioner Conley not present for vote. Commissioner Barton Abstained. Commissioner Ingalsbe, Commissioner Ford and Judge Sumter voting "Aye". MOTION PASSED.

WORKSHOP REGARDING PLANNING/SUBDIVISION GOALS

[T-100] Grant Jackson, of Naismith Engineering, spoke of issues that were discussed previously. He spoke of water availability. Commissioner Conley arrived at the meeting at this time. The Groundwater Conservation District (GCD) and their involvement in platting were discussed. [T1-470] Charles O'Dell spoke. Discussion was had about water wells and their depth, sprawl and density, and about incentives and development agreements. Discussion was had about professional reviews and possibly requiring GCD's to develop and approve wells. Discussion was had about Utility Provider Certifications, requiring utility providers to obtain certification from County to plat approval before connecting utility services. Wastewater Management: Centralized System or On-Site Sewage Facilities (OSSF). The Centralized Systems are not available in all areas vs. potential for improper installation of OSSF's. [T1-2233] Winton Porterfield spoke. The main concern is "are the systems/OSSF's being maintained properly?" [T1-3257] David Fusilier, of Naismith Engineering, spoke of spray irrigation and to have it possibly be assessed by geo-technologist. The transportation issues are R-O-W widths and building set-backs. Use of R-O-W - wider for more utilities/drainage vs. narrower for water quality. Drainage, Flood Control and Water Quality Protection: Regional water quality projects vs., or in conjunction with, on-site requirements; Integrating water quality into acquisition/development of parks & open space; accepting O & M for drainage, flood control & water quality features from developers. Should county allow low water crossings? Discussion was had about main feeder roads to have higher standards for emergency purposes to enter/exit subdivisions. Only new development/roads would be affected by policies. Public Notice: Who is notified and what expectations for participation do they have? Public notification: Who gets notified and what do you do with the notification? Discussion was had about when public notices should go out? Discussion was had about posting sign as notice. It was also suggested that the developer should be made to notify the neighbors. Suggestion was made to keep notices similar and to keep things simple.

COURT WAS ADJOURNED

I, LINDA C. FRITSCH, 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 31, 2007.



Linda C. Fritsche
 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5TH DAY OF JUNE A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Robin Steele, Promise Land Church on Lime Kiln Road gave the invocation and Commissioner Barton led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24342 ADOPT PROCLAMATION RECOGNIZING MONTH OF JUNE AS HUNGER AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a proclamation recognizing the month of June as "Hunger Awareness Month". All voting "Aye". MOTION PASSED

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Road Supt/Engineer Jerry Borcharding presented Domingo Alaniz with a retirement recognition plaque (20 years of service).

PRESENTATION BY VICTOR UVALLE WITH TEXAS ASSOCIATION OF COUNTIES, RENEWAL OF THE SAVINGS FOR RELIABILITY INSURANCE

Victor Uvalle, TAC Field Representative, advised that Hays County has saved \$172,161 in liability costs through a renewal credit program of the Texas Association of Counties (TAC) risk management pool (liability overage).

PRESENTATION BY THE ECONOMIC DEVELOPMENT DIRECTORS OF BUDA, KYLE AND SAN MARCOS

Warren Kettelman, Buda Economic Development Director; Diana Blank, Director of Economic Development for Kyle; and Kim Moore San Marcos Economic Development Director appeared before the court. They spoke of the advantages of economic development. Warren Kettelman spoke of Cabela's incentive package and benefits to the area. Diana Blank spoke of Seton Family of Hospital project in the Kyle area. Kim Moore spoke of CFAN expansion project – a major employer in Hays County. She spoke of inquiries from different industries (data centers, technology, advanced manufacturing, medical, retail, and clean energy). Diana Blank spoke of advanced manufacturing (high skilled jobs) and medical interests coming to the area. Warren Kettelman spoke of retail and clean energy coming into areas with residential growth. Discussion was had regarding how to attract businesses to the county and grants that are available for small businesses. Heather Richardson from PEC was also present for the presentation.

PUBLIC COMMENTS

[T1-653] Public comment was made by Susan Cook and Peter Baen. Mr. Baen submitted a resolution from the San Marcos CISD board requesting that the Commissioners Court and City of San Marcos enter into a memorandum of understanding regarding the FM110 project including associated State funding.

24343 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 349,910.96 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24344 APPROVE BUDGET AMENDMENT 7-23

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #7-23 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

**24345 APPROVE MINUTES OF MAY 24 AND 29, 2007**

[T1-735] Commissioner Barton requested that the minutes of May 29th note that Mr. Lozano was present early in the meeting and left before he could make his public statement. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Minutes of May 24 and 29, 2007 presented by the County Clerk with amendment as requested by Commissioner Barton. All voting "Aye". MOTION PASSED

24346 AUTHORIZE COMMERCIAL OSSF PERMIT FOR OFFICE/WAREHOUSES AT 12345 PAULS VALLEY ROAD IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize commercial OSSF permit for office/warehouses at 12345 Pauls Valley Road in Precinct 4. All voting "Aye". MOTION PASSED

24347 APPROVE SPECIFICATIONS FOR BID #2007-B07 DUMPSTER CONTRACT/COUNTYWIDE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for Bid #2007-B07 Dumpster Contract/countywide and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

24348 APPROVE \$25,000 CONTRACT WITH LANGFORD ASSOCIATES FOR PROJECT MANAGEMENT ON THE SAN MARCOS SPRINGS RECHARGE AREA PROJECT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve \$25,000 contract with Langford Associates for project management on the San Marcos Springs recharge area project. All voting "Aye". MOTION PASSED

24349 APPROVE APRIL 2007 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve April 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

24350 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON GORDON ROAD (AKA GORDON STREET) [T1-780]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish traffic regulations of a STOP sign on Gordon Street at Spring Road and a speed limit of 20 MPH. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Road Department's recommendation to establish a STOP sign on Gordon Street at its intersection with Spring Road and to set a speed limit of 20 MPH on Gordon Street. All voting "Aye". MOTION PASSED

24351 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN THE OAKS AT GATLIN CREEK [T1-789]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish traffic regulations of a STOP sign on Towering Oaks Drive at Gatlin Creek Road and a speed limit of 15 MPH. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Road Department's recommendation to establish a STOP sign on Towering Oaks Drive at its intersection with Gatlin Creek Road and to set a speed limit of 15 MPH on Towering Oaks Drive. All voting "Aye". MOTION PASSED

24352 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1-804]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish a traffic regulation of a STOP sign on Ella Lane at Windy Hills Road. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Road Department's recommendation to establish a STOP sign on Ella Lane at its intersection with Windy Hills Road. All voting "Aye". MOTION PASSED



24353 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON GLOSSON RANCH ROAD [T1-815]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering gave staff recommendation to establish a traffic regulation of a STOP sign on Glosson Ranch Road. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Road Department's recommendation to establish a STOP sign on Glosson Ranch Road. All voting "Aye". MOTION PASSED**

24354 [PCT 4. #07-4-06, 6 LOTS] VALLEY VIEW WEST RESUBDIVISION OF LOTS 4-B, 4-F, 5-D, 5-E and 5-F (CREATING LOTS 4D, 4E, 4F, 5D, 5E AND 5F) – CALL FOR A PUBLIC HEARING ON JUNE 26, 2007 AND APPROVE PRELIMINARY PLAN [T1-827]

Property owners Fergus & Catherine Dowling propose to resubdivide four lots into six lots. Environmental Health Director Tom Forrest gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 26, 2007 and approve preliminary plan for "Valley View West Resubdivision of Lots 4-B, 4-C, 5-A, and 5-C (creating Lots 4D, 4E, 4F, 5D, 5E, and 5F)". All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #19 RE: [PCT 4. #06-4-002, 57 LOTS] THE ESTATES AT RUTHERFORD WEST SECTION 2 SUBDIVISION – APPROVE FINAL PLAT was PULLED.

24355 [PCT 4. #05-4-009, 1 LOT] AUTHORIZE THE FILING OF THE RECORD PLAT FOR "SL-967 SUBDIVISION" [T1-850]

This subdivision plat was approved in July 2005 and the developer failed to file it at that time (one year deadline has passed) and is requesting authorization to file the plat for record. **A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the filing of the record plat for "SL-967 Subdivision". All voting "Aye". MOTION PASSED**

24356 [PCT. 4 #07-4-27, 3 LOTS] GRACY MEADOWS SUBDIVISION – APPROVE VARIANCE REQUEST AND FINAL PLAT [T1-872]

The variance request is in regards to the proposed length (1748 lf) of the shared access driveway. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve variance request and final plat for "Gracy Meadows Subdivision". All voting "Aye". MOTION PASSED**

24357 ADVERTISE FOR LETTERS OF INTENT AND QUALIFICATION FROM PRIVATE COMPANIES TO ASSIST HAYS COUNTY IN THE FINANCING AND CONSTRUCTION OF FM1626 AND/OR OTHER ROADS, INCLUDING THE COUNTY'S PASS-THROUGH "PARTNERSHIP" WITH TXDOT [T1-921]

Commissioner Barton spoke of private interest in financing and construction of FM1626 and/or other roads. He spoke of a private company financing the proposition of road construction for the county and in return we assign TxDot payments to that company – they are taking the risk of bringing the road in on budget. There are different options available. [T1-1020] Bruce Renfro, Joyce "Tommy" Poer, Elizabeth McGreevy Seiler, Charles O'Dell, Macel Sullivan, Susan Raybuck, Susie Carter, and Maria Elena Gonzales made public comment. [T1-1404] Commissioner Barton spoke of need to address immediate needs and long-term needs. He spoke in support of seeking options to address important issues. Commissioner Ford spoke of need to listen to the voters. Commissioner Ingalsbe spoke of need for more information and additional time to put together another bond election. [T1-2025] Judge Sumter spoke of need to look at all options and she spoke of meeting she has had with Zachary to do their due diligence to look at the FM1626 project without spending county funds. Commissioner Barton spoke of low cost to get input from other companies that might be interested. [T1-2121] Commissioner Conley spoke of need to improve state highways in Hays County. He spoke of 2025 Transportation Plan adopted in 1999 and the county's participation in CAMPO and CAPCOG to address transportation issues. Commissioner Conley spoke of negotiations for the pass-through partnership with TxDot. [T1-2780] **A motion was made by Commissioner Barton, seconded by Commissioner Conley to advertise for letters of intent and qualification from private companies to assist Hays County in the financing and construction of FM1626 and/or other roads, including the county's pass-through "partnership" with TxDot. Commissioner Barton and Commissioner Conley voting "Aye". Commissioner Ingalsbe, Commissioner Ford and Judge Sumter voting "No". MOTION FAILED.**



24358 REVISE BOND ROAD CONSTRUCTION PHASE SERVICES BUDGET FOR SERVICES BEING PERFORMED BY TCB [T1-2797]

Donovan Knight, Texas State student government liaison, made public comment. Road Supt/Engineer Jerry Borcharding spoke of need for additional funds for services being performed by Turner Collie & Braden. Maen Hourani, Sr. Project Manager for TC&B, presented a financial summary of contracted and anticipated costs and explained the additional costs being requested. Road Supt/Engineer Jerry Borcharding spoke of personnel involvement from his department. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to revise bond road construction phase services budget for services being performed by TCB in the amount of \$224,354.24. All voting "Aye". MOTION PASSED**

24359 APPOINT MARK EVANS TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #7 [T1-3243]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve appointment of Mark Evans to the Hays County Emergency Services District #7 replacing Carson Carey. All voting "Aye". MOTION PASSED

24360 APPROVE CLASSIFYING THE HAYS COUNTY POSITION OF FIRE INVESTIGATOR/INSPECTOR AS A TEMPORARY EMPLOYEE UNTIL END OF FISCAL YEAR 2007 [T1-3262]

Human Resource Director Dee Dee Baen spoke of previous action taken by the court to put this position under contract. She spoke of IRS guidelines and based on those rules Human Resources has determined that this is not an independent contractor position. Special Counsel Mark Kennedy spoke of use, by this individual, of county property and county liability with this position. There will be additional cost but it will be covered in the budget. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve classifying the Hays County position of Fire Investigator/Inspector as a temporary employee until the end of fiscal year 2007. All voting "Aye". MOTION PASSED**

24361 RECOGNIZE THE RESTRUCTURE OF THE HAYS COUNTY SHERIFF'S OFFICE COMMAND STAFF [T1-3521]

Human Resources Director Dee Dee Baen spoke of request to restructure some positions (slots). Proposed restructure:

POSITION	GRADE	START	
Chief	330	\$ 74,262.12	
Director		\$ 72,222.36	
		* \$2,039.76	
Captain X 2	329	\$ 65,513.58	** \$131,027.16
Lieutenant X 2	428	\$ 61,880.34	** \$123,760.68
			** \$ 7,266.48

* One (1) Chief instead of two
 ** Two (2) Lieutenants instead of two (2) Captains
 TOTAL amount of savings = \$9,306.24

A motion was made by Commissioner Conley, seconded by Judge Sumter to recognize the restructure of the Hays County Sheriff's office command staff as requested. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS

Court convened into closed executive session at 1:30 p.m. and reconvened into open meeting at 4:15 p.m. No action was taken.



24362 INCREASE THE NUMBER OF APPOINTMENTS FROM EACH COMMISSIONER AND COUNTY JUDGE FROM 3 TO 4 AND TO AUTHORIZE THE COMMITTEE TO APPOINT THE CHAIR OF THE TRANSPORTATION ADVISORY COMMITTEE ESTABLISHED BY COMMISSIONERS COURT ON MAY 29, 2007 [T2-34]

Judge Sumter spoke of increased interest by citizens to serve on the committee, therefore she is suggesting that the court increase the membership. Discussion was had regarding appointment of Chair for the committee and the increase in membership. Discussion was had on who would appoint the Chair of the committee.

[T2-306] A motion was made by Commissioner Conley to increase the number of appointments to the Transportation Advisory Committee made by each member of the court to five and have the committee, once established, appoint a Chair. MOTION DIED for lack of a second. Commissioner Conley spoke in support of increasing the number of citizens involved in this process. Commissioner Ford spoke of not limiting citizen involvement to just those on the committee. Commissioner Ingalsbe spoke of need to move forward so that we can take issues back to the voters in November. Commissioner Barton spoke of his concerns. Commissioner Conley stated that he would like to see more citizens participation on the transportation advisory committee. [T2-351] A motion was made by Judge Sumter, seconded by Commissioner Ford to increase the number of appointments from each Commissioner and the County Judge from 3 to 4 and to allow the committee to appoint the chair of the transportation advisory committee established by Commissioners' Court on May 29, 2007. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED

COURT WAS ADJOURNED.

I, LINDA C. FRITSCH, 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 JUNE 5, 2007.



Linda C. Fritsche
LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JUNE 12, 2007

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF JUNE A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND COMMISSIONER PCT. 2 JEFFERSON W. BARTON WAS ABSENT.
THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Lanny Tanton, Sr. Pastor of the First Baptist Church in Dripping Springs, gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags. Judge Sumter called the meeting to order.

24363 PRESENTATION FROM THE LANCE ARMSTRONG FOUNDATION'S LIVESTRONG TEAM WITH REGARD TO THE TENTH ANNIVERSARY RIDE FOR THE ROSES TO BE HELD IN HAYS COUNTY ON OCTOBER 14, 2007 AND ACTION TO WELCOME THE RIDE TO HAYS COUNTY

Mandy Patterson and Gary Metcalf appeared before the court and spoke of the mission of the Lance Armstrong Foundation Livestrong Team. Ms. Patterson spoke of the new challenging course in Hays County and of the people from all over the United States and different countries that have participated. The court was presented with an autographed poster from the foundation. The Hays County exploratory team: Karen Ford, Jerry Pinnix, Jerry Borchering, Steve Floyd, HCSO Mark Graves & Mike Davenport. Local support from Joe Felkel – ESD#5, Ginger Faught – City of Dripping Springs, Mard Herrick – DSISD Superintendent, and Greg Jung – Dripping Springs High School Principal. A motion was made by Commissioner Ford, seconded by Judge Sumter to welcome, with open arms, the Livestrong Challenge to Hays County on October 14th, and everything leading up to that, and we will be a very happy and welcoming host for the ride. All present voting "Aye". MOTION PASSED.

PUBLIC COMMENTS

[T1-115] Marilyn Trent made public comment regarding Woodcreek North and Eagle Rock. [T1-152] San Marcos Mayor Susan Narvaiz made public comment regarding FM110 (submitted in writing).

24364 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$932,824.38 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

24365 APPROVE BUDGET AMENDMENT 07-24

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-24 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED

24366 APPROVE MINUTES OF MAY 31ST & JUNE 5TH, 2007

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Minutes of May 31st and June 5th 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

24367 APPROVE \$30,000 CONTRACT WITH SUNDAY AND ASSOCIATES, INC. FOR CONSULTING SERVICES RELATED TO COUNTY HEALTH INSURANCE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve \$30,000 contract with Sunday and Associates Inc. for consulting services related to county health insurance. All present voting "Aye". MOTION PASSED



24368 AUTHORIZE AMENDMENT TO ASSESSMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE AND AUTHORIZE COUNTY JUDGE TO EXECUTE THE SAME

This amendment allows the County to select legal counsel for collection of delinquent taxes and reimbursement by the City of Kyle. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Amendment to Assessment and Collection Agreement between Hays County and the City of Kyle and authorize the County Judge to execute same. All present voting "Aye". MOTION PASSED

24369 APPROVE COMMERCIAL OSSF PERMIT FOR 8700 SQ. FT. WAREHOUSE AT 23705 IH 35 NORTH OF YARRINGTON ROAD IN PRECINCT 1

Eckols Properties is proposing an 8700 sf warehouse on Yarrington Road on a 5.01 acre tract of land. The OSSF is a standard system utilizing leaching chambers in a Class III soil. The design has been signed off by an engineer. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve commercial OSSF Permit for 8700 square foot warehouse at 23705 IH35 North of Yarrington Road in Precinct 1. All present voting "Aye". MOTION PASSED

24370 APPROVE AWARD OF BID #2007-B04 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO LONE STAR PAVING COMPANY

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve award of bid #2007-B04 Road Improvements/Hot-mix overlay to Lone Star Paving Company. All present voting "Aye". MOTION PASSED

24371 APPROVE TRANSFER OF OLD NORTEL PHONE SYSTEM FROM PERSONAL HEALTH DEPARTMENT TO ADULT PROBATION OFFICES IN HAYS AND CALDWELL COUNTIES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve transfer of old Nortel Phone System from the Personal Health Department to Adult Probation offices in Hays and Caldwell counties. All present voting "Aye". MOTION PASSED

24372 CALL FOR A PUBLIC HEARING ON JUNE 26,2007 TO ESTABLISH TRAFFIC REGULATIONS ON HOLDER LANE, CR 189 [T1-234]

The proposed traffic regulation is: 40 MPH speed limit and a STOP sign on Holder Lane. A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on June 26, 2007 to establish traffic regulations on Holder Lane (CR189). Commissioner Conley was not present to vote. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

24373 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON BELINDA LANE [T1- 244]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering gave staff recommendation for a STOP sign on Belinda Lane at Windy Hills Drive. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to establish traffic regulation of a STOP sign on Belinda Lane at its intersection with Windy Hills Drive. Commissioner Coley was not present for vote. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

24374 [PCT. 4 #07-4-020, 93 LOTS] GARNETT RANCH SUBDIVISION - APPROVE PRELIMINARY PLAN [T1- 255]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval. Water service is being provided by LCRA through the city of Dripping Springs - groundwater cannot be used in this subdivision [Plat Note#20 prohibits private wells]. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan for "Garnett Ranch Subdivision". All present voting "Aye". MOTION PASSED

24375 [PCT. 4 #07-4-028] SAWYER RANCH SECTION 5 REPLAT OF LOTS 55 & 56, BLOCK F - WAIVE PRELIMINARY PLAN AND ACCEPT FINAL PLAT [T1-302]

Interim Environmental Health Director Tom Forrest gave staff recommendation to waive preliminary plan and approve final plat. There is a minor change in the configuration of the common lot line. A motion was made by Commissioner Ford, seconded by Judge Sumter to waive preliminary plan and approve final plat of "Sawyer Ranch Section 5 Replat of Lots 55 & 56 Block F". All present voting "Aye". MOTION PASSED



24376 APPOINT ANDREW CABLE TO THE EMERGENCY SERVICES DISTRICT # 7 [T1-316]

A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Andrew Cable to the Hays County Emergency Services District #7 replacing Mike Cox. All present voting "Aye". MOTION PASSED

24377 CONFIRM MEMBERS OF THE CITIZEN ADVISORY COMMITTEE FOR THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T1-328]

Commissioner Ford spoke of a 17 member committee being considered with four groups. Ann Ashmun (landowner group) has declined leaving two spots to fill under landowner group. Commissioner Conley recommended Kelly Kilber and Chris Carson. It was determined that Kelly Kilber is not eligible to be a part of the landowner group because he is an elected official. Kelly Kilber was withdrawn from the list and Commissioner Ford and Commissioner Conley will determine who will fill that position. Commissioner Conley spoke of website: www.hayscountyhpc.com Discussion was had regarding meetings to be held. Committee members are: Landowners – Chris Carson, Catherine Livingston, Henry Brooks, Eddie Gumbert, and Colleen Reeves; Real Estate/Development/Business Interests – Chuck Lemmond, Jeff Wilkinson, and David Goodrum; Government/Utilities – Melanie Pavlas Snyder, Dr. Todd Voetler, and Dr. Glen Longley; Conservation/Environmental Groups & Individuals – Melinda Mallia, Melani Howard, Dianne Wassenich, and David Baker. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to confirm members of the Citizens Advisory Committee for the Hays County Regional Habitat Conservation Plan as recommended with one additional landowner to be determined by Commissioner Ford and Commissioner Conley. All present voting "Aye". MOTION PASSED

24378 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGENCY ELECTRONIC PAYMENT AGREEMENT BETWEEN HAYS COUNTY AND FROST NATIONAL BANK FOR LEGALEASE SERVICE TO BE USED BY THE DISTRICT CLERK AND COUNTY CLERK [T1-540]

County Clerk Linda Fritsche advised that LegalEAsE would allow customers to make payment for services electronically. Special Counsel Mark Kennedy suggested a change on page 6 Section 10.1 regarding Notice: change from Mark Kennedy to Lamarr Peterson. A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute agency electronic payment agreements between Hays County and Frost National Bank for LegalEAsE services to be used by the District Clerk and County Clerk. All voting "Aye". MOTION PASSED

24379 APPOINT MEMBERS TO THE CITIZENS PARKS ADVISORY TEAM [T1-572]

Commissioner Ford gave her recommendations for the team: Donna Brasher, Charles Bergh, June Bivins Baumuel, and Martha Brown. Commissioner Conley gave his recommendations for the team: Thad Nance, Vaughn Thayer, Rodney Cobb, and Gary Amaon. Commissioner Ingalsbe recommends: Todd Derkacz, Amy Kirwin, Lee Perry, and Saul Gonzales. Judge Sumter gave her recommendations: Dr. Curt Busk, Macel Sullivan, and Chris North. Grants Administrator Richard Salmon and Resource Management Director Jerry Pinnix recommended: Sterling Harris, Stephen Sundquist, and Ruben Lopez. Commissioner Barton needs to submit his recommendations plus one more appointment from Judge Sumter. A motion was made by Commissioner Ford, seconded by Commissioner Conley to appoint members as recommended to the Citizens Parks Advisory Team. All voting "Aye". MOTION PASSED

24380 SET PARAMETERS AND DEVELOP A COMMITTEE CHARGE FOR THE PARKS ADVISORY COMMITTEE [T1-687]

Grants Administrator Richard Salmon and Resource Management Director Jerry Pinnix submitted ten recommendations for the new park board:

1. Committee name should include the term "advisory" because the court has the final decision on use of county funds.
2. Committee "charge" should be:
 - A. To review potential projects for conformity to the county's Parks & Open Space Master Plan, which is approved by TPWD and good until 2012.
 - B. To make recommendations to the court concerning these projects.
 - C. To assist staff in outreach efforts throughout the county.
3. Committee should "sunset" when all bond funds are committed.
4. County should continue to use the grant program set up under the first bond, as per recommendations of the Master Plan.
5. County should continue to require grant recipients to provide matching funds, within one-year of award and from any source.
6. County should continue to use "Letters of Commitment". These letters can be used as seed money for other grants and the county can accumulate interest income for more projects.
7. County should continue to work with state, federal and local entities to leverage funds
8. County should require all property purchased by county bonds be maintained as parkland or open space in perpetuity.
9. County should continue to provide the use of the Hays County Parks Foundation to entities that want the county to hold property in trust until they are ready to use it.
10. County staff assigned to this committee should be Richard Salmon, Jerry Pinnix and Steve Floyd.



Richard Salmon spoke of TAG group that will be notified by email of what is going on with the committee. The existing Parks Board By-Laws will be updated and brought back to the court for approval. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt memorandum setting out recommendations for the new parks advisory board as presented and move forward with this being the charge for the committee to advise the commissioners court on recent 2007 Parks Bond. All voting "Aye". MOTION PASSED**

24381 AUTHORIZE THE PURCHASING DEPT. TO ISSUE AN RFQ FOR AN ECONOMIST OR FINANCIAL ANALYST TO DEVELOP AND EVALUATE ALTERNATIVE FINANCING MECHANISMS FOR THE HAYS REGIONAL HABITAT CONSERVATION PLAN [T1-827]

The scope of work would be to analyze the proposed funding plan for RHCP, estimate costs, identify and analyze alternative anticipated funding sources, analyze the impact of the RHCP, including the various alternatives, on the Hays County area economy, and assist in preparing and analyzing NEPA and RHCP application package documentation as requested, including reviewing and responding to agency comments to NEPA documentation and RHCP application package. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the Purchasing Department to issue an RFQ (request for proposals) for an economist or financial analyst to develop and evaluate alternative financing mechanisms for the Hays Regional Habitat Conservation Plan and authorize Commissioner Ford and Commissioner Conley to review the RFQ's. All voting "Aye". MOTION PASSED**

24382 AUTHORIZE THE COUNTY JUDGE TO RESPOND TO TXDOT'S LETTER DATED MAY 23,2007 [T1-869]

Dan Ekakiadis made public comment in support of the letter. Judge Sumter read proposed letter advising TxDot that the court does not wish to terminate the pass through toll agreement. Commissioner Ford and Commissioner Ingalsbe spoke in support of the letter. Commissioner Conley recommended adding projects to the letter. Commissioner Ingalsbe spoke of her conversation with Bob Daigh (TxDot). Commissioner Conley stated that he feels like RR12 is dangerous and needs improvements immediately. Judge Sumter spoke of compromise to take advantage of pass through tolling be it through public private partnership or agreements with other public entities and with the transportation advisory committee helping the court with forming a direction. Court went through the letter paragraph by paragraph and recommended various changes. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to craft a letter, as discussed today, to send to TxDOT in response to letter dated May 23, 2007. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

DISCUSSION REGARDING AN INTERLOCAL AGREEMENT WITH DRIPPING SPRINGS ISD TO PAVE THE PARKING LOT AT PCT. 4 OFFICES IN DRIPPING SPRINGS

[T1-1575] Commissioner Ford spoke of condition of parking lot at the Precinct 4 offices. The Dripping Springs ISD board has agreed to pay for the materials if the county would provide the labor. Court requested that Mark Kennedy review the lease agreement to determine the county's responsibility. Commissioner Ford spoke of there being a history of the county making repairs to the parking lot. [T1-3124] It was determined that the county does not have a current lease agreement and are currently paying rent on a month to month basis. Special Counsel Mark Kennedy spoke of problems with the expired lease.

24383 EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS IN THE PERSONAL HEALTH DEPARTMENT. DISCUSSION AND POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T1-1711]

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 11:25 a.m. **A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to pay above minimum for the temporary nurse practitioner position in the Personal Health Department, not to exceed past September 30, 2007, with no benefits, and with pay up to \$35 per hour. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**



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WORKSHOP RE: ANIMAL TREATMENT, CHIPPING IDENTIFICATION, BREEDING, SPAYING AND NEUTERING [T1-1734]


Donna Bellion (Animal Shelter Advisory Board & Director of Mutt Strutt) spoke of Austin's no tethering law and how Hays County should consider the same regulations. She suggested posting signs throughout the county that advises pet owners of fine imposed for dogs running loose. Ms. Bellion spoke of micro-chipping identification and requirements for animal breeders. [T1-1940] Bert Stratemann, San Marcos Animal Services Director, spoke of draft ordinance for the City of San Marcos [T1-2030] Mark Brinkley, San Marcos Environmental Health Director, spoke of ordinances and enforcement and he spoke of all animals adopted out of the San Marcos Animal Shelter are micro-chipped, spayed/neutered, and seen by a Vet. Bert Stratemann spoke of ordinances that the city and county have. Some city ordinances are stricter than the county ordinances and some county ordinances are stricter than in the city. Discussion was had on becoming pro-active vs. re-active and having laws and enforcing them. Discussion was had regarding problems with micro-chipping. The City of San Marcos submits the applications for the chips but other places rely on the applicants to submit the application themselves and this is not always getting done and we don't know where the animal belongs. The main goal is getting animal owners to become responsible for their pets. Discussion was had about revisions needed regarding licensing, chipping, unleashed dogs and other important issues, and the verbiage needed for the ordinances. Mr. Brinkley spoke of animal control officers having scanners to check animals for micro-chips.

COURT WAS ADJOURNED.

I, **LINDA C. FRITSCHÉ**, 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 JUNE 12, 2007.




LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26th DAY OF JUNE A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Dr. Terry Collie, Baptist Church of Driftwood gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Sumter presented a 15 year service pin to Commissioner Precinct 1 Debbie Gonzales Ingalsbe. District Clerk Cecelia Adair presented a 15 year service pin to Beverly Crumley (Chief Deputy District Clerk). Tax Assessor-Collector Luanne Caraway presented a 30 years plaque to Nelda Mendoza. Luanne Caraway also announced that District Clerk Cecelia Adair was chosen as "District Clerk of the Year" by the Texas County & District Clerk's Association.

24384 PRESENTATION OF BALANCE OF \$637,500 IN 2001 PARK BOND FUNDS TO THE CITY OF SAN MARCOS AS PER COURT ACTION ON SEPT. 27, 2005 FOR THE ACQUISITION OF THE 251 ACRE SINK CREEK PROPERTY

Grants Administrator Richard Salmon advised that on Sept. 27, 2005 the Commissioners' Court allocated \$700,000 in Parks Bond funds to the City of San Marcos for the 251 acre San Marcos Springs Recharge Area Project. 73% of the property is in Pct. 4 and the remaining 27% is in Pct. 3. Through a collaborative effort, Hays County, Texas State University, and the City of San Marcos raised a total of \$5,085,000 in a one year period. The Nature Conservancy assisted by agreeing to purchase the property and holding it for a maximum of 2 years to allow the group to raise the funds to purchase. \$62,500 has already been paid by the county and the remaining \$637,500 is being presented today. Commissioner Conley spoke of the project and gave his thanks to various individuals and groups. Commissioner Ford spoke of the project. [T1-146] **A motion was made by Commissioner Ford, seconded by Commissioner Conley to present the balance of \$637,500.00 from the 2001 Parks Bond Fund to the City of San Marcos per court action on September 27, 2005 for the acquisition of the 251 acre Sink Creek property. All voting "Aye". MOTION PASSED**

24385 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,259,108.71 as presented by the County Auditor. All voting "Aye". **MOTION PASSED**

24386 APPROVE BUDGET AMENDMENT 07-25

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Budget Amendment #07-25 as proposed by the County Auditor. All voting "Aye". **MOTION PASSED**

24387 AUTHORIZE COUNTY JUDGE TO APPROVE REQUEST TO EXTEND THE EXPIRATION PERIOD OF THE FEDERAL GRANT AND INTERLOCAL AGREEMENT RELATING TO THE COUNTY'S HABITAT CONSERVATION PLAN FROM JULY 31, 2007 TO JULY 30, 2009

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to approve request to extend the expiration period of the Federal Grant and Interlocal Agreement relating to the County's Habitat Conservation Plan from July 31, 2007 to July 30, 2009. All voting "Aye". **MOTION PASSED**



24388 AUTHORIZED THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH OFFICE OF GOVERNOR - DIVISION OF EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

This is a grant that Hays County qualifies for each year and funds are used to pay a portion of the salary and benefits of the county's emergency management coordinator. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute a contract with Office of Governor - Division of Emergency Management Performance Grant (EMPG) to be used to pay a portion of the salary and benefits of the Emergency Management Coordinator. All voting "Aye". MOTION PASSED

24389 AUTHORIZED THE COUNTY JUDGE TO EXECUTE REIMBURSEMENT AND MAINTENANCE CONTRACT WITH THE TEXAS ATTORNEY GENERAL RELATING TO THE COUNTY VINE (VICTIM INFORMATION & NOTIFICATION PROGRAM)

The VINE program is a statewide automated system to provide crime victims with accurate and up-to-date information and timely notification of county jail inmate status and court events. Grant funds from the Texas Attorney General's Office provide 100% funding for our program. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute Reimbursement and Maintenance Contract with the Texas Attorney General relating to the County Vine (Victim Information & Notification Program). All voting "Aye". MOTION PASSED

24390 APPROVE ADDITIONAL REPAIR EXPENSES FOR THE HAYS COUNTY VETERAN SERVICES VAN

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve additional repair expenses for the Hays County Veteran Services van. All voting "Aye". MOTION PASSED

24391 AUTHORIZED COUNTY JUDGE TO ACCEPT FROM THE DEPARTMENT OF STATE SERVICES TRIPLE O GRANT \$63,535.00 FOR FISCAL YEAR 2007-2008

By accepting these funds, the Health Dept. will be able to continue funding the TB/Communicable disease Registered Nurse position. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to accept from the Department of State Services Triple O Grant \$63,535.00 for fiscal year 2007-2008. All voting "Aye". MOTION PASSED

24392 AUTHORIZED THE COUNTY JUDGE TO ACCEPT THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FAMILY PLANNING ADJUSTMENT TO \$28,978.00 FROM THE INITIAL \$12,978.00

By accepting these funds, the Health Dept. will be able to augment the original grant monies and continue to provide family planning services through the end of August 2007. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to accept the Texas Department of State Health Services Family Planning adjustment to \$28,978.00 from the initial \$12,978.00. All voting "Aye". MOTION PASSED

24393 AUTHORIZED COMMERCIAL OSSF PERMIT FOR 5,000 SQUARE FOOT OFFICE WAREHOUSE AT 13377 FITZHUGH ROAD IN PRECINCT 4

Mr. James Bailey is proposing a 5,000 sq. ft. office warehouse with four employees at 1337 Fitzhugh Road in Precinct 4 (Lot 3 Fitzhugh Trails = 0.995 ac). The OSSF will utilize an aerobic treatment unit. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Commercial OSSF Permit for 5,000 square foot office warehouse at 13377 Fitzhugh Road in Precinct 4. All voting "Aye". MOTION PASSED

24394 CALL FOR A PUBLIC HEARING ON JULY 10, 2007 TO ESTABLISH TRAFFIC REGULATIONS (NO PARKING SIGN) AT AND NEAR THE INTERSECTION OF OLD STAGECOACH RD. AND POST RD. [T1-263]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on July 10, 2007 to establish traffic regulations (No Parking Sign) at and near the intersection of Old Stagecoach Road and Post Road. All voting "Aye". MOTION PASSED



24395 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON HOLDER LANE, CR 189 [T1-299]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a speed limit of 40 MPH and a STOP sign on Holder Lane at Creek Road. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulations of 40 MPH speed limit on Holder Lane and a STOP sign on Holder Lane (CR189) at its intersection with Creek Road. All voting "Aye". MOTION PASSED

24396 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE OF ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR HOWARD RANCH SUBDIVISION, SECTION 1 [T1-318]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept construction of roads and drainage improvements within the county ROW. A motion was made by Commissioner Ford, seconded by Judge Sumter to release maintenance bond and accept for maintenance of all road and drainage improvements within county right-of-way for Howard Ranch Subdivision Section 1. All voting "Aye". MOTION PASSED

24397 [#06-4-002, 57 LOTS] RUTHERFORD WEST SECTION 2 - APPROVE FINAL PLAT, ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND AND ACCEPT MAINTENANCE BOND FOR TWO YEARS [T1-340]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat, accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for the "Rutherford West Section 2" (AKA *Estates of Rutherford West Section 2*). All voting "Aye". MOTION PASSED

24398 [#07-3-033, 2 LOTS] SUNSET CANYON, SECTION III REPLAT OF LOTS 517 & 518 - WAIVE PRELIMINARY HEARING AND CONSIDER APPROVAL OF FINAL PLAT [T1-394]

Commissioner Ford advised that the common lot line was realigned. A motion was made by Commissioner Ford, seconded by Judge Sumter to waive preliminary hearing and approve final plat of "Sunset Canyon Section III Replat of Lots 517 & 518". All voting "Aye". MOTION PASSED

24399 [#06-4-06, 6 LOTS] VALLEY VIEW WEST RESUBDIVISION OF LOTS 4-B, 4-F, 5-D, 5-E and 5-F (CREATING LOTS 4D, 4E, 4F, 5D, 5E AND 5F) - CALL FOR PUBLIC HEARING ON JULY 10TH, 2007 [T1-412]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on July 10, 2007 regarding "Valley View West Resubdivision of Lots 4-B, 4-F, 5-D, 5-E and 5-F (creating Lots 4D, 4F, 5D, 5E and 5F)". All voting "Aye". MOTION PASSED

24400 [#07-2-010, 1 LOT] BILGER TRACT - APPROVE PRELIMINARY PLAN [T1-422]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Bilger Tract". All voting "Aye". MOTION PASSED

24401 APPROVE COMMISSIONERS AND JUDGE NOMINATIONS TO THE TRANSPORTATION ADVISORY COMMITTEE [T1-435]

Judge Sumter nominated Stephen Klepfer (Wimberley), Ray Kotowski (San Marcos), Michael Marcin (Huntington Estates), and Kristen Carlton (Dripping Springs). Commissioner Ingalsbe nominated Constable Pct. 1 Lupe Cruz (San Marcos), Ruben Garza (San Marcos), Robert Gutierrez (San Marcos) and James Neuhaus (San Marcos). Commissioner Barton nominated Carter Scherff, Roman Grijalva (Kyle), and Diana Taylor Woods (Uhland). Commissioner Ford nominated Gary Knight (Driftwood), Brian Dudley (Goldenwood), Scott Roberts (Driftwood), and Susan Pantell (Austin/Hays Co). Commissioner Conley advised that he is not ready to appoint his members at this time. Mary Gonzales gave public comment. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve nominations made today by the County Judge and Commissioners to the Transportation Advisory Committee. All voting "Aye". MOTION PASSED [T2-260] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to appoint Jim Neuhaus to the Transportation Advisory Board. All voting "Aye".



24402 APPROVE BY-LAWS AND DEVELOP A COMMITTEE CHARGE FOR THE TRANSPORTATION ADVISORY BOARD [T1-625]

Discussion was had regarding the proposed by-laws and the committee charge. Judge Sumter advised that the proposed by-laws were drawn up using the existing by-laws for the parks committee. [T1-1520] Changes were discussed and made to the proposed by-laws. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve By-Laws for the Transportation Advisory Board with revisions made this date. All voting "Aye". MOTION PASSED** The Transportation Advisory Committee Charge is twofold: Immediate Needs: Identify and review potential funding mechanisms and projects for state roads including, but not limited to: FM1626, RR12, FM110 and SH21 and make recommendations to Commissioners Court. Future Needs: Develop a strategic plan for all modes of transportation within the county to include but not limited to: state and county roads, light rail, bus systems, hike and bike trails and air transportation. The strategic plan should review and incorporate regional road systems developed and adopted by other entities, including the county and city transportation plans. The strategic plan should include an implementation plan. The strategic plan should review and recommend possible policy and procedure changes for acceptance of public/private roads into the county system and review and recommend on a County Unit Road System. Commissioner Conley stated that he would like the charge to be more comprehensive and specific with time lines and issues to be addressed. [T1-2197] **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the Transportation Advisory Committee Charge as a good starting point and the committee may want to make recommendations to its own charge. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

24403 ADOPT A RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT ADOPTING A CIVIL FEE DEDICATED TO IMPROVING CIVIL COURT FACILITIES [T1-2231]

District Clerk Cecelia Adair spoke of legislation that was passed allowing an additional fee to be collected in civil cases (NTE \$15.00) to be dedicated to the construction, renovation, or improvement of facilities that house the civil courts. This fee will continue until it expires on July 1, 2022 or by order of the Commissioners' Court prior to that date. The County must match dollar for dollar any money that is used. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a resolution of the Hays County Commissioners Court adopting a \$15.00 civil fee dedicated to improving Civil Court facilities. All voting "Aye". MOTION PASSED**

24404 APPROVE WAIVING OR REDUCING THE FEES FOR THE USE OF THE CIVIC CENTER FOR LULAC COUNCIL #4876 [T1-2372]

Charles O'Dell, Hays CAN, made public comment. Gilbert Gonzales spoke of wanting to establish the "Hays County Fair" to be held annually. There would be booths for various non-profit organizations. They hope to have funds that they can put back into the civic center and this would be a countywide event. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve a one time 50% reduction in fee for LULAC to use the Civic Center in October with an agreement regarding damages to the parking lot, and to have Road Supt/Engineer Jerry Borcharding coordinate with carnival owner on placement of equipment. All voting "Aye". MOTION PASSED**

24405 APPROVE FUNDING A CUSTODIAN POSITION, GRADE 911, FROM A 30-HOURS/WEEK (% TIME) POSITION TO A 40-HOUR/WEEK (FULL TIME) POSITION EFFECTIVE JULY 1, 2007 [T1-2837]

Maintenance Supervisor Ron Knott appeared before the court requesting increase for an employee from a 30 hour work week to a 40 hour work week. Funding is available in the budget (\$1600). **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve funding a custodian position, grade 911, from a 30 hours/week (3/4 time) position to a 40-hour/week (full time) position effective July 1, 2007. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

24406 ACTION TO MOVE \$12,000 FROM COUNTYWIDE CONTINGENCY TO THE BUILDING MAINTENANCE DEPARTMENT [T1-2988]

Maintenance Supervisor Ron Knott spoke of need for \$7,000 for compressor replacement and \$5,000 for pest control for the remainder of the year at the Justice Center. **A motion was made by Commissioner Ford, seconded by Judge Sumter to move \$12,000 from countywide contingency to the Building Maintenance Department. All voting "Aye". MOTION PASSED**



24407 APPROVE A PARKING CONTRACT WITH FARMERS MARKET [T1-3143]

Maintenance Supervisor Ron Knott spoke of additional parking spaces that would be available for the Justice Center. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve a parking contract with Farmers Market. All voting "Aye". MOTION PASSED

24408 ADOPT NEW OPERATING HOURS AT THE HAYS COUNTY TRANSFER STATION IN WIMBERLEY AND THE CITIZENS COLLECTION STATION IN DRIFTWOOD [T1-3197]

Director of Recycling & Solid Waste Jerry Pinnix requested a change in the hours of operation from 8am-5pm, closing for lunch from 12:30pm-1:30pm to 8:00 a.m. - 4:00 p.m. on Mondays, Tuesdays, Thursdays, Fridays, and Saturdays. A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt new operating hours at the Hays County Transfer Station in Wimberley and the Citizens Collection Station in Driftwood from 8:00 a.m. - 4:00 p.m. on Monday, Tuesday, Thursday, Friday, and Saturday to be effective July 16, 2007. All voting "Aye". MOTION PASSED

24409 APPROVE LIMITED - PURPOSE SUBSTATION CONTRACTS FOR THE ISSUANCE OF MOTOR VEHICLE LICENSE VALIDATION STICKERS [T1-3293]

Approval by the Court would allow HEB Grocery Company, LP to act as an agent of the Hays County Tax Assessor-Collector in the issuance of motor vehicle license validation stickers. A motion was made by Judge Sumter, seconded by Commissioner Conley to approve Limited-Purpose Substation contracts for the issuance of Motor Vehicle License Validation Stickers at the three H.E.B. stores in Hays County. All voting "Aye". MOTION PASSED

24410 APPROVE CONTRACT WITH THE CITY OF UHLAND FOR COLLECTION OF TAXES

[T1-3333] A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve contract with the City of Umland for collection of taxes. All voting "Aye". MOTION PASSED

24411 APPROVE A TEMPORARY REVOCABLE LICENSE AGREEMENT TO ALLOW THE INSTALLATION AND MAINTENANCE OF A LOW-POWER LIMITED RANGE FM RADIO ANTENNA ON TOP OF THE HAYS COUNTY ANNEX BUILDING [T1-3402]

Ray Kotowski (representing Nosotros La Gente - a nonprofit organization) requested approval to install and maintain, at their expense, a low-power limited range FM radio antenna used to broadcast radio transmissions and not to exceed 25 feet in height from the top of the Annex building. Commissioner Barton voiced his concerns. Mary Gonzales gave public comment in spanish. Commissioner Barton spoke of additional reasons for termination under public interest clause. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve a temporary, revocable license agreement to allow the installation and maintenance of a low-power, limited range FM radio antenna on top of the Hays County Annex Building. All voting "Aye". Commissioner Ingalsbe abstained (her father is President of Nosotros La Gente). MOTION PASSED

EXECUTIVE SESSION: DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS IN EXECUTIVE SESSION PURSUANT TO SECTIONS 551.074 OF THE TEXAS GOVERNMENT CODE

Court convened into closed executive session at 1:00 p.m. and reconvened into open meeting at 3:15 p.m. No action was taken.

24412 APPOINT LANDOWNERS WILLIAM E. AVERA AND T. J. HIGGINBOTHAM TO THE HAYS COUNTY RHCP CITIZEN ADVISORY COMMITTEE [T2-277]

Commissioner Ford advised that landowner Colleen Reeves had to decline her appointment to this committee due to personal reasons. A resume for William E. Avera was submitted. Also submitted was a resume for T. J. Higginbotham to fill a landowner vacancy slot. A motion was made by Commissioner Barton, seconded by Commissioner Ford to appoint landowner William E. Avera and T. J. Higginbotham to the Hays County RHCP Citizens Advisory Committee. All voting "Aye". MOTION PASSED

24413 ALLOW COUNTY JUDGE TO ENTER INTO A NEW ONE- YEAR LEASE AGREEMENT WITH DRIPPING SPRINGS ISD FOR PROPERTY HOUSING PCT. 4 OFFICES [T2-367]

Commissioner Ford spoke of increase in rate of lease. A motion was made by Commissioner Ford, seconded by Judge Sumter, to allow the County Judge to enter into a new one-year lease agreement with Dripping Springs ISD for property housing Precinct 4 offices. All voting "Aye". MOTION PASSED



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24414 APPOINT MEMBERS TO THE CITIZENS PARKS ADVISORY BOARD [T2-438]

The Court voted on the initial Parks Advisory Board on June 12, 2007, however, Commissioner Barton was not present and did not submit his nominees and Judge Sumter had one additional slot to fill. Judge Sumter nominated Marilee Wood (Wimberley) and Commissioner Barton nominated Jorge Anchondo (Buda), Kate Johnson (Kyle), & Jim Camp (Manchaca). A motion was made by Judge Sumter, seconded by Commissioner Ford to appoint Marilee Wood, Jorge Anchondo, Kate Johnson, and Jim Camp to the Citizens Parks Advisory Board. All voting "Aye". MOTION PASSED

24415 AUTHORIZE THE PURCHASING DEPARTMENT TO SPEND UP TO FIVE THOUSAND DOLLARS (\$5,000.00 USD) FOR A PHASE 1 AND POSSIBLE LIMITED PHASE 2 ENVIRONMENTAL STUDY ON PROPERTY OWNED BY HAYS COUNTY, LOCATED ON THORPE LANE IN SAN MARCOS, TEXAS [T2-486]

Commissioner Ingalsbe spoke of not being able to find documentation for an environmental study of this site previously done. Work will be done by Entex of San Antonio LP. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the Purchasing Department to spend up to five thousand dollars (\$5,000.00 USD) for a Phase I and possible Limited Phase 2 Environmental Study on property owned by Hays County, located on Thorpe Lane in San Marcos, Texas. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING POSSIBLE INCREASE IN THE HAYS COUNTY PROPERTY TAX HOMESTEAD EXEMPTION FROM \$5,000. TO \$15,000 [T2-530]

Commissioner Conley spoke of exemptions already offered by the County and spoke in support of offering additional exemption for homeowners. He spoke of homeowners seeing an increase in appraisal values for several years in a row.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHER, 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 JUNE 26, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3rd DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Reverend Johnny Byrd, Buda Antioch Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24416 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog requested that the invoice in the amount of \$2,000 for Triumph Pest Control be pulled. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 292,198.44, less \$2,000 disbursement to Triumph Pest Control. All voting "Aye". MOTION PASSED

24417 APPROVE COMMISSIONERS COURT MINUTES FOR JUNE 12 AND 26, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Commissioners Court Minutes for June 12, 2007 and June 26, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24418 APPROVE AWARD OF BID #2007-B06 ANNUAL HAULING OF SOLID WASTE FOR THE HAYS COUNTY TRANSFER STATION AND DRIFTWOOD CITIZENS COLLECTION STATION TO TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of Bid #2007-B06 Annual Hauling of Solid Waste for the Hays County Transfer Station and Driftwood Citizens Collection Station to Texas Disposal Systems. All voting "Aye". MOTION PASSED

24419 APPROVE AWARD OF BID #2007-B05 ANNUAL CARPET & FLOOR CARE/COUNTYWIDE TO INTERSTATE BUILDING MAINTENANCE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of Bid #2007-B05 Annual Carpet & Floor Care/Countywide to Interstate Building Maintenance. All voting "Aye". MOTION PASSED

24420 APPROVE AWARD OF BID #2007-B07 FOR ANNUAL DUMPSTER CONTRACT-COUNTYWIDE TO TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of Bid #2007-B07 for Annual Dumpster Contract-Countywide to Texas Disposal Systems. All voting "Aye". MOTION PASSED

24421 APPROVE BUDGET AMENDMENT #07-26

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-26 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24422 CALL FOR A PUBLIC HEARING ON JULY 17, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN RUTHERFORD WEST SUBDIVISION SECTION 2 [T1-45]

Proposed traffic regulations are: Stop sign on Brangus Road at Nature View Loop, Stop sign on Rutherford Drive at Nature View Loop, and set speed limit of 35 MPH in the Rutherford West subdivision. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on July 17, 2007 to establish traffic regulations in Rutherford West Section 2 subdivision. All voting "Aye". MOTION PASSED



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24423 CALL FOR A PUBLIC HEARING ON JULY 17, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN HOWARD RANCH SUBDIVISION SECTION 1 [T1-56]

Proposed traffic regulations are: Stop sign on Vincas Shadow Court at Trebbled Waters Trail, Stop sign on Lone Cypress Cove at Trebbled Waters Trail, and set a speed limit of 25MPH in Howard Ranch Section 1 subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on July 17, 2007 to establish traffic regulations in Howard Ranch Section 1 subdivision. All voting "Aye". MOTION PASSED**

24424 CALL FOR A PUBLIC HEARING ON JULY 17, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN HUNTINGTON ESTATES SUBDIVISION [T1-62]

Proposed traffic regulations are: Stop sign on Appleton Court at Jerrys Lane, Stop sign on Appleton Court at Millington Lane, Stop sign on Millington Lane at Maybrook Drive, Stop sign on Millington Lane at Montvale Lane, Stop sign on Montvale Lane at Jerrys Lane, 2-Way Stop on Montvale Lane at Dryden Lane, Stop sign on Maybrook Court at Maybrook Drive, and set speed limit of 25MPH in Huntington Estates subdivision. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on July 17, 2007 to establish traffic regulations in Huntington Estates subdivision. All voting "Aye". MOTION PASSED**

24425 [#07-2-010, 1 LOT] BILGER TRACT -APPROVE FINAL PLAT [T1-72]

Subdivision Coordinator Sandra Irwin gave staff recommendation for final plat approval. **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve final plat of "Bilger Tract" subdivision. All voting "Aye". MOTION PASSED**

24426 APPOINT KEN STRANGE AND TRACY DEAN TO THE TRANSPORTATION ADVISORY COMMITTEE [T1-81]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to appoint Ken Strange and Tracy Dean to the Transportation Advisory Committee. All voting "Aye". MOTION PASSED

24427 AUTHORIZE THE COUNTY JUDGE TO ACCEPT THE SERVICE AGREEMENT RENEWAL WITH APPRISS INC. FOR \$30,108 AND TO EXECUTE CONTRACT [T1-120]

Grants Auditor LaMarr Peterson advised that this is the VINE (Victims Info & Notification Everyday) program – a statewide automated system to provide crime victims with accurate information and timely notification of county jail inmate status and court events. Funding is provided by the Office of Attorney General. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford authorize the County Judge to accept the service agreement renewal with Appriss Inc. for \$30,108.00 and to execute contract. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING OPTIONS FOR THE PCT. 2 BUILDING [T1-168]

Commissioner Barton brought the court up to date on progress with the new Precinct 2 building which will serve as a satellite office for various county departments (Commissioner Pct. 2, JP 2, Sheriff, Constable Pct. 2, Adult Probation, Juvenile Probation, Tax Office, etc.). They are looking at locations on FM150 (approximately 2 acres of county owned property) and on Front Street (north of new city hall). Appraisals were submitted. Cost is estimated at \$1.1 - \$1.4 million for a 10,000 sq.ft. building. He spoke of partnership with the City of Kyle if we go with Front Street property. Constable Pct. 2 James Kohler spoke of need to move forward. J.P. Pct. 2 Beth Smith spoke in support of the downtown location. Chief Juvenile Probation Officer Ed Cooper spoke of need to have an office in the Kyle-Buda area – he supports the FM150 site. Tax A/C Luanne Caraway spoke of need for an office in Kyle.

24428 ACTION REGARDING EXECUTIVE SESSION UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING LITIGATION BETWEEN HAYS COUNTY AND THK PROPERTIES LLC.

Court convened into closed executive session at 10:20 a.m. and reconvened into open meeting at 11:10 a.m. [T1-1078] **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to have staff and the County Judge retain outside counsel regarding litigation between Hays County and THK Properties, LLC. All voting "Aye". MOTION PASSED**



DISCUSSION REGARDING BUDGET PHILOSOPHY [T1-1115]

County Auditor Bill Herzog spoke of balancing the budget. He spoke of budget requests being over the projected revenue and he needs input from members of the court to see what they want. A 1 cent increase in the tax rate equals just under \$1 million. Commissioner Ingalsbe spoke of budgeting funds for future buildings. Discussion was had regarding sales tax revenues, hot-mix vs. chip seal roads, and staff salaries. Salary increases are proposed at 5% = \$1.2 million (including fringe benefits). Discussed merit/bonus increases and cost-of-living increases. [T1-2360] Discussion was had regarding hot mix versus chip seal for county roads. Proposed Road Department budget includes 25 miles of hot mix roads next fiscal year.

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, 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 JULY 3, 2007.

A handwritten signature in cursive script that reads "Linda C. Fritsche".

LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9th DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING MEMBER WAS ABSENT: COMMISSIONER PCT. 3 WILL CONLEY.
THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order. Public comment was made by Charles O'Dell, President of Hays CAN.

24429 EXECUTIVE SESSION PURUSANT TO 551.075 OF THE TEXAS GOVERNMENT CODE REGARDING OSSF PERMIT NUMBER 2005-416 (OWNER: NICK RAMUS) AND CAUSE NO. 07-0123 IN THE 22ND JUDICIAL DISTRICT COURT STYLED THK PROPERTIES LLC VS. HAYS COUNTY, TEXAS AND ACTION

[T1-1715] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Order regarding OSS Permit #2005-416. All present voting "Aye". MOTION PASSED.

IN THE COMMISSIONERS COURT
OF HAYS COUNTY, TEXAS
REGARDING OSSF PERMIT #: 2005-416

The Commissioners Court of Hays County, Texas, meeting after due notice as required by law, did on this 9th Day of July, 2007, take up for re-consideration the prior actions of the Commissioners Court of Hays County, Texas of April 17, 2007 regarding a Notice of Approval for On-Site Sewage Facility under OSSF Permit No. 2005-416, issued to Nick Ramus on or about September 11, 2006.

Without making any admission that the prior posting as required by §551.071, Texas Government Code, regarding this matter was legally insufficient or inadequate, or that any action taken by the Commissioners Court relative to the posting prior to the meeting of the Commissioners Court on April 17, 2007 was improper or unlawful, it is the considered opinion of legal counsel for Hays County that the prior Order of April 17, 2007, as reflected in a letter to Mr. Ramus by Judge Sumter dated April 19, 2007, should be vacated and held for naught. This action to vacate and rescind the prior Action of this Commissioners Court is made to insure that all procedural steps related to OSSF Permit No. 2005-416 are correct and that no suggestion of impropriety can be reasonably lodged against Hays County.

It is further Ordered that, pursuant to the provisions of the Hays County On-Site Sewage Facility Rules and Regulations, as adopted by the Commissioners Court of Hays County, Texas on August 29, 1997, that OSSF Permit No. 2005-416 is hereby temporarily reinstated, with the following limitations:

1. That Nick Ramus, the owner of Permit No. 2005-416, shall within thirty days, submit such additional documentation as he may deem necessary to demonstrate compliance with the requirements of the Hays County On-Site Sewage Facility Regulations. In this regard, reference is specifically made to the following conditions expressly stated in the Notice of Approval issued to Nick Ramus on or about September 11, 2006:

"Note: This approval remains in effect until such time as there is evidence that this facility is not operating properly and may constitute a threat to the health of the people of Hays County, Texas."

2. That on August 14, 2007, at 2 o'clock p.m, the Commissioners Court of Hays County will convene as an Administrative Body, acting on behalf of the State of Texas and in the interest of the Public Health and Safety of the people of Hays County, Texas, pursuant to the authority vested by Chapter 366 of the Texas Health and Safety Code, and in conformity with the Rules and Regulations adopted by Hays County, to reconsider OSSF Permit No. 2005-416.
3. Reconsideration of OSSF Permit No. 2005-416 is based upon §10.1(a)(3)(A) and (B), §10.5, §10.6, and §10.11 of the Hays County OSSF Regulations, Table X of the Texas Administrative Code, Chapter 285, and upon a determination that the procedural history of this case suggests that the prior actions of the Hays County EHD were not in conformity with the stated requirements of the Hays County OSSF Regulations, and/or that the On-Site Sewage Facility proposed under Permit No. 2005-416 may in fact pose a health hazard."

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JULY 9, 2007.



Linda C. Fritsche
LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 10th DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Dennis Koger from the Emanuel Baptist Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

[T1-44] Camille S. Phillips made public comment regarding Craddock Park.

Clerk's Note: Agenda Item #1 RE: DEMONSTRATION OF A TIMEKEEPING SYSTEM AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF THE EQUIPMENT was PULLED.

24430 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$290,076.32 As presented by the County Auditor. All voting "Aye". MOTION PASSED

24431 APPROVE RENEWAL OF BID #2006-B14 "EQUIPMENT WITH OPERATOR" WITH CENTRAL TEXAS ROAD INC. FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve renewal of Bid #2006-B14 "Equipment with Operator" with Central Texas Road Inc. for one additional year as provided in the original bid. All voting "Aye". MOTION PASSED

24432 APPROVE BUDGET AMENDMENT 07-27

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Budget Amendment #07-27 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24433 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS (NO PARKING SIGNS) AT AND NEAR THE INTERSECTION OF OLD STAGECOACH ROAD AND POST ROAD [T1-144]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Pinnix spoke of safety issue at this location. Road Supt/Engineer Jerry Borcharding spoke of similar situation on CR266 and he recommended a "No Parking" area 1000 feet north and south of the bridge. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulations of "No Parking" signs at and near the intersection of Old Stagecoach Road and Post Road. All voting "Aye". MOTION PASSED

24434 CALL FOR A PUBLIC HEARING TO ESTABLISH APPROPRIATE SIGNAGE IN BELTERRA SUBDIVISION RELATED TO SAFETY IN ANTICIPATION OF THE OPENING OF ROOSTER SPRINGS ELEMENTARY SCHOOL [T1-155]

A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing on July 24, 2007 to establish appropriate signage in Belterra Subdivision related to safety in anticipation of the opening of Rooster Springs Elementary School. All voting "Aye". MOTION PASSED

24435 HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF FINAL PLAT (PCT. 4 #07-4-06 - 6 LOTS) VALLEY VIEW WEST RESUB OF LOTS 4B, 4C, 5A & 5C [T1-183]

Judge Sumter declared the public hearing open. Bob Foster made public comment. Public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Valley View West Resubdivision of Lots 4B, 4C, 5A & 5C". All voting "Aye". MOTION PASSED



Clerk's Note: Agenda Item #7 RE: APPROVE THE HIRING OF A TEMPORARY PROCESSING CLERK AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT was PULLED.

Judge Sumter left the meeting at this time due to subpoena from the District Court.

24436 APPROVE NOMINATIONS TO THE TRANSPORTATION ADVISORY COMMITTEE

[T1-283] A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve nominations of Fred Terry (Pct. 3), Bob Wilson (Pct. 3), and Sam Cooper (Pct. 2) to the Transportation Advisory Committee. All present voting "Aye". MOTION PASSED

Clerk's Note. Agenda Item #10 RE: CHANGE THE L.V.N. POSITION TO AN R.N. POSITION was PULLED.

DISCUSSION REGARDING A MORE AGGRESSIVE POLICY OF AIR POLLUTION PREVENTION IN HAYS COUNTY AND REVIEW EXISTING AND ADDITIONAL EMISSION CONTROL MEASURES WITHIN HAYS COUNTY GOVERNMENT OPERATIONS [T1-306]

Commissioner Ford gave a brief report on current air quality conditions and concerns in our region. Hays County has been active in the Road & Bridge Department in reduction measures. She spoke of EAC emission reduction measures.

24437 APPOINT PRECINCT 2 MEMBER TO THE PARKS AND OPEN SPACES ADVISORY COMMITTEE [T1-601]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint John B. Sanford to the Parks and Open Spaces Advisory Committee. All present voting "Aye". MOTION PASSED

24438 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH MILLIMAN INC. TO PROVIDE ACTUARIAL EQUIVALENCE TESTING FOR THE RETIREE DRUG SUBSIDY (RDS) [T1-625]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to enter into a contract with Milliman Inc. to provide actuarial equivalence testing for the retiree drug subsidy (RDS). All present voting "Aye". MOTION PASSED

24439 EARMARK \$30,000 FROM THE LCRA 6% FUND FOR THE LINKED DEPOSIT PROGRAM'S INTEREST REBATE COMPONENT [T1-765]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to earmark \$30,000 from the LCRA 6% fund for the Linked Deposit Program's interest rebate component. All present voting "Aye". MOTION PASSED

DISCUSSION WITH COUNTY FINANCIAL ADVISOR, FIRST SOUTHWEST COMPANY, REGARDING THE SALE OF BONDS TO FUND PARKS AND OPEN SPACES IN HAYS COUNTY PER VOTER APPROVAL ON MAY 12, 2007 [T1-876]

Financial Advisor Dan Wegmiller appeared before the court to discuss options and recommendations for sale of bonds. No action was taken.

Clerk's Note: Agenda Item #17 RE: ACTION REGARDING BUDGET, CONSTRUCTION STANDARDS AND ARCHITECTURAL GUIDELINES AND GOALS FOR PROPOSED NEW COUNTY OFFICES IN THE COUNTY SEAT AND IN SATELLITE LOCATIONS was PULLED.

Judge Sumter returned to the meeting at this time.

24440 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING CIVIL ACTION NO. 106CA71688, STYLED HOLLY NICHOLE CAGLE V. HAYS COUNTY, ET AL. WITH ACTION IN OPEN COURT [T1-1836]

Court convened into closed executive session at 11:30 a.m. and reconvened into open meeting at 11:45 a.m. A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize payment to the Texas Association of Counties Hays County's portion of the settlement in the Holly Nichole Cagle versus Hays County, that amount being \$62,500.00. All voting "Aye". MOTION PASSED



WORKSHOP - PLUM CREEK WATERSHED PLANNING [T1-1871]

Nikki Dictson gave a powerpoint presentation providing an update and status of the Plum Creek Watershed Protection Plan. She went through overall goals, explained what a watershed protection plan is, the USEPA nine elements, project partners, meetings promoting Plum Creek Watershed Partnership, media promotion, websites [<http://tws.tamu.edu> <http://pcwp.tamu.edu>] and brochures, assessment tools, potential sources, average daily potential E.coli load, bacteria LDC-Uhland, highlights, and importance of city and county participation. Interim Environmental Health Director Tom Forrest spoke of problems with some septic systems. Dianne Wassenich spoke of Plum Creek Watershed District. Kyle City Manager James Earp spoke of need for mitigation and education.

Clerk's Note: Agenda Item #20 RE: WORKSHOP - FEDERALLY QUALIFIED HEALTH CENTERS BY SHERRY HILL, CHIEF EXECUTIVE OFFICER OF COMMUNITY HEALTH CENTERS OF SOUTH CENTRAL TEXAS was PULLED.

24441 REAPPOINT MEMBERS TO THE HAYS MEMORIAL HEALTH FACILITIES DEVELOPMENT CORPORATION AND DESIGNATE THE REGISTERED AGENT AND DESIGNATE THE PRESIDENT AND SECRETARY OF THE CORPORATION [T2-82]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to reappoint Marcos Hernandez, Tom Haley, Patty Sullivan, William M. Johnson, Blas Tenorio, Noble Haden, Ollie Giles, and Mary Salinas to the Hays Memorial Health Facilities Development Corporation Board of Directors, designate County Clerk Linda Fritsche as the registered agent and designate Marcos Hernandez as interim president and Patty Sullivan as interim secretary of the corporation until such time it is determined that they are unable to serve. All voting "Aye". MOTION PASSED

24442 AMEND A PROPOSED CONSERVATION EASEMENT TO BE GRANTED TO HAYS COUNTY ON APPROXIMATELY 54 ACRES OF LAND IN HAYS COUNTY, AS RECORDED IN VOLUME 2755 PAGE 820 OF THE HAYS COUNTY DEED RECORDS

[T2-105] Special Counsel Mark Kennedy spoke of proposed conservation easement. He spoke of changes needed. A motion was made by Commissioner Barton, seconded by Commissioner Conley to amend and endorse the conservation easement to be granted to Hays County on approximately 54 acres of land in Hays County, as recorded in Volume 2755 page 820 of the Hays County Deed Records as presented by general counsel with addition of proviso that we ask counsel to work cooperatively with the State to repair definition of commercial and residential activity along the lines as discussed by the court today. All voting "Aye". MOTION PASSED

COURT WAS ADJOURNED.

I, LINDA C. FRITSCHÉ, 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 JULY 10, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





JULY 17, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 17th DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Steven Warren, Buda First Baptist Church, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION BY THE HAYS COUNTY HISTORICAL COMMISSION, KATE JOHNSON, CHAIRPERSON AND RICHARD KIDD

Richard Kidd, Hays County Historical Commission member, gave an update on a current project by the Hays County Historical Commission in which they are interviewing citizens of Hays County who have spent more than fifty years in the county.

PUBLIC COMMENT

[T1-124] Diana Woods, City of Umland Administrator, gave public comment about diversion of funds from State Highway 21 improvements.

24443 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$691,039.50 As presented by the County Auditor. All voting "Aye". MOTION PASSED

24444 APPROVE MINUTES OF JULY 3, 9, 10, 2007

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Minutes of July 3, 2007, July 9, 2007, and July 10, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24445 APPROVE BUDGET AMENDMENT 07-28

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment #07-28 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24446 APPROVAL TO HOLD ON-LINE AUCTION WITH RENE BATES AUCTIONEERS FOR EQUIPMENT NOT IN WORKING CONDITION FROM ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO ADVERTISE

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve holding on-line auction with Rene Bates Auctioneers for equipment not in working condition from Road Department and authorize Purchasing to advertise. All voting "Aye". MOTION PASSED

24447 APPROVE RENEWAL OF BID #2006-B17 FOR FURNISHING AND INSTALLING GUARDRAILS WITH ROADWAY SPECIALTIES INC. FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve renewal of Bid #2006-B17 for furnishing and installing guardrails with Roadway Specialties Inc. for one additional year as provided in the original bid. All voting "Aye". MOTION PASSED

24448 APPROVAL TO RENEW BID #2006-B19 METAL PIPE WITH WILSON CULVERTS FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve renewal of Bid #2006-B19 Metal Pipe with Wilson Culverts for one additional year as provided in the original contract. All voting "Aye". MOTION PASSED



24449 [#07-4-029, 4 LOTS] **JESUS GONZALEZ ADDITION - APPROVE PRELIMINARY PLAN**
[T1-172]

Commissioner Ford spoke of this being a family division - there is a variance request for the road. Phillip Payne explained the road easement. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Jesus Gonzalez Addition". All voting "Aye". MOTION PASSED**

24450 **ADOPT A RESOLUTION OF THE CRADDOCK PARK COMMITTEES RIVERS, TRAIL AND CONSERVATION PROGRAM GRANT APPLICATION TO THE NATIONAL PARK SERVICE** [T1-231]

Commissioner Conley spoke of the proposed park project. Camille Phillips (Friends of Craddock Park) spoke of the project. **A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a resolution of support of the Craddock Park Committees Rivers, Trail and Conservation Program Grant Application to the National Park Service. All voting "Aye". MOTION PASSED**

24451 **ACTION RELATED TO AN URGENT REQUEST FROM THE CITY OF UHLAND FOR ASSISTANCE WITH ROAD MAINTENANCE** [T1-488]

Commissioner Barton spoke of urgent situation in the City of Uhlend for assistance with road maintenance on the Plum Creek bridge on Old Spanish Trail. Uhlend City Administrator Diana Woods spoke in support of an interlocal agreement and reimbursement to be made by the City of Uhlend. There is debris on the bridge that poses a potential threat to public safety and the work should take less than half a day. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Special Counsel to finalize negotiations and bring back to the County Judge for signature a temporary interlocal agreement authorizing work on Old Spanish Trail and furthermore authorize the Road Department to move forward to do the necessary work. All voting "Aye". MOTION PASSED**

24452 **CALL FOR A PUBLIC HEARING ON JULY 31, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON LONGHORN TRAIL, CR 246** [T1-616]

The recommended regulations: a 20 MPH speed limit on Longhorn Trail (CR246) from Ledgerock Road (CR244) west to the second cattle guard, approximately $\frac{3}{4}$ of a mile (4,000 ft.) **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on July 31, 2007 to establish traffic regulations on Longhorn Trail (CR246). All voting "Aye". MOTION PASSED**

24453 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HUNTINGTON ESTATES SUBDIVISION** [T1-625]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. The recommended regulations are: STOP sign on Appleton Court at Jerry's Lane, a STOP sign on Appleton Court at Millington Lane, a STOP sign on Millington Lane at Maybrook Drive, a STOP sign on Millington Lane at Montvale Lane, a STOP sign on Montvale Lane at Jerry's Lane, a STOP sign on Montvale Lane at Dryden Lane, a STOP sign on Dryden Lane at Montvale Lane, a STOP sign on Maybrook Court at Maybrook Drive, and a speed limit of 25 MPH. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations as recommended by the Road Department in Huntington Estates Subdivision. All voting "Aye". MOTION PASSED**

24454 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN RUTHERFORD WEST SUBDIVISION SECTION 2** [T1-635]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a STOP sign on Rutherford Drive at Nature View Loop, a STOP sign on Brangus Road at Nature View Loop, and a speed limit of 35 MPH in Rutherford West Subdivision Section 2. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations as recommended by the Road Department in Rutherford West Subdivision Section 2. All voting "Aye". MOTION PASSED**

24455 **CALL FOR A PUBLIC HEARING ON JULY 31, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CEDAR OAKS MESA SUBDIVISION** [T1-651]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on July 31, 2007 to establish traffic regulations in Cedar Oaks Mesa Subdivision. All voting "Aye". MOTION PASSED



24456 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HOWARD RANCH SUBDIVISION, SECTION 1 [T1-658]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a STOP sign on Vincas Shadow Court (350 ft) at Trebbled Waters Trail (1,370 ft), a STOP sign on Lone Cypress Cove (310 ft) at Trebbled Water Trail, and a speed limit of 25 MPH. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations as recommended by the Road Department In Howard Ranch Subdivision Section 1. All voting "Aye". MOTION PASSED**

24457 [#07-4-37, 5 LOTS] RYAN HILL VACATION & REPLAT OF LOTS 7-11 BLOCK A AND LOTS 1-4 AND 7-11 BLOCK B - WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT [T1-675]

Interim Environmental Health Director Tom Forrest gave staff recommendation to waive the preliminary plan - reducing number of lots - and approve final plat. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve vacation, waive the preliminary plan and approval final plat of "Ryan Hill Replat of Lots 7-11 Block A and Lots 1-4 and 7-11 Block B". All voting "Aye". MOTION PASSED**

24458 [#07-3-39, 2 LOTS] RIVER CREEK REPLAT LOTS 2D & 2E - WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT [T1-695]

Interim Environmental Health Director Tom Forrest gave staff recommendation to waive preliminary plan and approve final plat. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive preliminary plan and approve final plat of "River Creek Replat of Lots 2D & 2E". All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING BUDGET, CONSTRUCTION STANDARDS AND ARCHITECTURAL GUIDELINES AND GOALS FOR PROPOSED NEW COUNTY OFFICES IN THE COUNTY SEAT AND IN SATELLITE LOCATIONS [T1-717]

Commissioner Ford spoke of proposed Precinct 4 county office building in Dripping Springs (6,040 sq ft). She spoke of rainwater collection. Presentation was made for proposed county office building in Kyle for Precinct 2 offices. Discussion was had regarding cost increases and need to move forward. Discussion was had regarding green building.

24459 APPROVE OFFICE SPACE TO BE PREPARED FOR THE COMPLIANCE DEPARTMENT [T1-2029]

Commissioner Ford spoke of need for office space for the new Compliance Department. There is space in the Justice Center that could be utilized. Linda Turley (Adult Probation Dept.) spoke of staff she has at the Justice Center on docket days. Recommendation for office space: retrofit space where District Clerk currently stores court exhibits which will be moved to new space in loading area on NE side of Justice Center. Building Maintenance will finish out as required by District Clerk for security and preservation, including air conditioning and fire suppression. The old storage space will likely need a fresh coat of paint and furniture - phones and internet are in place. Bailiff will move to small mechanical room down the hall, which will need a 2-way mirror installed and some wire cleanup. Another small office space will be required near the main courtroom area to set up a fine-payment application area - not a fulltime office space - to be used as needed. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve office space to be prepared for the Compliance Department at the Justice Center by the County Building Maintenance Department not to exceed \$9,500. All voting "Aye". MOTION PASSED**

24460 AUTHORIZE AMENDMENT AND COLLECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF BUDA AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SAME [T1-2425]

This amendment changes one section of the ongoing agreement, allowing the County to select legal counsel for collection of delinquent taxes and to be reimbursed by the City of Buda. Commissioner Barton advised that he feels like the entities should be able to choose their own legal counsel. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Amendment and Collection Agreement between Hays County and the City of Buda and authorize the County Judge to execute the same. All voting "Aye". MOTION PASSED**



24461 ACTION TO MORE FULLY PARTICIPATE AS A MEMBER OF THE CLEAN AIR FORCE OF CENTRAL TEXAS (CAF) WITH PAYMENT OF AT LEAST HALF OF THE 2007 MEMBERSHIP FEE AND MAKE A COMMITMENT TO PAY A FULL MEMBERSHIP FEE IN 2008 [T1-2493]

Commissioner Ford spoke in favor of being a member of the Clean Air Force. A motion was made by Commissioner Ford, seconded by Judge Sumter to participate as a member of the Clean Air Force of Central Texas (CAF) with payment of \$1425 of the 2007 membership fee and make a commitment to pay a full membership fee in 2008 (\$5700) out of membership fees and bonds in the countywide operations budget. Commissioner Ford, Commissioner Barton, Commissioner Ingalsbe, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

I, LINDA C. FRITSCHER, 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 JULY 17, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JULY 24, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 24th DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor James Jacob, Word of Life Church, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24462 ADOPT A PROCLAMATION RECOGNIZING 2007 NATIONAL NIGHT OUT

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation recognizing 2007 National Night Out. All voting "Aye". MOTION PASSED

24463 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 712,876.79 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24464 APPROVE BUDGET AMENDMENT 07-29

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Budget Amendment #07-29 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24465 APPROVE MINUTES OF JULY 17, 2007

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Commissioners' Court Minutes of July 17, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24466 HOLD A PUBLIC HEARING TO ESTABLISH APPROPRIATE SIGNAGE IN BELTERRA SUBDIVISION RELATED TO SAFETY ANTICIPATION OF THE OPENING OF ROOSTER SPRINGS ELEMENTARY SCHOOL [T1-108]

Judge Sumter declared the public hearing open. Roger Durden made public comment. Judge Sumter closed the public hearing. Commissioner Ford spoke of safety concerns in the area. Road Supt/Engineer Jerry Borcharding gave staff recommendation based on input from citizens. The school district will maintain the crosswalk, flashing signs, and other school signage after county installation. Discussion was had regarding the schools responsibility to install and maintain crosswalks and signage. Jerry Borcharding gave changes to the proposed regulations: (1) add a crosswalk on Harris Drive at Belterra Drive, (2) add a school zone light on Abbott at Belterra Drive, (3) remove crosswalks on Maintenance Drive and on Belterra Drive at Maintenance Drive, (4) clarify that no parking will be allowed on either side of Belterra Drive in front of the school and no parking will be allowed on Abbott Drive within 100 feet of its intersection with Belterra Drive, and (5) the crosswalk on Trinity Drive at Lexington Drive will be placed on the west side of the intersection. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of: Pedestrian crossing with signs on Kensington Lane at Lexington Drive, on Lexington Drive at Trinity Hills, on Trinity Hills at Lexington (west side), on Trinity Hills at Belterra (both sides), on Belterra Drive at Trinity Hills, on Canterbury at Trinity Hills, on Aspen Drive at Palisade Drive, on Belterra Drive at Abbott (both sides), on Harris Drive at Belterra Drive, and on Rec. Center at Belterra Drive; School Zone flashing lights on Belterra Drive and on Abbott Drive; and No Parking will be allowed on either side of Belterra Drive in front of the school and no parking on Abbott Drive within 100 feet of its intersection with Belterra Drive in Belterra Subdivision. All voting "Aye". MOTION PASSED

24467 CALL FOR A PUBLIC HEARING ON AUGUST 7, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON MCCARTY LANE CR 233 (West of Hunter Road) [T1-308]

Proposed speed limit: 50MPH between Hunter Road and Siesta Verde Subdivision entrance. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on August 7, 2007 to establish traffic regulations on McCarty Lane/CR233 west of Hunter Road. All voting "Aye". MOTION PASSED



24468 [#07-4-038, 1 LOTS] **RESUBDIVISION OF SL 967 - APPROVE PRELIMINARY PLAN**
[T1-340]

This is a one lot subdivision (5 acres) owned by Driftwood 97 Ltd., located at the intersection of FM1826 and FM967, being divided into two lots. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "SL 967 Resubdivision". All voting "Aye". **MOTION PASSED**

24469 [#07-4-029, 4 LOTS] **JESUS GONZALES ADDITION - APPROVE SHARED ACCESS DRIVEWAY VARIANCE AND APPROVE FINAL PLAT** [T1-353]

Variance request is to allow four lots to share a 30' shared access driveway. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve shared access driveway variance and approve final plat of "Jesus Gonzales Addition". All voting "Aye". **MOTION PASSED**

Clerk's Note: Agenda Item #9 RE: 06-4-026 HIGHPOINTE PHASE III SECTION 1 (86 LOTS) - CONSIDER APPROVAL OF FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY was PULLED. No discussion and no action taken.

24470 **APPROVE BUDGETING OF MATCHING FUNDS FOR A SECOND GRANT APPLICATION TO THE FEMA HAZARD MITIGATION GRANT PROGRAM TO EXPAND THE COUNTY'S EARLY-WARNING SYSTEM FOR LOW-WATER CROSSING AND CONSIDER A GRANT APPLICATION TO START A VOLUNTARY BUYOUT PROGRAM FOR PROPERTY THAT REPEATEDLY FLOODS IN HAYS COUNTY** [T1-386]

Grants Administrator Richard Salmon spoke of grant application for \$600,000 that was submitted to the Texas Dept. of Emergency Management - Hazard Mitigation Grant Program on Jan. 27, 2006 and was approved and received on Nov. 2, 2006. That grant and matching funds are currently being used to install an interactive early warning system on 15-16 low-water crossing throughout the county. If the court wants to make a 2nd application in 2007-08, matching funds of \$200,000 will need to be budgeted. We have 182 low water crossings and approximately 100 are dangerous by FEMA standards. Sheriff Allen Bridges spoke of importance of the early warning system for low-water crossings. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve budgeting \$200,000 in matching funds for a second grant application to the FEMA Hazard Mitigation Grant Program to expand the county's early-warning system for low-water crossing. All voting "Aye". **MOTION PASSED.** Richard Salmon spoke of previous buy out program in Woodcreek - property has to be open space in perpetuity. He spoke of countywide mitigation plan. Discussed budgeting \$100,000 for matching funds (to possibly come from interest on parks bond funds). A motion was made by Commissioner Conley, seconded by Judge Sumter to budget \$100,000 for county match and to approve a grant application to start a voluntary buyout program for property that repeatedly floods in Hays County. All voting "Aye". **MOTION PASSED**

24471 **EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT OF A COLLECTIONS/COMPLIANCE ADMINISTRATOR** [T1-705]

Court convened into closed executive session at 10:00 a.m. and reconvened into open meeting at 10:35 a.m. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Human Resources Director Dee Dee Baen to make an offer for the position of Collections/Compliance Administrator to Judy Seim contingent on successful results of a background check to include credit. All voting "Aye". **MOTION PASSED**

24472 **AUTHORIZE A COMMERCIAL OSSF PERMIT FOR 4980 SQ. FT. RESTAURANT AND TASTING ROOM AT 13304 FM 150 WEST IN THE COMMUNITY OF DRIFTWOOD IN PRECINCT 4** [T1-725]

Hays County Sanitarian Tom Pope spoke of this being a nonstandard package treatment plant (an activated sludge package treatment plant followed by spray irrigation) and was reviewed and approved by James McCaine, P.E. at TCEQ. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize a Commercial OSSF Permit for 4980 sq. ft. restaurant and tasting room located at 13304 FM150 west in the community of Driftwood in Precinct 4. All voting "Aye". **MOTION PASSED**

24473 **APPROVE THE HIRING OF A TEMPORARY PROCESSING CLERK AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT** [T1-858]

The current processing clerk is out on Workman's Comp. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the hiring of a temporary Processing Clerk at the Hays County Personal Health Department. All voting "Aye". **MOTION PASSED**



DISCUSSION REGARDING CHANGING AN LVN POSITION TO AN RN POSITION AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Health Department Director Nick Icosipentarios spoke of previous changes in the position and new requirements regarding assessments which requires an RN instead of an LVN.

24474 CALL FOR LOCAL OPTION ELECTION TO BE HELD ON NOVEMBER 6, 2007, IN THE VILLAGE OF WIMBERLEY [T1-1037]

Elections Administrator Joyce Cowan verified that the petition for Local Option Election to Legalize "The legal sale of beer and wine for off-premise consumption only" in the Village of Wimberley contains more than 351 signatures of people eligible to vote in the district. A motion was made by Commissioner Conley, seconded by Judge Sumter to call for Local Option Election to be held on November 6, 2007 in the Village of Wimberley for the purpose of submitting to the legally qualified voters of said area, the proposition: for or against the legal sale of beer and wine for off-premise consumption only. All voting "Aye". MOTION PASSED

REQUEST FOR INCREASED FUNDING ON THE COUNTY'S 5-MILE DAM PARK PROJECT BY \$600,000 FROM NEW PARK BOND FUNDS TO COMPLETE PHASE I

[T1-1066] Grants Administrator Richard Salmon spoke of confirmed sources of funds and unconfirmed sources. Project Manager Judy Langford spoke of timeline of project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to increase funding on the County's 5-Mile Dam Park Project by \$600,000 from new Park Bond funds to complete Phase 1. MOTIONS WERE WITHDRAWN BEFORE VOTES WERE CAST. More information is needed for consideration.

24475 ACTION TO UTILIZE \$4,930 OF THE \$12,000 IN GRANT ADMINISTRATION FUNDS THE COUNTY WILL RECEIVE FOR THE EARLY-WARNING PROJECT TO CONTRACT WITH KIRK SCHOPPE FOR RAINFALL-STREAM FLOW MODELING ON THE MOST DANGEROUS SITES [T1-1452]

Texas State University Professor Richard Earl and graduate student Kirk Schoppe contacted the Grants Dept. concerning a proposal for rainfall and stream flow modeling on low-water crossing sites in the county. Grants Administrator Richard Salmon requested the use of \$4,930 of the \$12,000 the county will receive in administrative funds to contract with Kirk Schoppe for modeling on the most dangerous low water sites. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve utilizing \$4,930 of the \$12,000 in grant administration funds the county will receive for the early-warning project to contract with Kirk Schoppe for rainfall all-stream flow modeling on the most dangerous sites. All voting "Aye". MOTION PASSED

24476 CALL FOR A PUBLIC HEARING ON AUGUST 21, 2007, REGARDING A PETITION FOR THE CREATION OF CALDWELL-HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 1, AN EMERGENCY SERVICE DISTRICT PROPOSED TO BE CREATED UNDER CHAPTER 775 OF THE TEXAS HEALTH AND SAFETY CODE [T1-1519]

Special Counsel Mark Kennedy spoke of petition that was presented and he spoke of expense involved in publishing notice. The district would comprise the service areas of Chisholm Trail Fire Rescue and the Umland Volunteer Fire Department in both Caldwell and Hays County. A motion was made by Judge Sumter, seconded by Commissioner Barton to call for a public hearing on August 21, 2007, regarding a petition for the creation of Caldwell-Hays County Emergency Services District No. 1 an emergency service district proposed to be created under Chapter 775 of the Texas Health and Safety Code. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #17 Re: ACTION CONCERNING MATCHING FUNDS FOR A 2ND GRANT APPLICATION TO THE TXDEM/FEMA HAZARD MITIGATION GRANT PROGRAM TO EXPAND THE COUNTY'S EARLY-WARNING SYSTEM ON DANGEROUS LOW-WATER CROSSINGS was PULLED. No discussion and no action taken. This item was a duplication of item approved under Resolution #24470.

Clerk's Note: Agenda Item #18 Re: ACTION CONCERNING THE ESTABLISHMENT OF A VOLUNTARY BUYOUT PROGRAM FOR HOMES THAT HAS BEEN REPEATEDLY FLOODED AND THE NECESSARY MATCHING FUNDS was PULLED. No discussion and no action taken. This item was a duplication of item approved under Resolution #24470.



24477 ACTION TO NOTIFY AND PARTICIPATE WITH TXDOT IN THE FUNDING AND CONSTRUCTION OF A LEFT-TURN LANE ON SH 21 AT THE INTERSECTION OF FM 150 AND SUBMIT A LETTER TO TXDOT OF OUR INTEREST AND HOPE TO PARTNER WITH THEM ON ADDITIONAL SAFETY IMPROVEMENTS ON HWY 21

[T1-1753] Commissioner Ingalsbe spoke of letter from TxDot regarding reallocation of \$2 million from SH21 safety improvements to the resurfacing of FM1826. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to notify and participate with TxDot in the funding and construction of a left-turn lane on SH21 at the intersection of FM150 and to submit a letter to TxDot of our interest and hope to partner with them on additional safety improvements on State Highway 21. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING SALARY AND BENEFITS LINE ITEMS [T1-2014]

Human Resources Director DeeDee Baen gave a powerpoint presentation regarding population growth in the county and number of county employees. She also spoke of salaries and benefits. Discussion was had regarding merit and cost-of-living increases and benchmarks being used.

DISCUSSION REGARDING THE COUNTY'S CITIZEN TRANSPORTATION COMMITTEE, INCLUDING BUT NOT LIMITED TO: ACCEPTING THE COMMITTEE'S APPOINTMENT OF A CHAIRMAN, CONSIDERATION OF ANY COMMITTEE REQUESTS ARISING OUT OF ITS FIRST MEETING, AND POSSIBLE ACTION TO PROVIDE STAFF OR CONSULTING SUPPORT FOR THE COMMITTEE

[T2-780] Judge Sumter spoke of meeting held by the transportation committee. The appointed Chair was Stephen Klepfer and Vice-Chair Sam Cooper. A presentation will be given to the committee regarding the previously adopted 2025 transportation plan, toll roads, etc. Special Counsel Mark Kennedy spoke of open meetings and open records. The next meeting is set for August 2nd at 5:00 pm in the commissioners' courtroom. Discussion was had regarding members of court attending the meeting.

24478 APPROVE RESOLUTION BY THE CENTRAL TEXAS CLEAN AIR COALITION IN SUPPORT OF THE TEXAS CLEAN AIR CITIES COALITION [T1-1547]

Commissioner Ford spoke of action taken by the CAC on July 13, 2007 adopting a resolution in support of legal actions preparatory to an appeal of the TCEQ's issuance of air quality and prevention of significant deterioration permits to Oak Grove Management Company LLC. A motion was made by Commissioner Ford, seconded by Judge Sumter to support the resolution put forth by the Central Texas Clean Air Coalition in support of the Texas Clean Air Cities Coalition. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED.

ADJOURNMENT

I, LINDA C. FRITSCHER, 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 JULY 24, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





JULY 31, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 31st DAY OF JULY A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Kimberley Burke from the Buda Methodist Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF GOLD STAR SAFETY AWARD

Dee Dee Baen Human Resources Director, presented Larry Boccaccio, Safety Specialist from the Texas Association of Counties. Mr. Boccaccio presented the county with the Gold Star Safety Award which goes to only 8 counties statewide in recognition of premier safety programs, continued savings in workers comp and reduction in injuries. The safety program in place has saved the county on workers comp premium.

24479 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$901,339.18 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24480 APPROVE BUDGET AMENDMENT 07-30

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment #07-30 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24481 APPROVE COMMISSIONERS COURT MINUTES OF JULY 24, 2007

Commissioner Ford requested that Items #17 & #18 (at bottom of page 617) that were pulled be changed to reflect that they were discussed and acted on under Resolution #24470. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioners' Court Minutes of July 24, 2007 with recommended changes. All voting "Aye". MOTION PASSED

24482 AUTHORIZE COMMERCIAL OSSF PERMIT FOR 6,000 SQ. FT. CHURCH AT 113 OLD BLACK COLONY ROAD IN BUDA IN PRECINCT 2

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commercial OSSF Permit for 6,000 sq. ft. church at 113 Old Black Colony Road in Buda (Pct. 2). All voting "Aye". MOTION PASSED

DISCUSSION REGARDING SERVICE AGREEMENT WITH METROPLEX CONTROL SYSTEMS, INC.

A brief discussion was had regarding the service agreement with Metroplex Control Systems Inc. which provides surveillance equipment at the Juvenile Detention Center. Action was postponed to a later date.

24483 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN CEDAR OAKS MESA SUBDIVISION [T1-184]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulations in Cedar Oaks Mesa Subdivison of a STOP sign on Campfire Way at River Road; on Campfire Way at High Mesa Drive; a 4-Way STOP on Campfire Way and Campfire Circle; 2 STOP signs on High Mesa Drive at Campfire Way; one each direction; respective STOP signs on Drover Circle, Cowpoke Circle, Remuda Run, Buckaroo Circle, Wrangler Circle, Lazy C Circle, Chaparral Circle, Chuck Wagon Circle, and Lariat Circle all at High Mesa Drive; a 3-Way STOP on Wrangler Circle and Campfire Circle; on Wagon Wheel Circle at Edgewater Drive; on Edgewater Drive at River Road; and a speed limit of 15 MPH. Edgewater Drive curves right and assumes the name of Roundup Drive; no STOP sign required. All voting "Aye". MOTION PASSED



24484 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON LONGHORN TRAIL, CR246 [T1-194]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic regulations of 20 MPH speed limit on Longhorn Trail (CR246) from Ledgerock Road (CR244) west to the second cattle guard – approximately ¾ of a mile. All voting "Aye". MOTION PASSED

24485 CALL FOR A PUBLIC HEARING ON AUGUST 14, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN WILLOW CREEK SUBDIVISION [T1-206]

Proposed traffic regulation: 20 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on August 14, 2007 to establish traffic regulations in Willow Creek Subdivision. All voting "Aye". MOTION PASSED

24486 CALL FOR A PUBLIC HEARING TO BE HELD ON AUGUST 14, 2007 TO ESTABLISH NO PARKING SIGNS ALONG THE COUNTY ROW ON TRAUTWEIN ROAD [T1-213]

The Sheriff's office reports reoccurring incidences of large trucks and other vehicles parking along the county right-of-way and they would like signage to help alleviate the problem. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing to be held on August 14, 2007 to establish "No Parking" signs along the county right-of-way on Trautwein Road. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #11 RE: ACTION TO PULL THE CONSTRUCTION BOND FOR BUSH RANCH SUBDIVISION (AKA LEDGESTONE) DUE TO UPCOMING EXPIRATION OF THE CONSTRUCTION BOND IN THE AMOUNT OF \$616,170.99 was PULLED. No discussion and no action taken.

24487 ACCEPT THE CERTIFICATE OF COMPLETION AND TO ACCEPT MAINTENANCE BOND FOR WINTERS MILL PARKWAY AND AUTHORIZE THE FINAL PAYMENT AND RELEASE OF RETAINAGE [T1-224]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe accept the Certificate of Completion and to accept Maintenance Bond for Winters Mill Parkway and authorize the final payment and release of retainage. All voting "Aye". MOTION PASSED

24488 [#7-4-038, 2 LOTS] RESUBDIVISION OF SL967 SUBDIVISION – APPROVE FINAL PLAT

[T1-244] A motion was made by Commissioner Ford, seconded by Judge Sumter to approve final plat of "Resubdivision of SL967 Subdivision" All voting "Aye". MOTION PASSED

24489 AUTHORIZE BUILDING MAINTENANCE TO PURCHASE AN ARTICULATING MAN LIFT AT A COST NOT TO EXCEED \$15,000 FROM CONTINGENCIES LINE ITEM IN COUNTYWIDE FUNDS [T1-256]

Maintenance Supervisor Ron Knot spoke of need for an articulating man lift. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Building Maintenance to purchase an articulating man lift at a cost not to exceed \$15,000 from contingencies line item in countywide funds. All voting "Aye". MOTION PASSED

24490 APPROVE TRADE-IN OF OUTDATED OR OBSOLETE WEAPONS THAT ARE NO LONGER SUITABLE FOR LAW ENFORCEMENT USE FOR REPLACEMENT WEAPONS THAT ARE APPROVED BY THE SHERIFF [T1-342]

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the trade-in of outdated or obsolete weapons that are no longer suitable for law enforcement use for replacement weapons that are approved by the Sheriff. All voting "Aye". MOTION PASSED

24491 ORDER THE EXTENSION OF ALL TRAFFIC RULES THAT APPLY TO COUNTY ROADS IN HAYS COUNTY TO THE ROADS OF WOODCREEK NORTH SUBDIVISION IN HAYS COUNTY [T1-391]

Commissioner Conley spoke of petition that was presented to him. Marilyn Trent made public comment. A motion was made by Commissioner Conley, seconded by Judge Sumter to order the extension of all traffic rules that apply to county roads in Hays County to the roads of Woodcreek North Subdivision in Hays County contingent upon Woodcreek North's consultation with representatives from the Road and Bridge Department and the Sheriff's office and the installation of traffic signage by Woodcreek North. All voting "Aye". MOTION PASSED



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24492 ADOPT A RESOLUTION SUPPORTING A REMOTE PRIMARY PUBLIC SAFETY ANSWERING POINT AT THE KYLE POLICE DEPARTMENT [T1-490]

Deputy Sheriff Dennis Gutierrez spoke of concerns regarding emergency services. A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a resolution supporting a remote primary public safety answering point at the Kyle Police Department. All voting "Aye". MOTION PASSED

24493 APPROVE OUT OF COUNTY VEHICLE USE FOR THE EMERGENCY MANAGEMENT DIRECTOR [T1-700]

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve out of county vehicle use for the Emergency Management Director. All voting "Aye". MOTION PASSED

24494 APPROVE RENEWAL OF THE ANNUAL AGREEMENT WITH COMMUNITY ACTION INC. OF HAYS, CALDWELL AND BLANCO COUNTIES HEAD START PROGRAM WITH THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FOR CHILD EXAMS [T1-715]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of the Annual Agreement with Community Action Inc. of Hays, Caldwell, and Blanco Counties Head Start Program with the Hays County Personal Health Department for child exams. All voting "Aye". MOTION PASSED

24495 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY OWNED BY HAYS COUNTY FOR APPROXIMATELY 26 ACRES LOCATED OFF OF WONDER WORLD DRIVE, THE PROPOSED SITE FOR HAYS COUNTY'S NEW GOVERNMENT CENTER [T1-800]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an agreement for the exchange of real property owned by Hays County for approximately 26 acres located off of Wonder World Drive, the proposed site for Hays County's new government center. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #20 RE: AUTHORIZE COMMISSIONER FORD TO APPOINT A HAYS COUNTY CITIZEN TO MONITOR AND PARTICIPATE IN THE HWY290/71 MEDIATION PROCESS was PULLED. [T1-851] Commissioner Ford spoke of mediation having already taken place, therefore, no action is needed for this item. Judge Sumter advised that CAMPO will take this issue up on August 14th at a work session. No action taken.

DISCUSSION REGARDING A RESOLUTION SUPPORTING ROAD RECLASSIFICATION AND RIGHT OF WAY [T1-947]

Charles O'Dell made public comment. CAMPO Executive Director Michael Aulick spoke of upcoming meetings and the CAMPO Mobility 2030 Plan. He explained roadway functional classification (freeway, parkway, 2-lane major divided arterial, 4-lane major divided arterial, 6-lane major divided arterial, major undivided arterial, minor arterial and collector distributor). Mr. Aulick spoke of Hays County amendment requests for various roadways in the county. Major revisions are made to the plan every 5 years and amendments can be made at any time by the board.

Budget workshop schedule was briefly discussed.

EXECUTIVE SESSION UNDER 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING LITIGATION BETWEEN HAYS COUNTY AND THK PROPERTIES, LLC.

The court convened into closed executive session at 11:15 a.m. regarding litigation between Hays County and THK Properties LLC and ended this closed session at 12:00 noon.

EXECUTIVE SESSION UNDER SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO CONDUCT DEPARTMENT HEAD EVALUATIONS

The court reconvened into closed executive session at 1:00 p.m. to conduct Department Head evaluations and adjourned at 3:25 p.m.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 JULY 31, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 7th DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING MEMBER WAS ABSENT: COMMISSIONER PCT. 3 WILL CONLEY.
 THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Father Gahan, St. Stephens Episcopal Church of Wimberley, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Brad Hagen made public comment regarding FM1626.

24496 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog requested the addition of an invoice in the amount of \$1500 for pest control. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$801,282.48, with the addition of a \$1500 invoice for pest control. All present voting "Aye". MOTION PASSED

24497 APPROVE BUDGET AMENDMENT 07-31

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Budget Amendment #07-31 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED

24498 APPROVE COMMISSIONERS' COURT MINUTES OF JULY 31, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioners' Court Minutes of July 31, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

24499 APPROVE OUT-OF-STATE TRAVEL REQUEST FOR THE SHERIFF'S DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve out-of-state travel request for the Sheriff's Department. All present voting "Aye". MOTION PASSED

24500 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON MCCARTY LANE, CR 233 [T1-181]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 45 MPH speed limit on McCarty Lane, west of Hunter Road. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to establish traffic regulation of 45 MPH speed limit on McCarty Lane (CR233) between Hunter Road and Siesta Verde subdivision entrance. All present voting "Aye". MOTION PASSED

24501 ACCEPTANCE OF ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR BUSH RANCH (AKA: LEDGESTONE) PHASE 1 SECTIONS 1 & 2 [T1-203]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction and drainage improvements, release of construction bond, and acceptance of maintenance bond with stipulation that developer is to put on notice that storm water will flow into adjoining subdivision and must be addressed before maintenance bond expires. A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road construction and drainage improvements, release construction bond, and accept maintenance bond in the amount of \$653,452.97 for Bush Ranch (AKA Ledgestone) Phase 1 Sections 1 & 2. All present voting "Aye". MOTION PASSED



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24502 [#06-4-026, 86 LOTS] **HIGHPOINTE PHASE III SECTION 1 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY** [T1-245]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat and accept construction fiscal surety for "Highpointe Phase III Section 1". All present voting "Aye". MOTION PASSED

24503 **APPROVE RENEWAL OF THE TITLE V (FIVE) MATERNAL AND CHILD PRENATAL SERVICES CONTRACT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE ANNUAL AMOUNT OF \$60,142.00** [T1-304]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve renewal of the Title V Maternal and Child Prenatal Services contract between Hays County Personal Health Department and the Texas Department of State Health Services for the annual amount of \$60,142.00. All present voting "Aye". MOTION PASSED

24504 **APPOINT A REPRESENTATIVE FROM A SMALL HAYS COUNTY CITY TO THE CAMPO BOARD** [T1-356]

A motion was made by Judge Sumter, seconded by Commissioner Barton to appoint Kyle Mayor Mike Gonzales from a small Hays County City to the CAMPO Board. All present voting "Aye". MOTION PASSED

24505 **AUTHORIZE THE COUNTY JUDGE TO ENTER INTO CONTRACTS TO LEASE FACILITIES COSTING UP TO \$100 PER DAY FOR ANNUAL OPEN ENROLLMENT MEETINGS FOR HAYS COUNTY EMPLOYEES** [T1-388]

Leased facilities that will be used for annual open enrollment insurance meetings will be the VFW between Wimberley and Drippings Springs and the Dunbar Center in San Marcos. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into contracts to lease facilities costing up to \$100 per day for annual open enrollment meetings for Hays County Employees. All present voting "Aye". MOTION PASSED

24506 **AUTHORIZE COUNTY JUDGE TO NEGOTIATE A CONTRACT FOR SERVICES WITH JOSEPH LESSARD TO PROVIDE ECONOMIC/FINANCIAL ANALYSIS SERVICES FOR HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN** [T1-408]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to negotiate a contract for services with Joseph Lessard to provide economic/financial analysis services for Hays County Regional Habitat Conservation Plan. All present voting "Aye". MOTION PASSED

24507 **ACCEPT MEMBERS OF THE BIOLOGICAL ADVISORY TEAM (BAT) FOR THE REGIONAL HABITAT CONSERVATION PLAN** [T1-440]

A motion was made by Commissioner Ford, seconded by Judge Sumter to accept Craig Farqua (*Texas Parks & Wildlife Dept.*), Lee Elliott (*The Nature Conservancy*), Randy Gibson (*USFWS Hatchery*), Cal Newnam (*TxDOT*), Terri Siegenthaler (*Shield Ranch*), and Gary Stevens (*USDA Natural Resources Conservation Service*) as members of the Biological Advisory Team (BAT) for the Regional Habitat Conservation Plan, knowing that additional members may be forthcoming. All voting "Aye". MOTION PASSED

PRESENTATION BY REPRESENTATIVES OF 2428 PARTNERS ABOUT THE SUNFIELD DEVELOPMENT IN PRECINCT 2 [T1-485]

Steve Bartlett (Steve Bartlett Company) provided information regarding "Sunfield", a master planned community being developed east of Buda. The project will be the size of a small city: more than 7,400 lots are currently planned on about 2,800 acres which would add approximately 20,000 people to the area. Substantial retail and workforce employment centers are planned and sites for two elementary schools and a middle school are planned within the development. A Fire/EMS station site is to be donated by the developers. Water and wastewater service will come from a series of MUDs. Mr. Bartlett spoke of anticipated new roads, road upgrades and re-alignments. Buda Economic Development Director Warren Kettelman spoke of economic impact from this development. Mr. Bartlett spoke of public and private parks planned for the development. Road Supt/Engineer Jerry Borcharding wanted the developer to know that anything regarding drainage, roads, etc. that is submitted to the City of Buda should also be submitted to the County.



DISCUSSION REGARDING COMMUNICATION EQUIPMENT SPACE LEASE THAT ALLOWS THE INSTALLATION AND MAINTENANCE OF COMMUNICATIONS EQUIPMENT ON TOP OF THE HAYS COUNTY ANNEX BUILDING AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE SAME

[T1-991] Special Counsel Mark Kennedy spoke of previous lease that has expired and he explained the new lease. Commissioner Barton and Information Technology Director Jeff Magill spoke of their concerns. No action was taken this date.

Clerk's Note: Agenda Item #15 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND, TEXAS FOR THE ONGOING MAINTENANCE, REPAIR AND/OR UPGRADE OF ROADWAYS WITHIN THE INCORPORATED LIMITS OF THE CITY OF UHLAND was PULLED. No discussion and no action taken.

24508 AUTHORIZE THE COUNTY AUDITOR OR THE ASSISTANT COUNTY AUDITOR TO SIGN NEW CUSTOMER ACCOUNT FORMS AND CONTRACTS FOR NEW VENDOR ACCOUNTS AS THEY ARE NEEDED AND TO RATIFY THE EXECUTION OF ANY NEW CUSTOMER ACCOUNT FORMS AND CONTRACTS THAT MAY HAVE BEEN SIGNED BY THE COUNTY AUDITOR OR THE ASSISTANT COUNTY AUDITOR PRIOR TO THIS DATE [T1-1291]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Auditor or the Assistant County Auditor to sign new customer account forms and contracts for new vendor accounts as they are needed and to ratify the execution of any new customer account forms and contracts that may have been signed by the County Auditor or the Assistant County Auditor prior to this date. All present voting "Aye". MOTION PASSED

24509 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT FOR THE LEASE OF COUNTY PROPERTY FOR LANDSCAPING, DECORATIVE FENCING AND DECORATIVE FENCING COLUMNS [T1-1332]

Special Counsel Mark Kennedy explained the agreement. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute an interlocal agreement with Dripping Springs Independent School District for the lease of county property for landscaping, decorative fencing, and decorative fencing columns. All present voting "Aye". MOTION PASSED

24510 APPROVE CIGNA'S PROPOSAL FOR 2007-2008 AND NEW RATE PLAN FOR MEDICAL AND DENTAL BENEFITS AS RECOMMENDED BY THE INSURANCE COMMITTEE AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RENEWAL WITH THE CIGNA AS THE RENEWAL DATES APPROACH [T1-1408]

Human Resources Director Dee Dee Baen spoke of insurance committee's recommendation. No rate increase for employee. She spoke of cost management: (1) Personal Health Solutions + Medical Management, (2) Pharmacy Plus, and (3) Behavioral Health Advantage. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Cigna's proposal for 2007-2008 and new rate plan for medical and dental benefits as recommended by the insurance committee and to authorize the County Judge to execute the renewal contract with Cigna as the renewal dates approach and authorize the County Judge to execute same. All present voting "Aye". MOTION PASSED

Court convened into closed executive session to **DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS IN EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE** and an **EXECUTIVE SESSION UNDER 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING LITIGATION BETWEEN HAYS COUNTY AND THK PROPERTIES, LLC.** Upon completion of executive session the court adjourned the meeting.

Court was adjourned.

I, LINDA C. FRITSCH, 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 AUGUST 7, 2007.



Linda C. Fritsche
 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





AUGUST 8, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8th DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 DEBBIE GONZALES INGALSBE
 JEFFERSON W. BARTON
 KAREN FORD
 LINDA C. FRITSCHÉ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 4
 COUNTY CLERK

WITH COMMISSIONER PCT. 3 WILL CONLEY ABSENT. THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

FY2008 HAYS COUNTY BUDGET WORKSHOP

Judge Sumter spoke of 2% COLA plus a 3% merit built in to the budget at this time. Some salary disparity may be addressed in April due to attrition and/or salary savings.

JUSTICE OF THE PEACE

J.P. Pct. 5 Lamont Ramage spoke of re-grade of staff that was requested was not approved and he spoke of requirements regarding collections. HR Shari Miller spoke of salary analysis procedure that was adopted by the court – work volume increase means more people in the department and not re-grading of current staff. JP Pct. 5 Judge Lamont Ramage spoke of operational costs that were cut from his budget. JP Pct. 1 Place 1 Judge JoAnne Prado spoke of decrease in travel allowance and she spoke of increase in jurisdiction that will be taking place. J.P. Pct. 2 Judge Beth Smith spoke of need to address travel allowance because of increase in cost for gasoline. J.P. Pct. 3 Judge Andy Cable spoke of need for increase in travel allowance. J.P. Pct. 1 Place 2 Judge Margie Hernandez spoke of need for increase in travel allowance and requested that her part-time person be increased to a fulltime position. J.P. Pct. 4 Judge Terry Kyle spoke of part-time position (70% - 28 hours) and need to increase travel allowance.

COUNTY COURT AT LAW

CCL#1 Judge Howard Warner spoke of Court Reporter regrade and disparity with District Court. He spoke of law going into effect Sept. 1, 2007 requiring defendants to have attorneys and he spoke of court security personnel. CCL#2 Judge Linda Rodriguez spoke of longevity for the judges and she spoke of Senate Bill 600 which addresses salaries for judges.

RETIREE BENEFITS

[T1-1316] Britney Richey (Retiree Benefits Review Committee) provided recommendations for fiscal year 2007. Recommendation is for a 3% COLA for retirees. She spoke of Silver Choice Plan available to retirees on medicare. Special Counsel Mark Kennedy spoke of "the equal benefit or equal cost defense".

FIRE MARSHAL

[T1-2080] Carroll Czichos asked about personnel requests that were not approved. He spoke of countywide fire code that he is going to ask the court to adopt which will increase their workload. Fees are allowed for inspections. Mr. Czichos spoke of operation costs that were not funded. Asst. Fire Marshal Bo Montague spoke of canine expenses.

PARKS ADMINISTRATION & TRANSFER STATION

[T2-322] Jerry Pinnix spoke of parkland & improvements (#07-487-5742) request for \$20,000 which was deleted. He spoke of sanitation facilities that are needed at the Driftwood yard.

CONSTABLE PCT. 1

Deputy Constable Steve Velasquez spoke of need for a new vehicle, laptop computers, and uniform allowance for office administrator. Deputy Ray Helm spoke of need for a new printer and Deputy Clemente Verastegui spoke of need for a part-time person to run TLETs.

JUVENILE CENTER

Brett Littlejohn appeared. Human Resources Director Dee Dee Baen spoke of moving personnel from old pay schedule into the current county classification schedule. Discussion was had regarding salary adjustment line item of \$117,391. Brett Littlejohn spoke of CPR training and supplies that should come out of line item #5364 (new employee expense).

DISTRICT COURT

[T2-1718] District Judge Bill Henry spoke of increase requested in line item 5212 postage (because of mandated notices) and he spoke of court appointed attorneys (line item #5306 & #5440). Vickie Wilhelm spoke of separating out the different court appointed attorneys depending on types of cases.



County Auditor Bill Herzog spoke of funding in contingencies, membership fees, and road department equipment. Discussion was had regarding the current FY2007 tax rate of 0.45 cents, current effective tax rate is 0.4432 cents, and proposed FY2008 tax rate of 0.46 cents.


PERSONAL HEALTH


[T2-2497] Nick Icosipentarios spoke of his statistical report and strategic plan. He requested an increase in staff salaries (LVN to RN, part-time staff assistant, & exam table). Discussion was had regarding salary being offered for RN position versus the true market. Could offer a range of \$41,000 - \$51,000.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 AUGUST 8, 2007.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





AUGUST 9, 2007

VOLUME T PAGE 627

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9th DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

WITH COMMISSIONER PCT. 3 WILL CONLEY ABSENT. THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

FY2008 HAYS COUNTY BUDGET WORKSHOP

EMERGENCY MANAGEMENT

Emergency Management Coordinator Jeff Turner spoke of staff position (\$20,434) not needed in FY2008 - #5473/equipment rental: \$150 per month copier lease = \$1800 - #5489 Telephone expenses have increased and he requested \$8,000 be funded.

SOCIAL SERVICES

Judge Sumter spoke of social services – she would like to see a grant process to allocate funds. She spoke of some libraries being taxing entities and ESD's are taxing entities. Discussion was had regarding emergency medical services.

EXTENSION SERVICE

[T1-480] Susan Schramm asked about county insurance that was cut for the extension agents. Judge Sumter spoke of the agents being covered by medical insurance through the State (A&M coverage). Requested that the agents be allowed to continue with county dental coverage for the next year.

CONSTABLE PCT. 5

[T1-960] Constable Matt Mancillas spoke of request for an additional deputy constable. He spoke of growth in his precinct and the anticipated increase in workload due to recent legislation. He spoke of other line items that were reduced.

HISTORICAL COMMISSION

[T1-1445] Kate Johnson spoke of one time request of additional \$30,000 for preservation of the old Hays County jail. A total of \$65,000 is needed to provide matching funds for a grant.

CONSTABLE PCT. 2

[T1-1758] Constable James Kohler spoke of need for additional \$200 in office supplies and he needs an additional computer (\$1800) for his deputies. He spoke of \$20,000 needed for a new vehicle (Durango).

ENVIRONMENTAL HEALTH

[T1-2204] Environmental Health Director Tom Forrest spoke of travel allowance, telephone allowance, continuing education, postage, and vehicles. Judge Sumter spoke of wanting to change policy regarding travel – encourage staff to use a county vehicle to make runs to the courthouse, post office, bank, etc.

DISTRICT ATTORNEY

[T1-3050] District Attorney Sherri Tibbe spoke of anticipated expert witness expenses that will be needed because of a pending case in district court. She also spoke of transcription/appeals expenses, and legal publications. Need to look at equipment rent/lease costs.

BUILDING MAINTENANCE

[T2-300] Maintenance Supervisor Ron Knott submitted his concerns in writing requesting clarification regarding staff salaries, A/C maintenance & repair, vehicles (long bed instead of short bed trucks), and Misc. capital equipment. New line items requested: safety equipment (\$1,200 for hard hats and steel toe boots) and Christmas lights \$8,000). He also wants to update his first aid kits.

CONSTABLE PCT. 3

[T2-516] Constable Pct. 3 submitted his budget concerns in writing. Items addressed were fuel, membership fees and bonds, continuing education, and law enforcement equipment. Discussion was had regarding new vehicle request and equipment needed for that vehicle.




FAMILY COURT


[T2-832] Associate Judge/Family Law Brenda Smith spoke of increase in hours (from 20 to 30 hours per week). She spoke of work she does that occurs away from the bench. The recommended budget amount is \$41,670 which equals 15 hours per week – requested 25 hours = \$69,446. Judge Sumter spoke of having four District Judge's in Hays County and plans to eliminate the family law judge position.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 AUGUST 9, 2007.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





AUGUST 13, 2007

VOLUME T PAGE 629

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 13th DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

FY2008 HAYS COUNTY BUDGET WORKSHOP

Road Department

Road Supt/Engineer Jerry Borcharding spoke of his recommended budget. He spoke of savings that will make up for the decrease and he provided a list of projects to roll over FY08 (34.01 miles of road = \$690,315). Jerry Borcharding spoke of need for sufficient right-of-way funds. Discussion was had regarding drainage problems and the comprehensive plan.

Sheriff's Department [T1-885]

Sheriff Allen Bridges spoke of re-organization of his department and savings since he became Sheriff. He asked the court to accept his requested budget. He spoke of additional personnel requested (2 traffic deputies, 4 patrol deputies, 1 detective, 1 crisis intervention officer, and 1 processing clerk). Judge Sumter spoke of possible grants to fund additional officers and she spoke of increases in the Sheriff's budget over the last ten years. Judge Sumter spoke of 17 vehicles and 3 motorcycles that were put into the budget. Discussion was had regarding services being received and requested. Sheriff Bridges spoke of jail budget and space needed for vehicle maintenance.

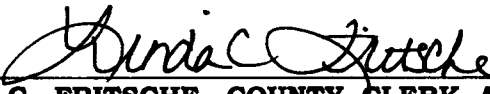
Commissioner Ford spoke of need for more time to review and determine her priorities. Discussion was had regarding use of reserves to fund one time expenses and increasing the tax rate by 1-2 cents. (1 cent tax rate increase = \$868,000 in revenues for the General Fund). Contingencies line item = \$400,000 (\$150,000 for contingencies, \$150,000 for Collection/Compliance Office, and \$100,000 FEMA Buy-Out). Discussion was had regarding funding for the Central Appraisal District. \$65,000 request from the Historical Commission could come out of reserve funds. [T2-500] Discussion was had regarding the Civic Center. [T2-970] Discussion was had regarding Executive Secretary positions in the Commissioners' office. [T2-1297] Court went through requests made last week. Judge Sumter had to leave the meeting early. JP's travel allowance = \$3600 - \$1440 approved, JP1-1 office equipment mtc/repair = \$200 denied, J.P. 1-2 part-time position to full time w/benefits = \$22,225 denied, JP4 ½ position to 28 hrs wk w/no benefits = \$5,938 approved, JP5 request to restore all line items = \$1,550 denied, CCL #1 court reporter increase = \$5,847 denied, CCL #1 & #2 longevity + fringe = \$2,738 approved, revenue from state = \$65,000 approved, retiree benefits committee review - 3% COLA for retirees - approved 2%, Constable Pct. 1 vehicle w/light bar/siren = \$20,600 denied, Constable Pct. 1 laptops (2) w/software & antennas = \$4,398 denied, Constable Pct. 1 uniform allowance = \$360 approved, Constable Pct. 1 HP printer = \$1800 reduced to \$500, Constable Pct. 1 part-time position + fringe = \$12,638 denied, Juvenile Center new employee expense = \$1200 denied, District Court postage increase = \$500 - approved \$250, Personal Health staff assistant w/benefits = \$37,070 approved, LVN to RN = \$11,754 approved, EMC equipment rent/lease = \$800 approved, EMC telephone = \$3,000 - approved \$2,000, Extension Office medical insurance = \$21,084 denied, Extension Office dental insurance = \$852 approved, Constable Pct. 5 new deputy = \$49,826 - approved \$24,913 to start in April 2008, Constable Pct. 5 membership fees & bonds = \$100 denied, Constable Pct. 5 continuing education = \$400 approved, Constable Pct. 5 uniform allowance for new deputy = \$360 - reduced to \$180 for six months, Constable Pct. 5 hand held radio = \$1,500 approved, Constable Pct. 2 additional funds for Dodge Durango = \$1,000 denied, Constable Pct. 2 PC w/software = \$1799 approved, Environmental Health continuing education = \$2,000 reduced to \$1,000, Environmental Health phone allowance = \$1680 - approved \$1860 (3 @ \$35 pm + 1 @ \$50 pm), Environmental Health postage increase = \$3,500 - \$1,000 approved, District Attorney expert witness = \$4,000 approved, District Attorney transcription/appeals = \$2,000 approved, Building Maintenance ¾ position to fulltime + fringe = \$6,319 approved, Building Maintenance A/C maintenance & repair = \$5,000 denied, Building Maintenance additional funds for long bed vehicle = \$2,000 approved, Building Maintenance safety equipment = \$1,200 - approved \$500 (hard hats, goggles, & first aid kits), Building Maintenance Christmas lights = \$8,000 denied, Constable Pct. 2 office supplies = \$200 approved, Constable Pct. 2 fuel = \$200 approved, Constable Pct. 3 membership fees & bonds = \$175 approved, Constable Pct. 3 continuing education = \$50 approved, Family Court Associate Judge salary restored to initial request = \$32,498 approved, District Clerk request to restore line items that were cut = \$400 - \$100 approved for travel, and Treasurer travel allowance of \$600 approved.




Court was adjourned.

I, LINDA C. FRITSCHER, 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 AUGUST 13, 2007.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





AUGUST 14, 2007

VOLUME T PAGE 631

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 14th DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor David Slyter, Wimberley Presbyterian Church gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

County Court at Law Judge Warner presented a 20 year pin to Judge Linda Rodriguez and Judge Rodriguez presented Judge Warner with a 25 year service recognition plaque. Chief Juvenile Probation Officer Ed Cooper presented a 5 year service pin to Abel Castillo.

PRESENTATION BY EXTENSION OFFICE ON 4-H IN HAYS COUNTY

Extension Agent Richard Parrish (4H & Youth Development) spoke of 4-H program. He spoke of scholarships received and awards that were earned by local youths. He gave his appreciation to the court for their support of these programs.

PUBLIC COMMENT

Attorney Mark Cusak made public comment regarding funding for family law court.

24511 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$996,637.31 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24512 APPROVE BUDGET AMENDMENT 07-32

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-32 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24513 APPROVE COMMISSIONERS' COURT MINUTES OF AUGUST 7, 2007

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioners' Court Minutes of August 7, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24514 APPROVE RENEWAL OF THE CONTRACT REAPPOINTING DR. CHARLES P. ANDERSON, MD AS THE LOCAL HEALTH AUTHORITY OF HAYS COUNTY PURSUANT TO CHAPTER 121, SUBCHAPTER B OF THE TEXAS HEALTH CODE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of the contract reappointing Dr. Charles P. Anderson, MD as the Local Health Authority of Hays County Pursuant to Chapter 121, Subchapter B of the Texas Health Code. All voting "Aye". MOTION PASSED

24515 APPROVE RENEWAL OF CONTRACT FOR DR. ALAN PARKS, MD FOR SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Alan Parks, MD for services to the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED



24516 APPROVE RENEWAL OF CONTRACT FOR DR. CHARLES P. ANDERSON, MD AND DR. ALBERTO SANTOS, DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Charles P. Anderson, M.D. and Dr. Alberto Santos, D.O. to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED

24517 APPROVE RENEWAL OF THE DOCTORS ANNUAL CONTRACTS FOR MATERNITY AND FAMILY CLINICS, DR. A. RAY JACOBSON, DR. BETH REID, DR. TERESA IRWIN, MD, AND DR. ALAN PARKS, MD.

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve renewal of the Doctors annual contracts for Maternity and Family Clinic, Dr. A. Ray Jacobson, Dr. Beth Reid, Dr. Teresa Irwin M.D. and Dr. Alan Parks M.D. All voting "Aye". MOTION PASSED

24518 ACCEPT DONATION OF PROPERTY AT THE END OF SHELTON RANCH ROAD FOR THE PURPOSE OF CONSTRUCTING A CUL-DE-SAC [T1-220]

Road Supt/Engineer Jerry Borcharding spoke of donation of property by Daniel & Melanie Haberman and Joe & Karen Thompson for construction of a cul-de-sac at the end of Shelton Ranch Road. Hays County will be responsible for construction and for replacement of fences. He gave staff recommendation for acceptance of donation. The cul-de-sac would allow the school bus to pick children up on this roadway. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept donation of property at the end of Shelton Ranch Road for the purpose of constructing a cul-de-sac. All voting "Aye". MOTION PASSED

24519 PUBLIC HEARING AND ACTION TO ESTABLISH NO PARKING SIGNS ALONG THE COUNTY ROW ON TRAUTWEIN ROAD [T1-262]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish "No Parking" signs along the county right-of-way on Trautwein Road. All voting "Aye". MOTION PASSED

24520 ACCEPT DONATION OF PROPERTY ON NORTHWEST HILLS ROAD OFF HILLIARD ROAD [T1-275]

Road Supt/Engineer Jerry Borcharding spoke of encroachment on property in the process of maintaining the roadway. Property owners Stanley & Victoria Durham would like to donate the property (0.02 ac). A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept donation of property by Stanley and Victoria Durham (0.02 acre) on Northwest Hills Road off Hilliard Road. All voting "Aye". MOTION PASSED

24521 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN WILLOW CREEK SUBDIVISION [T1-305]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 20MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulations of 20 MPH speed limit in Willow Creek Subdivision. All voting "Aye". MOTION PASSED

24522 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR CIELO RANCH SUBDIVISION [T1-317]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance bond and acceptance of road and drainage improvements for Cielo Ranch Subdivision (Cielo Ranch Drive). A motion was made by Commissioner Conley, seconded by Commissioner Ford to release the maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for Cielo Ranch Subdivision. All voting "Aye". MOTION PASSED



24523 AUTHORIZE THE COUNTY JUDGE TO SIGN AND DELIVER LETTER REGARDING APPLICATION BY HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (WCID 1) FOR A MAJOR AMENDMENT REPLACING AND SUPERSEDING PERMIT NO. WQ001493-001 ISSUED NOVEMBER 30, 2004 [T1-334]

Items related to this have been before the Court on two prior occasions and the County's stance has consistently been in opposition to the discharge of this level of effluent into Bear Creek and beyond. W. F. Kirk Holland (Barton Springs Edwards Aquifer Conservation District) spoke in support of letter of opposition from the court. Andrew Backus (Board President of the Hays Trinity Groundwater Conservation District) spoke in support of letter of opposition. Barbara Stroud (property owner downstream from HCWCID#1 on Bear Creek) and Alston Boyd (lives on Bear Creek) spoke in support of letter of opposition. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to sign and deliver letter regarding application by Hays County Water Control and Improvement District No. 1 (WCID 1) for a major amendment replacing and superseding Permit No. WQ001493-001 issued November 30, 2004. All voting "Aye". MOTION PASSED

24524 DIRECT PRIME STRATEGIES AND/OR OTHER CONSULTANTS FOR HAYS COUNTY TO ASSIST THE COUNTY IN UPDATING ITS TRANSPORTATION ADVISORY BOARD [T1-543]

Charles O'Dell (President of Hays CAN) made public comment. Gary Knight (Transportation Advisory Board member) spoke of need for professional assistance. Commissioner Barton suggested that Prime Strategies be used to assist the Board and retain John Langmore Associates to make a presentation. [T1-995] A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to execute a contract with John Langmore Associates to present to the citizens advisory committee, and possibly the Commissioners' Court, for an amount not to exceed \$1,000 about regional transportation and state transportation planning and to authorize Prime Strategies to work with our citizens advisory committee, at their direction, for an additional amount not to exceed \$25,000 and furthermore, to authorize Prime Strategies to develop a proposal, time line, cost estimate, and detailed procedures for reviewing and amending our county transportation plan and recommending changes to the CAMPO plan for an amount not to exceed \$5,000 for a total of \$31,000 to be taken out of 2001 bond funds or out of R&B consultant line item. Commissioner Barton feels like they need the expertise - the committee can go out for RFQ's at a later date. After discussion the third part of the motion was withdrawn. All voting "Aye". MOTION PASSED. [T1-1149] A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Prime Strategies to develop a proposal, time line, cost estimate, and detailed procedures for reviewing and amending our county transportation plan and recommending changes to the CAMPO plan for an amount not to exceed \$5,000. MOTIONS WITHDRAWN.

24525 APPROVE TRANSFER OF A VEHICLE FROM THE SHERIFF'S DEPARTMENT FOR USE BY CONSTABLE PRECINCT 4 [T1-1290]

Request is for transfer of a Ford Crown Victoria (county tag #12026) to Constable Precinct 4 to replace current vehicle. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve transfer of a vehicle from the Sheriff's Department for use by Constable Precinct 4. All voting "Aye". MOTION PASSED

24526 INCREASE FUNDING ON THE COUNTY'S 5-MILE DAM PARK PROJECT FROM NEW PARK BOND FUNDS TO COMPLETE PHASE I [T1-1346]

Grants Administrator Richard Salmon spoke of Phase 1 and funds needed. Parks Director Jerry Pinnix requested \$20,000 for shades at the park. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to increase funding on the county's 5-Mile Dam Park Project by \$826,500 from New Park Bond Funds to complete Phase I (\$806,500 for Phase 1 plus \$20,000 additional funding for shades). All voting "Aye". MOTION PASSED

24527 ADOPT THE TRANSPORTATION ADVISORY BOARD BYLAWS [T1-1505]

Gary Knight (Transportation Advisory Board member) spoke of changes made by the Board to the original By-Laws. A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt the Transportation Advisory Board By-Laws. All voting "Aye". MOTION PASSED

24528 TERMINATE THE \$2.00 PER MONTH SUPPLEMENTAL BENEFIT ALLOWANCE FOR 2007-2008 [T1-1640]

Human Resources Director Dee Dee Baen spoke of current life insurance benefit and supplemental benefit allowance. She suggested eliminating the \$2.00 per month supplemental benefit allowance and increase the life insurance benefit from \$10,000 up to \$25,000 from the savings. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to terminate the \$2.00 per month supplemental benefit allowance for 2007-2008. All voting "Aye". MOTION PASSED



24529 INCREASE THE LIFE INSURANCE PROVIDED TO COUNTY EMPLOYEES FROM \$10,000 TO \$25,000 FOR 2007-2008, AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE ADDENDUM WITH FT. DEARBORNE LIFE AS THE RENEWAL DATE APPROACHES

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to increase the life insurance (without AD&D) provided to county employees from \$10,000 to \$25,000 for 2007-2008 and to authorize the County Judge to execute the addendum with Ft. Dearborne Life as the renewal date approaches. All voting "Aye". MOTION PASSED

[T1-1798] Commissioner Barton asked that the record reflect that an email was sent to members of the Commissioners' Court by Brad Hagan providing information regarding pass through financing and ongoing discussion with the transportation committee.

24530 FY2008 HAYS COUNTY BUDGET - APPROVE A PROPOSED TAX RATE INCREASE

[T1-1871] Court discussed items considered August 13, 2007. Commissioner Conley suggested approving a tax rate of 46 cents. Commissioner Barton spoke of need to address libraries and EMS – he would support cutting the Trinity Groundwater Conservation District. Commissioner Ford spoke in support of approving additional staff for the Sheriff's department. Commissioner Ingalsbe spoke in support of additional \$50,000 for San Marcos Hays County EMS (total of \$250,000). Commissioner Barton spoke of funding for libraries. County Auditor Bill Herzog spoke of debt rate of 6.17.

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a proposed tax rate of 46 cents. All voting "Aye". MOTION PASSED

24531 PUBLIC HEARING REGARDING OSSF PERMIT NUMBER 2005-416 (PERMIT HOLDER: NICK RAMUS), THE COMPLIANCE OF SAID PERMIT WITH HAYS COUNTY'S LOCAL OSSF RULES, AND/OR THE HEALTH AND SAFETY OF THE SYSTEM THAT IS THE SUBJECT OF SAID PERMIT [T1-2900]

Michael Marcin, Attorney for Carolyn Logan, made public comment. Charles O'Dell (Hays CAN) made public comment. A motion to recuse County Judge Elizabeth Sumter and Commissioner Debbie Gonzales Ingalsbe was filed by Attorney Skip Newsom. Special Counsel Mark Kennedy advised Judge Sumter and Commissioner Ingalsbe that they have a right to vote on the court or they can recuse themselves. Neither Judge Sumter or Commissioner Ingalsbe recused themselves. [T1-3383] Skip Newsom, Attorney for Nick Ramus and THK Properties, appeared before the court and spoke on behalf of his client. [T2-161] Phil Owenby, small business investor, spoke of his involvement in the Texas Heritage Kitchen. [T2-285] Andy Grubbs, (Registered Sanitarian, System Installer, and Licensed Geologist) spoke of installed system. [T2-531] Stan Burrier, Civil Engineer and former Guadalupe County Engineer, spoke of his review of the system design and review from Snowden Incorporated. [T2-688] Douglas Wheatly, OSSF Licensed Installer and service provider, spoke of service he provides and continuing education he receives. He spoke of improvements he made to the system. [T2-1073] Nick Ramus, Jr. spoke of his experience and career as a Chef and his plans for a catering business. He spoke of revisions that were made to his system in order to obtain a permit and what it has cost him financially. [T2-1298] Judge Sumter read independent review of activities to date on-site sewage facility located at 2511 South Old Bastrop Highway done by Snowden Inc. Environmental Health Director Tom Forrest spoke of not being able to visit with Mr. Snowden because of illness in his family and he feels like the report is incomplete. Hays County Environmental Health Programs Manager Tom Pope spoke of use of these systems commercially in Hays County and he spoke of calculations. Discussion was had regarding time spent by county staff regarding this issue and investigation of allegations of misconduct. Mr. Newsom spoke of system built under the rules at the time the system was installed. [T2-2188] Special Counsel Mark Kennedy spoke of appeal that was denied. Commissioner Barton spoke of innovative design addressed in the county rules (Section 10.4). [T2-2405] Judge Sumter spoke of independent engineer's review and county rules which would make her deny the permit. Mark Kennedy spoke of case law regarding "grandfathering" of rules. Commissioner Ford spoke of review by Snowden Inc. and she spoke of rules adopted by the county. Commissioner Barton spoke of consistent enforcement of our rules over a number of years. [T2-3200] Commissioner Ingalsbe spoke of county rules and change in property use. Mr. Owenby spoke problem with hooking into the City of San Marcos sewer system. Commissioner Conley spoke of dealing with this issue since 2001, treatment of county staff, and time and money spent on this issue. A motion was made by Commissioner Conley to permanently reinstate OSSF Permit #2005-416 and Commissioner Barton made a friendly amendment which was accepted by Commissioner Conley as follows: [T3-95] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to clarify and reiterate that OSSF Permit #2005-416 is granted pursuant to Section 10.4 Innovative Development from the Hays County Rules for OSSF and/or we grant a variance for the system as submitted and reviewed by EHD, this variance would be for section 10.1a3d, the one acre for LUE per day section of the OSSF rules and for this section only, and further as condition of this approval that applicant be required to submit maintenance reports to the Hays County EHD once every quarter for the duration of the existing two year maintenance contract and that applicant understands that his business must continue to meet the standards and regulations of the Hays EHD. Commissioner Conley and Commissioner Barton voting "Aye". Commissioner Ford, Commissioner Ingalsbe, and Judge Sumter voting "No". MOTION FAILED.** Judge Sumter advised that the permit will continue to be temporarily reinstated.


FY2008 HAYS COUNTY BUDGET - # 24530 CONTINUED [T3-445]
Elected Official Salaries

Discussion was had regarding elected officials salaries, travel allowance, and phone allowance. Judge Sumter suggested a 5% salary increase across the board and Commissioner Conley suggested a 2% COLA increase.

A motion was made by Judge Sumter, seconded by Commissioner Ford to increase Commissioners and County Judge's salary 3% and all other elected officials at 4.5%. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford voting "Aye". Commissioner Conley and Judge Sumter voting "No". MOTION PASSED.

[T3-970] A motion was made by Commissioner Barton, seconded by Commissioner Conley to increase Commissioners and County Judge's travel allowance 5%. Commissioner Conley and Commissioner Barton voting "Aye". Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "No". MOTION FAILED.

[T3/1012] A motion was made by Commissioner Barton to allow a \$35 per month phone allowance for Justice of the Peace. MOTION FAILED FOR LACK OF A SECOND.

[T3-1099] A motion was made by Commissioner Barton, seconded by Commissioner Conley to reconsider previous action regarding Commissioners and County Judge salary increase as follows: increase Commissioners and County Judge's salaries 2% (COLA) plus 5% (COLA) increase in travel allowance. All voting "Aye".

Post for workshop for Tuesday August 21, 2007 to finish up the budget.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 AUGUST 14, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15th DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN AN EMERGENCY MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

COMMISSIONER, PCT. 3 WILL CONLEY WAS ABSENT. THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

24532 ACTION REGARDING LITIGATION BETWEEN HAYS COUNTY AND THK PROPERTIES LLC

Attorney Bob Bass spoke of Rule 11 Agreement. Ratification is needed by a quorum of the court. Discussion was had regarding agreed items: (1) Parties will present their respective motions for partial summary judgment on a date not to exceed 60 days from this date, (2) the Commissioners' Court agrees, pending a ruling upon the partial summary judgment, to take no formal action affecting OSSF Permit 2005-416, (3) THK Inc. agrees not to engage in commercial activities at the location at 2501 South Old Bastrop Hwy, San Marcos, Texas, pending a ruling upon the partial summary judgments, (4) administrative activities, investigatory activities, or consultation with legal counsel by Hays County relating to the permit, or other related matters, such as food service application and permitting, shall be permitted under this agreement. THK Inc. will be permitted to undertake steps necessary for commercial activity, but shall not engage in actual business activities on the property that contains the OSSF in question until a ruling on the partial summary judgments has been rendered, (5) the parties respectfully request prompt setting and ruling by the Court upon receipt of respective Motions for Partial Summary Judgment. Commissioner Barton voiced his opposition.

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Rule 11 Agreement between THK Inc. and Hays County, Texas filed in the 22nd Judicial District Court of Hays County, Texas Cause No. 07-1023. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 AUGUST 15, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21st DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Laura Merrill, Wimberley United Methodist Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

San Marcos Mayor Susan Narvaiz made public comment regarding Loop 110. Ruben Garza gave public comment regarding transportation planning.

24533 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$427,803.85 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24534 APPROVE BUDGET AMENDMENT 07-33

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Budget Amendment #07-33 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

24535 APPROVE MINUTES OF AUGUST 8TH & 9TH, 2007

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Minutes of August 8 & 9, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED

24536 APPROVE THE CANCELLATION OF COMMISSIONERS COURT MEETING OF SEPTEMBER 4, 2007

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the cancellation of Commissioners Court meeting scheduled for September 4, 2007. All voting "Aye". MOTION PASSED

24537 APPROVE RENEWAL OF SERVICE AGREEMENT WITH METROPLEX CONTROL SYSTEMS INC. FOR THE JUVENILE DETENTION CENTERS FIRE SPRINKLER SYSTEM IN THE AMOUNT OF \$2,140.00 FOR THE YEAR

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of service agreement with Metroplex Control Systems Inc. for the Juvenile Detention Centers Fire Sprinkler System in the amount of \$2,140.00 for the year. All voting "Aye". MOTION PASSED

24538 CALL FOR A PUBLIC HEARING ON SEPTEMBER 11, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN CIELO RANCH SUBDIVISION [T1-112]

Recommended traffic regulation: STOP sign on Cielo Ranch Road at Hugo Road and a speed limit of 25 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on September 11, 2007 to establish traffic regulations in Cielo Ranch Subdivision. All voting "Aye". MOTION PASSED

24539 CALL FOR A PUBLIC HEARING ON SEPTEMBER 11, 2007 TO ESTABLISH A "NO PARKING" ZONE ON TIGER LANE [T1-122]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 11, 2007 to establish a "No Parking" zone for Tiger Lane. All voting "Aye". MOTION PASSED



24540 HOLD A PUBLIC HEARING REGARDING A PETITION FOR THE CREATION OF CALDWELL-HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 1, AN EMERGENCY SERVICE DISTRICT PROPOSED TO BE CREATED UNDER CHAPTER 775 OF THE TEXAS HEALTH AND SAFETY CODE. DISCUSSION AND POSSIBLE ACTION TO GRANT THE PETITION, FIX THE DISTRICTS BOUNDARIES, AND ORDER AN ELECTION MAY FOLLOW [T1-150]

Judge Sumter declared the public hearing open. Attorney Ken Campbell spoke of Chisholm Trail VFD boundaries that will be in this district. The petition was certified by the Hays County Elections Administrator (on behalf of the County Clerk) on or about February 23, 2007. This hearing was properly called and statutory notice of the hearing was both posted and published by Hays County. Public hearing was closed. Special Counsel Mark Kennedy spoke of finding by the court that the creation of the district is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the district's boundaries. Mr. Campbell will provide the necessary Order. Request that action include fixing of the boundaries. [T1-220] A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt a finding that the creation of the Caldwell-Hays County Emergency Service District No. 1 is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the district's boundaries and that the court accepts and grants the petition for the creation of the district, fix the district's boundaries, and call an election on the November 2007 ballot to confirm the district's creation and authorize the imposition of a tax not to exceed the rate allowed by Section 48e Article III Texas Constitution contingent upon the granting of the petition by the Commissioners' Court of Caldwell County. All voting "Aye". MOTION PASSED. Mr. Campbell spoke of changes in the boundaries. Mark Kennedy suggested a new motion to address this matter. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize staff to work with outside counsel to determine and present back to the court any final amendments to the boundaries of the district as proposed by petitioners. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING HAYS COUNTY'S PREPARATIONS FOR A HURRICANE [T1-260]

Emergency Management Coordinator Jeff Turner gave an update regarding Hurricane Dean. Sheriff Allen Bridges spoke of training and equipment needs. Nick Icosipentarios spoke of Health Department involvement. Road Supt/Engineer Jerry Borcharding spoke of offering his personnel inoculation if they want it.

24541 ACCEPT PROCEDURE AND POLICY FOR CERTIFICATE OF AUTHORITY FOR UNMANNED AIRCRAFT FROM THE FEDERAL AVIATION ADMINISTRATION [T1-492]

Gene Robinson (R P Flight Systems) spoke of RPSearch Services – a 501© organization that was formed as an ancillary service of RPFlight Systems Inc. for the purpose of providing robotic plane aerial photography and GPS aided service assistance to police and fire departments as well as privately conducted search and rescue operations by other non-profit organizations. He spoke of new requirement by the FAA to receive a certificate of authority. He spoke of use of this aircraft in Hays County for the county fire marshal and in other areas of the country. Emergency Management Coordinator Jeff Turner and Sheriff Allen Bridges spoke in support of this service. Grants Administrator Richard Salmon spoke of using this company for aerial photos for the last 3 years (parks). Special Counsel Mark Kennedy spoke of interest by District Attorney to be involved. A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept policy and procedures for certificate of authority for unmanned aircraft from the FAA with amendment as recommended by Special Counsel (change references from ESD/Emergency Services District to EMC/Emergency Management Coordinator). All voting "Aye". MOTION PASSED

24542 ACCEPT THE RESIGNATION OF TONY PALERMO FROM ESD #7 AND APPOINT SCOTT BROWN TO FILL THE VACANT POSITION [T1-1030]

A motion was made by Commissioner Conley, seconded by Judge Sumter to accept the resignation of Tony Palermo from Hays County ESD#7 and appoint Scott Brown to fill the vacant position. All voting "Aye". MOTION PASSED

24543 CLARIFY THE HAYS COUNTY RULES AND POLICIES PERTAINING TO MAILBOXES ERECTED IN THE COUNTY RIGHT-OF-WAYS AND PROVIDE INSTRUCTION TO STAFF REGARDING METHODS FOR ENFORCING SAID RULES AND POLICIES [T1-1057]

Commissioner Ford spoke of problem with mailboxes constructed in county right-of-way and liability issue. Special Counsel Mark Kennedy spoke of notice provided by Road Department regarding legal mailboxes/structures. All mailboxes installed within the county right-of-way to be made of collapsible materials. Special Counsel Mark Kennedy suggested a change in Section 6.6(d)3. A motion was made by Commissioner Ford, seconded by Commissioner Barton to ask the Road & Bridge Department to work with Special Counsel to draw up a policy and procedure for mailbox compliance in county r-o-w to be brought back to the court for consideration. All voting "Aye". MOTION PASSED



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24544 APPOINT JOHN DIAZ TO THE HAYS COUNTY TRANSPORTATION ADVISORY COMMITTEE [T1-1570]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to appoint John Diaz to the Hays County Transportation Advisory Committee to replace Jim Neuhaus. All voting "Aye". MOTION PASSED

24545 ACTION REGARDING CONSTRUCTION IMPACTS ON SEDIMENTATION AND POLLUTION IN HAMILTON CREEK AND HAMILTON POOL [T1-1591]

Commissioner Ford spoke of construction in precinct 4 that has allegedly affected Hamilton Creek that flows into Travis County into Hamilton Pool. Travis County has voted to hire a consultant to look into sources and remediation. Road Supt/Engineer Jerry Borcharding advised that his inspector has made sure that controls are in place, however, there is a problem with sediment. Special Counsel Mark Kennedy spoke of need for an interlocal agreement between Travis and Hays County to participate in this issue. Interim Environmental Health Director Tom Forrest spoke of need for better design standards for developers. [T1-2142] A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Special Counsel to meet with Travis County Counsel and develop a MOU (Memorandum of Understanding) and go forward with approval to offer 50% of the contract fees, not to exceed \$5,500, to partner with Travis County for hiring of Espey Consulting to look at the Hamilton Creek impact. All voting "Aye". MOTION PASSED

24546 FY2008 HAYS COUNTY BUDGET - DISCUSSION AND ACTION ON PARTICULAR BUDGET LINE ITEMS, ADOPTION OF A PROPOSED BUDGET, AND APPROVE BUDGET CALENDAR [T1-2310]

Judge Sumter spoke of funding officers with a COPSMORE grant - money would have to be set aside for matching funds. Grants Administrator Richard Salmon advised that the COPSMORE grant only funds deputy positions (usually 5 to 7 officers). Discussion was had regarding Sheriff's request for 2 deputies (countywide traffic division), 4 deputies (Pct. 4 patrol division), 1 deputy (crisis intervention mental health assigned where needed), 1 detective (criminal investigations follow up on felony cases), 1 processing clerk (traffic division), and 1 Corporal (jail operations). [T2-40] Court agreed starting Crisis Intervention Officer and Processing Clerk in October 2007, Criminal Investigation Officer beginning April 2008, and pursue COPSMORE for traffic and patrol divisions at a cost of \$171,335. Jail contract detention/Inmates: request = \$250,000 recommended = \$175,000 - agreed to increase this amount to \$200,000. [T2-360] Discussed training (continuing education) and swift water training/equipment.

[T2-541] A motion was made by Commissioner Barton, seconded by Judge Sumter to amend the proposed Sheriff's budget to provide for a processing clerk beginning October 1, 2007, Crisis Intervention Officer to begin October 1, 2007, Criminal investigation Officer to begin April 1, 2008 with all associated equipment and to request the Grants Department to pursue the COPSMORE grant for six or more deputies - to include salaries and associated equipment requested. All voting "Aye". MOTION PASSED

[T1-578] A motion was made by Judge Sumter, seconded by Commissioner Barton to amend the Jail budget - line item #01-419-5361 contract detention/inmate - increase to \$200,000 (recommended \$175,000). Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Discussed Community and Social Services budget. [T2-1317] Discussed senior citizen programs. Calaboose African American Museum is requesting a \$5,000 one time funding from reserve funds. Discussed San Marcos/Hays County EMS, Hays/Trinity Groundwater Conservation District, and Libraries. Commissioner Barton suggested \$184,080 for libraries.

[T2-2008] A motion was made by Judge Sumter, seconded by Commissioner Ford to adjust line items as follows: #01-407-5844 San Marcos/Hays County EMS increase to \$250,000; #01-407-5862 Hill Country Senior Citizens decrease to \$22,500, #01-407-5867 Kyle Area Seniors Zone increase to \$10,000, #01-407-5896 Calaboose African American Museum decrease to \$1,500 - with \$5,000 request to possibly come from contingencies or reserves, and remove (zero out) #01-407-5847 Hays/Trinity Groundwater Conservation District from social services and budget \$75,000 out of LCRA 6% dedicated funds to the Hays/Trinity Groundwater Conservation District. All voting "Aye". MOTION PASSED.

[T2-2220] A motion was made by Commissioner Barton, seconded by Commissioner Conley to increase total library funding by 20% (\$184,080) to be divided using the formula they already have established. All voting "Aye". MOTION PASSED.



Britney Richey requested clarification for allocating merit increase. Discussion was had regarding 2% COLA and 3% merit – could save money by deferring merit increases to November instead of October.

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Justice of the Peace's travel allowance at \$2,640. All voting "Aye". MOTION PASSED.

The court went through the list presented by the Auditor's office based on previous meetings and selected the following items for action in one motion:

J.P. 4 – ½ time position to 28 hrs per week with no benefits	\$ 5,938
J.P. 5 – travel line item	\$ 100
Co Crt at Law 1 & 2 – longevity and fringe for judges	\$ 2,738
Revenue from state	(\$65,000)
Retiree Benefits Committee Review = 3% COLA for retirees	(\$47,500) 2% cola aprvd
Constable Pct. 1 – uniform allowance	\$ 360
Constable Pct. 1 – HP printer	\$ 500
District Court – postage increase	\$ 250
Personal Health – staff assistant w/benefits	\$37,070
Personal Health – LVN to RN	\$11,754
EMC – dissolve 1/1/08 Admin Coord. Position	(\$31,277)
EMC – equipment rent/lease	\$ 800
EMC – telephone	\$ 2,000
Sheriff – transfer \$2K from telephone to EMC	(\$2,000)
Extension Office – dental insurance	\$ 852 (final yr offered)
Constable Pct. 5 – Deputy	\$ 24,913 (fill 4/1/08)
Constable Pct. 5 – continuing education	\$ 400
Constable Pct. 5 – uniform allowance (new deputy)	\$ 180
Constable Pct. 5 – hand held radio (new deputy)	\$ 1,500
Constable Pct. 5 – increase JP revenue	(\$25,000)
Historical Commission – jail restoration fund	(\$35,000) \$65,000 reserves
Constable Pct. 2 – office supplies	\$ 200
Constable Pct. 2 – PC w/software	\$ 1,799
Environmental Health – continuing education	\$ 1,000
Environmental Health – phone allowance	\$ 1,860 \$50/dept head + \$35X3
Environmental Health – postage increase	\$ 1,000
District Attorney – expert witness	\$ 4,000
District Attorney – transcription/appeals	\$ 2,000
District Attorney – equipment rent/lease	\$ 2,065
Building Maintenance – ¾ position to fulltime + fringe (aprvd in FY07)	\$ 6,319
Building Maintenance – additional funds for long bed vehicle	\$ 2,000
Building Maintenance – safety equipment	\$ 500
Constable Pct. 3 – fuel	\$ 200
Constable Pct. 3 – additional expense for vehicle	\$ 700
Constable Pct. 3 – membership fees & bonds	\$ 175
Constable Pct. 3 – continuing education	\$ 50
Family Court – Associate Judge salary restored to initial request	\$32,498
District Clerk – travel line item	\$ 100
Personal Health – BT grant	(\$89,402)
Treasurer – travel allowance	\$ 600
Countywide – committee expenses for comprehensive plans	(\$275,000) reserves
Countywide – decrease general debt tax rate to 6.17	(\$104,000) increase gen fund
Tax Assessor- check processing system – not funding in FY08	(\$25,943)
Commissioners' Court – COLA @ 2% for Commissioners & Judge	(\$8,650)
Commissioners' Court – increase travel allowance by 5%	\$ 2,050 \$450/Judge \$400/Comm
Commissioners' Court – regrade secretaries (HR recommended)	\$ 5,329 regrade + fringe
Commissioners' Court – travel allowance for secretaries	\$ 1,850

[#1=\$250 #2=\$500 #3=\$500 #4=\$600]

[T3-48] **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve various line item adjustments as presented by the County Auditor. [see listing above] All voting "Aye". MOTION PASSED.**

District Clerk – travel allowance requested = \$3,600 – recommendation was for \$2,400. **A motion was made by Judge Sumter to increase the District Clerk's travel to \$3,600. MOTION DIED FOR LACK OF A SECOND**

Constable Pct. 3 – law enforcement equipment for vehicle - requested \$5,850. **A motion was made by Judge Sumter, seconded by Commissioner Conley to approve \$5,000 for Constable Pct. 3 law enforcement equipment for vehicle. All voting "Aye". MOTION PASSED**



District Attorney - legal publication request = \$3,180. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve \$2,500 for District Attorney legal publications. All voting "Aye". MOTION PASSED

Personal Health - Requested one additional ADA table & Doppler = \$4,044. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Doppler for Personal Health Department in the amount of \$631. All voting "Aye". MOTION PASSED.

Fire Marshal

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve \$815 savings to retain part-time Fire Marshal and Assistant Fire Marshal and add \$500 to increase uniform expense (\$315). Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED.

[T3-605] A motion was made by Commissioner Conley to put Commissioners' Court phone allowance into the travel allowance. MOTION DIED FOR LACK OF A SECOND Commissioner Conley requested that he not receive a phone allowance. \$600 removed from budget for Commissioner Pct. 3 phone allowance.

ADOPT PROPOSED FY2008 HAYS COUNTY BUDGET

[T1-662] A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt budget as proposed with amendments made this date and approve request by Commissioner Conley to delete his \$600 phone allowance from the budget. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No".

APPROVE FY2008 BUDGET CALENDAR

[T3-890] A motion was made by Judge Sumter, seconded by Commissioner Conley to approve the FY2008 budget calendar as presented by the County Auditor with following changes: public hearing on tax rate at 9:00 a.m. on Wednesday September 5th, second public hearing on tax rate at 5:30 p.m. on Tuesday September 11th, and public hearing on the budget, adopt the budget, and set salaries of elected officials at 9:00 a.m. on Wednesday September 19th. All voting "Aye".

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 AUGUST 21, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Josh Lowry, Cypress Creek Church of Wimberley, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENTS

Mark Yelverton made public comment regarding discharge of firearms in the Belterra Subdivision. Brad Hagen made public comment regarding the pass through financing agreement (PTFA).

24547 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 261,378.55 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24548 APPROVE BUDGET AMENDMENT 07-34

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-34 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24549 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 13, AUGUST 14, & AUGUST 15, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of August 13, August 14, and August 15, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24550 AMEND BUDGET OF COUNTY EMERGENCY MANAGEMENT CENTER OFFICE TO ALLOW FOR THE PURCHASE OF AN INVERTER FOR COMMAND VEHICLE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to amend budget of County Emergency Management Center office to allow for the purchase of an inverter for command vehicle. All voting "Aye". MOTION PASSED.

24551 AUTHORIZE COMMERCIAL OSSF PERMIT FOR 6,600 SQ. FT. TENNIS AND FITNESS CLUB AT 14101 CANONADE, AUSTIN, TX IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit for 6,600 square feet tennis and fitness club located at 14101 Canonade, Austin, Texas in Precinct 4. All voting "Aye". MOTION PASSED.

24552 APPROVE SPECIFICATIONS FOR BID #2007-B08 BRUSH CUTTING AND OTHER SERVICES FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for Bid #2007-B08 brush cutting and other services for Hays County Road Department and authorize Purchasing Department to solicit for bid and advertise. All voting "Aye". MOTION PASSED.



24553 APPROVE SPECIFICATIONS FOR RFQ 2007-P07 ARCHITECTURAL SERVICES FOR DESIGN OF HAYS COUNTY GOVERNMENT OFFICE COMPLEX AND AUTHORIZE PURCHASING TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for RFQ 2007-P07 Architectural Services for design of Hays County Government office complex and authorize Purchasing Department to solicit for qualifications and advertise. All voting "Aye". MOTION PASSED.

24554 AUTHORIZE COMMERCIAL OSSF PERMIT FOR A 45,000 SQ. FT RETAIL TRUCK SALES & SERVICE AT 18073 IH 35, BUDA, TX IN PRECINCT 2

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commercial OSSF Permit for a 45,000 sq. ft. retail truck sales & service at 18073 IH 35, Buda, Texas in Precinct 2. All voting "Aye". MOTION PASSED.

24555 AUTHORIZE COMMERCIAL OSSF PERMIT FOR A PUBLIC RESTROOM AT 109 OLD KYLE ROAD WIMBERLEY, TX IN PRECINCT 3 [T-168]

Judge Sumter requested that water usage be monitored on a monthly basis. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Commercial OSSF Permit for a public restroom at 109 Old Kyle Road, Wimberley, Texas in Precinct 3 with stipulation that there be monthly monitoring of water usage. "Aye". MOTION PASSED.

24556 [#07-4-044, 2 LOTS] REPLAT OF BARTON CREEK MEADOWS - WAIVE PRELIMINARY HEARING AND APPROVE FINAL PLAT [T1-199]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to waive public hearing and approve final plat of "Barton Creek Meadows Replat". All voting "Aye". MOTION PASSED.

24557 AFFIDAVIT OF PLAT CORRECTION FOR LOT 9 RANCHO ENCINO PHASE 1 - APPROVAL AND ACCEPTANCE OF AFFIDAVIT [T1-214]

The plat of Rancho Encino Phase I, which was recorded in Volume 5 page 107, has an inaccurate location of the creek. A corrected survey was created and attached to an affidavit of plat correction for consideration by the court. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve and accept Affidavit of plat correction for Lot 9 Rancho Encino Phase 1. All voting "Aye". MOTION PASSED.

[# 07-4-042, 96 LOTS] BELTERRA PHASE 5 SECTION 10 - CONSIDER APPROVE PRELIMINARY PLAN

Commissioner Ford has questions regarding wastewater permit that have not yet been answered, therefore, she requested no action this date. Environmental Health Director Tom Forrest spoke of required letter from utility provider that is provided prior to final approval. Special Counsel Mark Kennedy spoke of this phase possibly being in a phased development agreement approved in 2002. No action taken this date. Mark Kennedy spoke of possible remedies.

24558 PRESENTATION FROM TRANSPORTATION ADVISORY BOARD CHAIRPERSON STEPHEN KLEPFER AND ACTION TO ADD FM150 AND FM1826 TO THE TRANSPORTATION ADVISORY COMMITTEE'S IMMEDIATE CHARGE [T1-350]

Stephen Klepfer (Transportation Advisory Board Chairperson) updated the Court on the Transportation Advisory Boards current work and future considerations. Tracey Dean (Advisory Board member) spoke in support of pass through financing agreement (PTFA). Linda Kneeland spoke in support of PTFA and FM1626. Robert Kneeland spoke of expansion of FM1626 being a safety issue. Melissa Frensley spoke. Brad Hagen and Elizabeth Davis spoke in support of PTFA. Judge Sumter spoke of meeting with Zachary regarding a public private partnership on FM1626, there have been discussions with City of San Marcos regarding FM110, and discussions regarding Ranch Road 12. Commissioner Barton spoke of possible funding options. Commissioner Ingalsbe spoke of need to move forward. Commissioner Conley spoke of charges of the committee and the PTFA. Commissioner Ford spoke. A motion was made by Judge Sumter, seconded by Commissioner Ford to add FM150 and FM1826 to the Transportation Advisory Committee's immediate charge. All voting "Aye". MOTION PASSED. [T1-1368] A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe which after discussion was withdrawn and reconsidered in another agenda item.



24559 ACTION TO CHANGE AN LVN POSITION TO AN RN POSITION AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-1719]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to change an LVN position to an RN position at the Hays County Personal Health Department. All voting "Aye". MOTION PASSED.

24560 AUTHORIZE COMMISSIONERS TO WORK WITH PRIME STRATEGIES ON THEIR RESPECTIVE STATE HIGHWAY PROJECTS AS IT PERTAINS TO THE PASS THROUGH FINANCING AGREEMENT [T1-1775]

Brad Hagen made public comment regarding CAMPO meeting he attended. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize Commissioner Conley, Commissioner Ingalsbe, and Commissioner Barton to work on their prospective state highway projects as it pertains to the pass through financing agreement with Prime Strategies for an amount not to exceed \$50,000 and bring a report back to the court by September 25, 2007. All voting "Aye". MOTION PASSED

24561 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR SERVICES BETWEEN THE HAYS COUNTY SHERIFFS OFFICE AND AUSTIN COMMUNITY COLLEGE [T1-2177]

Kirk White (ACC Executive Director, Workforce Development Center) spoke in support of this agreement. This agreement proposes to provide accreditation at Austin Community College (ACC) to individuals who attend Hays County Sheriff's Cadet Training. Those individuals who wish to pursue a degree at ACC related to Criminal Justice will be granted, free of tuition, up to 20 hours of class credit for completion of certain portions of cadet training. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute an agreement for services between the Hays County Sheriff's office and Austin Community College. All voting "Aye". MOTION PASSED.

24562 ACTION RELATED TO ESTABLISHING STANDARDS FOR CONTEXT SENSITIVE DESIGN IN HAYS COUNTY ROAD PROJECTS [T1-2243]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize a committee consisting of Mark Kennedy, Jerry Borchering, Tom Forrest, Commissioner Barton, and Judge Sumter to enter into negotiations and bring back to the court for professional services regarding context sensitive design with Hays County. MOTION WITHDRAWN. [T1-2576] A motion was made by Commissioner Barton, seconded by Commissioner Conley to establish a committee consisting of Special Counsel Mark Kennedy, Road Supt/Engineer Jerry Borchering, Environmental Health Director Tom Forrest, Commissioner Barton, and Judge Sumter to work with Purchasing Agent Cindy Maiorka to develop either an RFQ or RFP, at the earliest possible date, seeking professional firms to help Hays County with development standards for context sensitive designs. All voting "Aye". MOTION PASSED.

24563 ALLOW COMMISSIONER FORD TO NEGOTIATE A CONTRACT WITH ESPEY CONSULTANTS, INC. IN ORDER TO ADDRESS POSSIBLE POLLUTION OF LONG BRANCH CREEK, A TRIBUTARY TO BARTON CREEK, RESULTING FROM PROXIMITY TO A SUBDIVISION CONSTRUCTION SITE [T1-2640]

Commissioner Ford spoke of concerns regarding pollution of Long Branch Creek. Angelique Edl (representing the Heritage Oak Landowners Association) spoke of pollution of the creek since recent development in the area and presented drawings and pictures of the area. Special Counsel Mark Kennedy spoke of Water Code providing possible action to address the situation. Environmental Health Director Tom Forrest spoke in support of hiring Espey Consultants. Discussion was had regarding "request for qualifications" and list of firms already approved by Commissioners' Court. A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow Commissioner Ford to negotiate a contract, and the County Judge to execute a contract, not to exceed \$4,000, with Espey Consultants Inc. in order to address possible pollution of Long Branch Creek, a tributary to Barton Creek, resulting from proximity to a subdivision construction site. All voting "Aye". MOTION PASSED.

24564 AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$60,000 GRANT APPLICATION TO THE MEADOWS FOUNDATION FOR THE LINKED DEPOSIT PROGRAM FOR WATER AND ENERGY CONSERVATION LOANS FOR COUNTY RESIDENTS [T2-8]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to submit \$60,000 grant application to the Meadows Foundation for the Linked Deposit Program for water and energy conservation loans for county residents. All voting "Aye". MOTION PASSED.



24565 APPROVE THE RETIREE BENEFITS REVIEW COMMITTEE RECOMMENDATIONS

[T2-100] Britney Richey spoke of current retirement benefits and committee recommendations. [T2-478] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the Retiree Benefits Review Committee recommendations of no change to the current eligibility requirement, continue to provide Silver Choice through the Texas Association of Counties at the same dollar amount as county insurance, and go with the tier 2 plan for employees retiring under the rule of 75 and having at least 15 years of consecutive service with Hays County and enrolled in Hays County's medical insurance at the time of retirement - that being: 15 years of service = \$150 for employee medical coverage and with 20 years of more = \$100 for employee medical coverage - and to furthermore grandfather those under the current "\$100 deal" allowing them to receive their current benefits. All voting "Aye". MOTION PASSED.

24566 ACTION TO FILL AND FUND THE WEBMASTER POSITION PRIOR TO OCTOBER 1, 2007 [T1-499]

A motion was made by Judge Sumter, seconded by Commissioner Barton to fill and fund the webmaster position prior to October 1, 2007 at a monthly salary not to exceed \$3,358.83 plus benefits. All voting "Aye". MOTION PASSED.

24567 APPROVE AMENDED CITIZEN PARK ADVISORY TEAM BYLAWS [T2-527]

Changes were suggested in Article V Section 1 regarding scheduling of meetings and in Article III regarding membership on the board. [T2-631] A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Citizens Park Advisory Team By-Laws with amendments made this date. All voting "Aye". MOTION PASSED. [T2-816] A motion was made by Commissioner Barton, seconded by Judge Sumter to further amend the by-laws as adopted by the Commissioners' Court to reflect changes in Article III Sections 1 & 2 and amend Article V Section 1 with language to be provided by Special Counsel to provide that the committee shall set and publicize its regular meeting dates once per quarter. All voting "Aye". MOTION PASSED.

"WALK FOR A DAY" PRESENTATION BY STEVE DRENNER [T2-846]

Steve Drenner, President of Hill Country Conservancy, gave history of the Hill Country Conservancy and gave a powerpoint presentation titled "Walk for a day". He spoke of open space that has already been obtained and he spoke of the trail running from Travis County (starts at Barton Springs Pool) to Hays County - consisting of 32.7 miles. He spoke of gaps in the system: Brodie Lane, William Cannon @ Mopac, Slaughter Lane @ Mopac, and in Hays County (north of FM967). He spoke of ongoing work to obtain and utilize the trail and need for involvement from other jurisdictions (City of Austin, Hays County, Travis County, TxDot, etc.).

24568 APPROVE INTERLOCAL AGREEMENT WITH VILLAGE OF WIMBERLEY ON TWO EARLY-WARNING SYSTEMS ON LOW-WATER CROSSINGS WITHIN THE CITY LIMITS [T2-1538]

Two of the early warning systems for low water crossings are installed within the city limits of the Village of Wimberley. This interlocal agreement addresses those units and responsibilities of each entity. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve interlocal agreement with Village of Wimberley on two-early -warning systems on low-water crossings within the city limits. All voting "Aye". MOTION PASSED.

24569 ADOPT THE ELECTION DAY POLLING SITES FOR NOVEMBER 6, 2007, CONSTITUTIONAL AMENDMENT ELECTION

A motion was made by Commissioner Barton, seconded by Commissioner Ford to adopt the Election Day Polling sites for November 6, 2007 Constitutional Amendment Election as presented by the Elections Administrator. All voting "Aye". MOTION PASSED.

24570 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2007 SPECIAL ELECTIONS [T2-1609]

Early voting will begin on October 22, 2007 and end November 2, 2007. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt the Early Voting Schedule for the November 6, 2007 Special Elections as recommended by the Elections Administrator. All voting "Aye". MOTION PASSED.



- 24571 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT THROUGH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR A 9-1-1 DATABASE PROGRAM AND THE MAINTENANCE OF SAID PROGRAM [T2-1673]**

This is a renewal agreement for the existing 9-1-1 network used in Hays County. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an interlocal agreement through the Capital Area Council of Governments for a 9-1-1 database program and the maintenance of said program. All voting "Aye". MOTION PASSED.

- 24572 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR A REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE; AND TO RECOGNIZE THE DISTRICT ATTORNEY'S AUTHORITY TO EXECUTE HER PORTION OF THE AGREEMENT TITLED "SPECIAL CONDITION-DISTRICT ATTORNEY CONTRACT" [T1-1730]**

Special Counsel Mark Kennedy spoke of District Attorney's involvement in this agreement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal assistance agreement for a Regional Auto Theft Enforcement Task Force; and to recognize the District Attorney's authority to execute her portion of the agreement titled "Special Condition - District Attorney Contract". All voting "Aye". MOTION PASSED.

- 24573 APPROVE PAYMENT OF INVOICES IN THE AMOUNT OF \$3,775.00 THAT WERE CONSIDERED TO BE EMERGENCY PURCHASES FOR PCT. 2 OFFICES, ADULT PROBATION, AND ANNEX BUILDING FOR WATER EXTRACTION AND ODOR CONTROL [T1-1786]**

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payment of invoices in the amount of \$3,775 that were considered to be emergency purchases for Precinct 2 offices, Adult Probation, and Annex Building for water extraction and odor control. All voting "Aye". MOTION PASSED.

- 24574 ACTION RELATED TO POSSIBLE TERMINATION OF EXISTING LEASE IN KYLE FOR PCT. 2 SATELLITE OFFICES AND TO DIRECT STAFF TO CONTACT THE CITY OF KYLE ON A BUILDING AT 111 N. FRONT STREET IN KYLE AS A POSSIBLE SHORT TERM LOCATION FOR PCT. 2 OFFICES [T1-1826]**

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize and instruct Special Counsel to give notice of termination of lease at the Precinct 2 satellite office on Center and First Streets in Kyle and authorize Commissioner Barton to express the county's official interest in negotiating a lease with the City of Kyle for office space at 111 N. Front Street in Kyle and to act with Special Counsel to bring a proposed lease back to the court. All voting "Aye". MOTION PASSED.

Commissioner Barton left the meeting at this time.

- 24575 ACTION RELATED TO 2008 FISCAL YEAR BUDGET COLA/MERIT PAYROLL ALLOCATIONS [T2-1966]**

Salaries

Commissioner Ingalsbe spoke of considering the 2% COLA effective Oct 1st and postponing merits until January 1st with a saving of approximately \$187,500. Britney Richey suggested using staff salaries/filled positions as of Aug. 31st as a cutoff point for determining funding for merits. Discussion was had regarding possible use of money already allocated for vacant positions. It was stated that cost of living (COLA) does not have to bump the entire pay schedule range. Discussion was had to not move the pay range 2% (COLA), allocate the 5% for vacant positions into a pool, and start merit increases January 1, 2008.

[T2-2400]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to not move the salary range up 2% for COLA beginning October 1, 2007 and to allocate 3% merit January 1, 2008 based on salaries prior to 2% COLA. All present voting "Aye". MOTION PASSED.

[T2-2692]

A motion was made by Judge Sumter, seconded by Commissioner Ford to fund 3% merit for vacant positions as of October 1, 2007 into a separate pool to be used as needed after January 1, 2008. Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ingalsbe voting "No". MOTION FAILED.



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Extension Office

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to allocate a 2% COLA and not allocate 3% merit to County Extension Agents. All present voting "Aye". MOTION PASSED.

Allocation for re-grades

T2-3076] A motion was made by Judge Sumter, seconded by Commissioner Ford to calculate the 2% COLA and 3% merit after the regrade number is determined. All present voting "Aye". MOTION PASSED.

Maxed-out Employees

[T2-3266] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve employees who are maxed-out in their pay range will receive the 2% COLA and merit as allocated by department head in a lump sum payment. All present voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 AUGUST 28, 2007.




LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF SEPTEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN BUDGET WORKSHOP MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

PUBLIC HEARING ON PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed.

The court will hold another public hearing on the proposal to increase total tax revenues from properties on the tax roll in the preceding year on September 11, 2007 at 5:30 p.m.

Judge Sumter announced that on September 19, 2007 at 9:00 a.m. the court will hold a public hearing on the proposed FY2008 Hays County Budget, adopt the budget, set salaries and allowances for elected officials, set the tax rate and levy taxes after adoption of the budget.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 SEPTEMBER 5, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF SEPTEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor John McComb, San Marcos Community Church, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Commissioner Barton was not present for beginning of the meeting.

24576 ADOPT A RESOLUTION RECOGNIZING SEPTEMBER 11, 2007 AS PATRIOT DAY
[T1-66]

Pastor J. B. Young gave a tribute to "the ragged old flag". Veterans Service Officer Tom Tvrdek spoke in support of our troops. A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a resolution recognizing September 11, 2007 as Patriot Day. All present voting "Aye". MOTION PASSED.

PRESENTATION BY TOM PARTON ON SAN MARCOS/HAYS COUNTY EMS [T1-186]

Tom Parton gave history of the San Marcos/Hays County EMS and explained services provided. He spoke of more trucks needed for area being serviced and he spoke of growth in the Buda/Kyle area. He spoke of contracts with various entities for coverage and funding. Judge Sumter spoke of need for a workshop.

PUBLIC COMMENTS

[T1-538] Stephen Doerr (representing RSVP) spoke of request for \$1500 from the county. RSVP is the Retired and Senior Volunteer Program and it encourages people who are age 55 or older to bring their talents, experience, skills and hobby to community projects and organizations needing volunteers.

24577 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$293,422.87 (9/4/07 disbursements) and \$290,591.70 (9/11/07 disbursements) as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

24578 APPROVE BUDGET AMENDMENT 07-35

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Budget Amendment #07-35 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.

24579 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 21 & 28, 2007

On page 639 last paragraph: correct minutes to reflect that the motion was seconded by Commissioner Conley. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commissioners Court Minutes of August 21 & 28, 2007 with correction on page 639. All present voting "Aye". MOTION PASSED.

24580 APPROVE RENEWAL OF CONTRACT FOR MR. MALCOLM RAY SCOTT, R.PH FOR PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve renewal of contract for Malcolm Ray Scott, R.PH for pharmacy services to Hays County Personal Health Department. All present voting "Aye". MOTION PASSED.



24581 AUTHORIZE A COMMERCIAL OSSF PERMIT FOR A 6,300 SQ FT WAREHOUSE AND FAMILY RESIDENCE AT 240 COLE SPRINGS RD., PRECINCT 2, IN BUDA

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Commercial OSSF Permit for a 6,300 sq. ft. warehouse and family residence located at 240 Cole Springs Road in Buda. All present voting "Aye". MOTION PASSED.

24582 APPROVE SPECIFICATIONS FOR BID #2007-B09 "FUEL" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve specifications for Bid #2007-B09 "fuel" and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED.

24583 APPROVE RENEWAL OF BID #2006-B08 CONCRETE CREWS FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve renewal of Bid #2006-B08 concrete crews for one (1) additional year as provided for in the original bid. All present voting "Aye". MOTION PASSED.

24584 APPROVE RENEWAL OF BID #2008-B20 REGULATORY, WARNING AND OTHER SIGNS FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve renewal of Bid #2008-B20 regulatory, warning and other signs for one (1) additional year as provided for in the original bid. All present voting "Aye". MOTION PASSED.

24585 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE OFFICE OF GOVERNOR - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM FOR UP TO \$54,290

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve resolution authorizing the County Judge to submit grant application to the Office of Governor - Discretionary Justice Assistance Grant Program for up to \$54,290. All present voting "Aye". MOTION PASSED.

24586 APPROVE PAYMENT OF INVOICE TO GULF COAST PAPER COMPANY IN WHICH A PURCHASE ORDER NUMBER WAS NOT OBTAINED

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of invoice to Gulf Coast Paper Company in which a purchase order number was not obtained. All present voting "Aye". MOTION PASSED.

24587 AMEND BUDGET OF COUNTY EMC OFFICE TO ALLOW FOR THE PURCHASE OF A MOTOROLA RADIO AND TO UPGRADE ANOTHER RADIO FOR A TOTAL AMOUNT OF \$5,176.50

A motion was made by Commissioner Ford, seconded by Commissioner Conley to amend budget of County EMC office to allow for the purchase of a Motorola Radio and to upgrade another radio for a total amount of \$5,176.50. All present voting "Aye". MOTION PASSED.

24588 CALL FOR A PUBLIC HEARING ON SEPTEMBER 25, 2007 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CENTER POINT ROAD FROM I-35 TO OLD BASTROP HWY. [T1-662]

Road Dept. recommendation is to increase speed limit from 40MPH to 45MPH. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on September 25, 2007 to establish traffic regulations (speed limit) on Center Point Road from I-35 to Old Bastrop Highway. All present voting "Aye". MOTION PASSED.

24589 CALL FOR A PUBLIC HEARING ON SEPTEMBER 25, 2007 TO ESTABLISH "NO PARKING" SIGNS ALONG THE COUNTY R-O-W ON PEABODY PLACE [T1-690]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 25, 2007 to establish "no parking" signs along the county r-o-w on Peabody Place. All present voting "Aye". MOTION PASSED.



24590 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS IN CIELO RANCH SUBDIVISION [T1-705]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish a speed limit of 25MPH and a STOP sign on Cielo Ranch Road at Hugo Road. The roads were designed at 35MPH but request was made for 25MPH. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to establish traffic regulations of a STOP sign on Cielo Ranch Road at its intersection with Hugo Road (CR214) and a speed limit of 25 MPH in the Cielo Ranch Subdivision. All present voting "Aye". MOTION PASSED.**

24591 PUBLIC HEARING WITH ACTION TO ESTABLISH A "NO PARKING" ZONE ON TIGER LANE [T1-725]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for no parking along Tiger Lane at request of the school district. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish a "no parking" zone on Tiger Lane. All present voting "Aye". MOTION PASSED.**

24592 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR SHADOW CREEK SUBDIVISION, PHASE 3, SECTIONS 1, 2, 3, & 4 [T1-753]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to accept construction, release construction bond and accept maintenance bond for Shadow Creek Subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements, release construction bond and accept maintenance bond for "Shadow Creek Phase 3 Sections 1, 2, 3 & 4". All present voting "Aye". MOTION PASSED.**

24593 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO SEPARATE JOINT ELECTION AGREEMENTS WITH ALL THE POLITICAL SUBDIVISIONS HOLDING SPECIAL ELECTION ON NOVEMBER 6, 2007 WITH HAYS COUNTY [T1-771]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into separate joint election agreements with all the political subdivisions holding special elections on November 6, 2007 with Hays County. All present voting "Aye". MOTION PASSED.

24594 [#07-4-042, 96 LOTS] BELTERRA PHASE 5 SECTION 10 -APPROVE PRELIMINARY PLAN [T1-808]

This subdivision is grandfathered under previous rules (a phased development agreement was approved by the court in 2002). Developer provided a letter from Hays WCID#1 and CMA Engineering Inc. regarding water and wastewater service availability requirements. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Belterra Phase 5 Section 10". All present voting "Aye". MOTION PASSED.**

24595 [#07-4-035, 189 LOTS] HEADWATERS @ BARTON CREEK SEC 1 - APPROVE PRELIMINARY PLAN AND VARIANCES. VARIANCES INCLUDE: 1) HAYS COUNTY ROAD STANDARDS 2) MINIMUM LOT FRONTAGE 3) MINIMUM DRIVEWAY SPACING AND 4) DRAINAGE EASEMENTS [T1-878]

Commissioner Ford spoke of variances requested (ie: requesting slower safety roadways). Larry Hanrahan and Terry Mitchell appeared and answered questions regarding this subdivision. Final plat notes need to reflect variance granted. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variances requested for "Headwaters @ Barton Creek Section 1". All present voting "Aye". MOTION PASSED.**

24596 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO CAPCOG FOR THE EXISTING COUNTYWIDE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) FOR \$9,430.00 [T1-1185]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to submit a grant application to CAPCOG for the existing countywide community emergency response team (CERT) for \$9,430.00 and accept the grant subject to approval by Special Counsel. All present voting "Aye". MOTION PASSED.

**24597 APPROVE THE 2008 SHERIFF AND CONSTABLE FEES [T1-1228]**

Constable Pct. 1 Lupe Cruz spoke regarding proposed fees. They are consistent with fees charged by surrounding counties. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the 2008 Sheriff and Constable Fees. All present voting "Aye". MOTION PASSED.

24598 AUTHORIZE THE COUNTY JUDGE TO RENEW FAMILY PLANNING CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES, FOR \$5,021.00 [T1-1304]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to renew Family Planning Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$5,021.00. All present voting "Aye". MOTION PASSED.

24599 AUTHORIZE THE COUNTY JUDGE TO RENEW THE IMMUNIZATION CONTRACT FOR HAYS COUNTY PERSONAL HEALTH DEPARTMENT, WITH TEXAS DEPARTMENT OF HEALTH SERVICES FOR \$192,341.00 [T1-1325]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to renew the immunization contract for Hays County Personal Health Department with Texas Department of Health Services for \$192,341.00. All present voting "Aye". MOTION PASSED.

24600 AUTHORIZE THE EXPENDITURE OF UP TO \$40,000 FOR THE MOVE OF ALL PRECINCT 2 OFFICES IN KYLE FROM 105 CENTER STREET TO 111 N. FRONT STREET [T1-1369]

A lease agreement will be on agenda for approval next week. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the expenditure of up to \$40,000 for the move of all precinct 2 offices in Kyle from 105 Center Street to 111 N. Front Street from the building fund. All present voting "Aye". MOTION PASSED.

Commissioner Barton came to the meeting at this time.

SUBDIVISION RULES AND REGULATION UPDATE [T1-1486]

Tom Brown was not present. Grant Jackson, P.E. gave the presentation for Naismith Engineering Inc. and provided a working draft of the Hays County Development Regulations. Public availability of all materials will be posted on the Naismith Engineering public projects web site at <http://www.neionline.com/Haysco.htm>, by phone at 512-708-9322 or 800-677-2831, at Naismith Engineering Inc. at 600 W. 38th Street – Suite 300 in Austin, email notification list at 1hayscounty@naismith-engineering.com, and public repository locations: internet, Naismith Engineering Inc., County Judge's office, and Hays County Environmental Health Dept. Andrew Backus spoke of member participation.

WORKSHOP REGARDING IMPROVING COORDINATION AND COMMUNICATION, SPECIFICALLY ENVIRONMENTAL HEALTH DEPARTMENT [T2-208]

Interim Environmental Health Director Tom Forrest addressed the court regarding improving coordination and communication. He spoke about the original scope of his job and the actual scope of the job. Mr. Forrest spoke of consolidation of reporting and merits of consolidation, having an executive director and combining departments/functions reporting to the court: Administrative Services Group, Health & Human Services Group, Fire & Emergency Services Group, Grants & Contract Services Group, and a Natural Resources & Transportation Group. Discussion was had regarding combining the Road Dept. & Environmental Health Dept. with addition of planners.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 SEPTEMBER 11, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 11th DAY OF SEPTEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

FY2008 HAYS COUNTY BUDGET WORKSHOP

PUBLIC HEARING ON PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR [T1-2211]

Judge Sumter declared the public hearing open. No public input was received and public hearing was closed.

Judge Sumter announced that on September 19, 2007 at 9:00 a.m. the court will hold a final public hearing at the Hays County Courthouse, San Marcos, Texas on the proposed FY2008 Hays County Budget, adopt the budget, set salaries and allowances for elected officials, set tax rate and levy taxes after adoption of the budget.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 SEPTEMBER 11, 2007.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 18TH DAY OF SEPTEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Craig Corley, Three Rivers Community Church, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24601 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 1,097,157.41 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24602 APPROVE BUDGET AMENDMENT 07-36

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Budget Amendment #07-36 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24603 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 5 & 11, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioners' Court Minutes of September 5 & 11, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #4 RE: CALL FOR A PUBLIC HEARING ON OCTOBER 2, 2007 TO PLACE INTERIM SPEED LIMIT (25 MPH) AND SAFETY SIGNAGE ALONG SAWYER RANCH ROAD UNTIL CONSTRUCTION IS COMPLETE was PULLED. A public hearing was held and traffic regulations established on April 3, 2007 (Resolution #24159).

24604 [#06-3-032, 2 LOTS] RESUBDIVISION LEA ACRES LOT 19 (19A & 19B) - APPROVE PRELIMINARY PLAN, GRANT VARIANCE TO PLAT A PORTION OF LOT 19 AND LEAVE THE REMAINDER, AND CALL FOR A PUBLIC HEARING ON OCTOBER 2, 2007 [T1-56]

Interim Environmental Health Director Tom Forrest gave staff recommendation for preliminary plan approval and to call for a public hearing. Commissioner Conley advised that the Village of Wimberley has already approved this subdivision. Special Counsel Mark Kennedy spoke of options. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the preliminary plan for Lea Acres Resub of Lot 19 (creates Lots 19A & 19B), grant a variance to platting the remaining portion of Lot 19, and call for a public hearing on October 2, 2007. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #6 RE: [#07-4-045, 1 LOT] AMENDING PLAT OF LOTS 8, 9, & 10 BLK A SILVERADO ESTATES PHASE 1 (8-A BLK A) - WAIVE PRELIMINARY PLAN, RELEASE UTILITY EASEMENT, AND APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

24605 APPROVE EXPENDITURE UP TO \$15,000 FROM THE PRECINCT 3 BUILDING FUND FOR RENOVATIONS AND REPAIRS TO NEW OFFICE RENTAL [T1-188]

Commissioner Conley spoke of new office facility in Precinct 3 that needs some renovation. Constable Pct. 3 Darrell Ayres spoke of safety issues at the current location. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve expenditure up to \$15,000 from the Precinct 3 building fund for renovations and repairs to new office rental, contingent on leasing contract. All voting "Aye". MOTION PASSED.



24606 AUTHORIZE THE INSTALLATION OF WATER AND WASTEWATER AT THE HAYS COUNTY COLLECTION STATION AT THE PRECINCT 4 YARD IN DRIFTWOOD NOT TO EXCEED \$3,500.00 [T1-313]

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the installation of water and wastewater at the Hays County Collection Station at the Precinct 4 yard in Driftwood not to exceed \$3500.00. All voting "Aye". MOTION PASSED.

24607 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE THIS YEAR'S FLU VACCINE TO ALL HAYS COUNTY EMPLOYEES AT NO COST [T1-346]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Judge Sumter to authorize the Hays County Personal Health Department to provide this year's flu vaccine to all Hays County Employees at no cost. All voting "Aye". MOTION PASSED.

24608 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND TO ALLOW THE PARTIES TO CONTRACT WITH EACH OTHER IN THE PERFORMANCE OF GOVERNMENTAL FUNCTIONS, INCLUDING FUNCTIONS AND SERVICES IN THE AREA OF STREETS, ROADS AND DRAINAGE [T1-410]

City of Umland Administrator Diana Woods spoke of proposal by the city and money that has been allocated. Commissioner Barton spoke of the interlocal agreement. The essentials of the agreement are that on roads that are part of the county road system, the county will provide equipment and labor and the city will pay for materials and on other Umland City streets, the county will provide cost estimates and, if approved by the city, the city will pay for the work. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into an interlocal agreement with the City of Umland to allow the parties to contract with each other in the performance of governmental functions, including functions and services in the area of streets, roads and drainage. All voting "Aye". MOTION PASSED.

24609 EXEMPT THE HAYS COUNTY JUVENILE PROBATION DEPARTMENT FROM THE REQUIREMENT OF SECTION 721.004 OF THE TRANSPORTATION CODE WHICH REQUIRES COUNTY OWNED VEHICLES TO BE MARKED WITH THE COUNTY'S NAME [T1-650]

Chief Juvenile Probation Officer Ed Cooper spoke of confidentiality issues in dealing with juveniles. The Texas Transportation Code § 721.005 (b)(2) allows the Commissioners Court to exempt a juvenile probation department vehicle used to transport children when used to perform an official duty. A motion was made by Commissioner Barton, seconded by Judge Sumter to exempt the Hays County Juvenile Probation Department from the requirement of Section 721.004 of the Transportation Code which requires county owned vehicles to be marked with the county's name. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING A COMMERCIAL LEASE FOR PRECINCT 2 OFFICES TO BE LOCATED AT 111 N. FRONT STREET, KYLE, TEXAS [T1-726]

Commissioner Barton spoke of departments that will be officed in the building and renovations that are being made. The City of Kyle will be considering the lease tonight. This item will be placed back on the agenda for approval of the lease.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL MATTERS OF ENVIRONMENTAL HEALTH, ROAD AND BRIDGE AND FIRE MARSHAL

Court convened into closed executive session at 10:15 a.m. to discuss personnel matters of Environmental Health, Road and Bridge and Fire Marshal. Upon completion of the closed session, the court reconvened into open meeting at 11:30 a.m. No discussion and no action was taken in open meeting.



COMPREHENSIVE PLAN DISCUSSION LED BY MARILEE WOOD


[T1-900] The following were present and each spoke to the court: Pre-Comprehensive Plan Committee Chair Marilee Wood and members Jeff Kaufmann, Steve Klepfer, Joseph Lessard, and Michael McGown. The committee held a series of meetings from April through September of this year leading to the drafting of this final recommendation report for presentation to the court. General discussions of comprehensive planning for counties and its possibilities for Hays County were held with input from the following persons: Hays County Judge Elizabeth Sumter, Commissioner Pct. 1 Debbie Ingalsbe, Commissioner Pct. 2 Jeff Barton, Commissioner Pct. 3 Will Conley, Commissioner Pct. 4 Karen Ford, Envision Central Texas Asst. Director Diane Miller, LCRA AICP Sr. Planner Community & Economic Development Chris Holtkamp, LCRA Water Resource Protection Manager Lisa Hatzenbuehler, Knudson Associates President Patti Joiner, Knudson Associates Planning Division Manager Cris Franks, Hays County Environmental Health & Planning Director Tom Forrest, and Duncan Associates President Jim Duncan. The committee recommends that the county undertake a countywide comprehensive planning effort and that it take the necessary steps to initiate this effort with the start of the next fiscal year. It is recommended that this initiative be called "**Hays County Connections 2035 - A Plan for Growth, Economic Development and Community Preservation**". Recommendation from the Comprehensive Plan Study Committee was presented in writing to the court. Members of the court thanked the committee for their hard work and dedication.

Clerk's Note: Agenda Item #14 RE: WORKSHOP REGARDING SPECIAL DISTRICTS (MUD'S, SUD'S, ETC.). PRESENTED BY TOM FORREST. - 3:00 PM was pulled. No discussion and no action taken.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 SEPTEMBER 18, 2007.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19th DAY OF SEPTEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

PUBLIC HEARING ON THE FY2008 HAYS COUNTY BUDGET

Judge Sumter declared the public hearing open. Al Broun (Geologist) spoke of budget request and role of the Hays Trinity Groundwater Conservation District. Stephen Doerr spoke of services provided by RSVP and request for funding. Jan Thompson spoke of services provided by the Hays County Soil & Water Conservation District and funding. Public hearing was closed.

24610 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY2008 [T1-183]

A motion was made by Commissioner Sumter, seconded by Commissioner Ingalsbe to increase travel allowance to \$3600 for District Clerk. Commissioner Ingalsbe & Judge Sumter voting "Aye". Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "No". MOTION FAILED.

[T1-246] A motion was made by Judge Sumter, seconded by Commissioner Barton to set salaries and allowance for Hays County Elected Officials as published in the newspaper with exception of District Clerk auto allowance being \$2400 for FY2008. All voting "Aye". MOTION PASSED.

24611 ADOPT THE FY2008 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES [T1-252]

Court went through the recommended "clean-up" items submitted by the County Auditor and took action as follows.

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve changes as submitted by the County Auditor: -\$7,369 for Indigent Care insurance calculation correction, -\$7,369 for District Court insurance calculation correction, -\$13,217 for County Clerk part-time position budgeted in 08-445 and 01-417, -\$7,369 for Courthouse Security insurance calculation correction (fund 29-606), +\$1,799 for Personal Health computer system with software, +\$1,799 for Constable Pct. 5 for computer system with software, +\$22,650 to budget time payment expenses for JP's/Courts, -\$500 for removal of printer cost for District Attorney Special Counsel, -\$1,250 for Extension Agents to receive only 2% COLA, -\$14,926 grant clean-up to increase general fund revenue, -\$7,940 grant clean-up to reduce general fund expenditures, +\$100,000 to reduce revenue for Personal Health Fund 35, -\$101,987 to clean-up Health Services Grants Fund 10 revenue increase, and +\$27,692 to clean-up/increase expenses for Health Services Grants Fund 10. All voting "Aye". MOTION PASSED

[T1-424]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve changes as submitted by the County Auditor: Juvenile Center improvements – Fund 24 – rollover FY07 balance of \$640,000, Sheriffs Drug Forfeiture Fund – rollover FY07 balance of \$10,000, '06 Road Bond Fund 42 – rollover FY07 balance of \$3,000,000, redistribute funds related to actual grant expenses for the District Attorney, budget staff position from contract services in the County Clerk Archives Fund, increase equipment rent/lease by \$6,000 for County Clerk's Records Management, and rollover FY07 balance of \$90,000 for FEMA-01-718 Early Warning System. All voting "Aye". MOTION PASSED

[T1-454]

A motion was made by Judge Sumter, seconded by Commissioner Conley to approve \$22,000 FY07 balance rollover for Watershed Dams Maintenance. All voting "Aye". MOTION PASSED



No action was taken regarding supplemental pay for District Judges – leave as is. No action was taken regarding consideration for a full time fire marshal. Discussion was had regarding delay in merit increases from October 1, 2007 to January 1, 2008.

[T1-807]

A motion was made by Judge Sumter, seconded by Commissioner Conley to approve regrade of Engineer in training position to Environmental Compliance Specialist in the Road Department with additional funding of \$5,400. All voting "Aye". MOTION PASSED.

[T1-936]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to fund a Time Keeping System out of reserves in the amount of \$35,000. All voting "Aye". MOTION PASSED

[T1-1077]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to fund entire request to match the City of San Marcos for the Hays/San Marcos EMS in the amount of \$275,000 (\$250,000 already funded +\$25,000 additional request) per contract. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED

[T1-1207]

Court advised that computer system (\$1,929) can be purchased out of the current budget. A motion was made by Judge Sumter, seconded by Commissioner Barton to increase the Compliance Department budget by \$7,329 in personnel cost, remove contract services line item of \$5,400, effecting a budget increase of \$1,929. All voting "Aye". MOTION PASSED

[T1-1283]

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve \$3,375 for protection bars for motorcycles (5 @ \$675 each). All voting "Aye". MOTION PASSED

[T1-1301]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve \$950 for electrical work for new staff in the District Attorney's office. All voting "Aye". MOTION PASSED

Chief Deputy Sherman Brodbeck spoke of number of bays (2) and mechanics (4) at the Sheriff's Department shop and the work being done. \$52,000 would add two more bays to the shop. Discussion was had regarding possible use of the existing building maintenance facility – would only required \$16,000 for two lifts & one compressor if that building is utilized. Court will need to find a new location for building maintenance and space for records being stored in that building. [T1-1500] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allocate \$16,000 out of reserves for two lifts and one compressor to be installed in the existing building maintenance facility. All voting "Aye". MOTION PASSED

[T1-1861]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to fund four (4) patrol deputies for precinct 4 beginning April 1, 2008 in the amount of \$271,435. All voting "Aye". MOTION PASSED

[T1-1925]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve increase in hours from 20 to 30 for part-time position in J.P. 1-2 at a cost of \$9,513 effective January 1, 2008. All voting "Aye". MOTION PASSED

[T1-2150]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to take \$5,000 out of the social services budget (previously budgeted for HCSWCD) and approve funding in the amount of \$6,000 from the LCRA fund for the Hays County Soil & Water Conservation District. All voting "Aye". MOTION PASSED

[T1-2234]

A motion was made by Judge Sumter, seconded by Commissioner Ford to increase Parks part-time staff to full-time with benefits to begin January 1, 2008 in the amount of \$14,711. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

[T1-2313]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to increase membership fees and bonds amount for Justice of the Peace Pct. 3 by \$300. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED



[T1-2491]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to rollover an additional \$300,000 into the Road Department budget, contingent on existence of those funds. All voting "Aye". MOTION PASSED

[T1-3031]

Suggested categories for line items that can be amended transferring money between line items.

- Wage & benefits & travel allowance
- Office supplies
- Travel
- Continuing education
- Buildings & equipment & misc

[T1-3166]

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt policy to categorize line items in the budget as follows: (1) Wages/Benefits = 5000 & 5100 series, (2) Supplies = 5200, 5300, 5400 series with exception of 5311 & 5331, (3) Travel = 5311, (4) Continuing Education = 5331, and (5) Capital Equip/Improv = 5700 series; and allow line item transfers within these categories without Commissioners Court prior approval. Any line item transfers between categories will require Commissioners' Court approval. All voting "Aye". MOTION PASSED

[T1-3189]

A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt the FY2008 Hays County budget with changes made this date. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

24612 ACTION TO RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY2008 HAYS COUNTY BUDGET [T1-3559]

A motion was made by Judge Sumter, seconded by Commissioner Ford to ratify that this budget will raise more total property taxes than last year's budget by \$4,334,251 or 11% and of that amount \$3,164,003 is tax revenue to be raised from new property added to the tax roll this year. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

24613 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY2008 AND LEVY THE TAXES

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve an Order Adopting an Ad Valorem Tax Rate for Fiscal Year 2008 for Hays County of 45.74 cents with a breakdown as follows: General Maintenance & Operations = 30.97 cents, General Debt = 6.17 cents, and Road & Bridge M&O = 8.60 cents; and to levy the taxes. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCH, 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 SEPTEMBER 19, 2007.



Linda C. Fritsche

 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 25TH DAY OF SEPTEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Dennis Spire, Calvary Baptist Church of San Marcos, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION REGARDING PROGRESS OF THE WONDER WORLD EXTENSION PROJECT

San Marcos Asst. City Manager Laurie Anderson gave an update on the Wonder World Extension Project. The project begins at the railroad overpass on Wonder World Drive and extends from FM3407 to RR12 (just south of the Baptist Academy) – the road will have limited access. Construction should begin in the first quarter of 2008 with a two year construction period (completion by 2010). Mayor Susan Narvaiz spoke.

PRESENTATION AND UPDATE ON STATE HIGHWAY PROJECTS AS THEY PERTAIN TO THE PASS THROUGH FINANCING AGREEMENT [T1-174]

Commissioner Ingalsbe spoke of working with the City of San Marcos regarding FM110. Commissioner Barton spoke of FM1626. Commissioner Conley spoke of Ranch Road 12 project. Warren Kettelman, Buda Economic Development Corp., spoke of growth in the Buda area and urged the court to move forward with agreement. T. J. Higginbotham spoke of need for improvements to RM 967, FM1626, FM110, and RR12. Robert Kidnew, President of Texas Lehigh Cement Company, spoke in support of the pass through financing agreement to address safety issues on FM1626. Richard Schneider, Executive Director of Buda Area Chamber of Commerce, spoke in support of FM1626 improvements. Curtis Hopkins spoke in support of FM1626 improvements. David Sweet, Pastor of the Hays Hills Baptist Church, spoke in support of FM1626 improvements. Brad Hagen spoke in support of improvements to FM1626 and RM967. Peter French, Plum Creek Development, spoke in support of the pass through financing agreement. Terry Ferguson spoke in support of the pass through financing agreement. Dennis Ivey spoke of safety issues.

PUBLIC COMMENT

[T1-703] Ollie Giles spoke regarding conditions at the San Marcos Blanco Cemetery. Joe Doug Griffin spoke in support of pass through financing agreement. Brad Hagen spoke in support of pass through financing agreement.

24614 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of \$550,447.23 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24615 APPROVE BUDGET AMENDMENT 07-37

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Budget Amendment #07-37 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24616 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 18, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners' Court Minutes of September 18, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.



24617 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE FOR \$63,140.00

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Resolution authorizing the County Judge to submit a grant application to the Texas Judicial Council - Task Force on Indigent Defense for \$63,140.00. All voting "Aye". MOTION PASSED.

24618 APPROVE AWARD OF BID #2007-B08 BRUSH CUTTING & OTHER SERVICES FOR HAYS COUNTY ROAD DEPARTMENT TO ASPLUNDH

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of Bid #2007-B08 Brush Cutting and other services for Hays County Road Department to Asplundh. All voting "Aye". MOTION PASSED.

24619 APPROVE APPOINTMENT OF MYRON YOSHIOKA TO THE HAYS COUNTY ESD #5 BOARD OF DIRECTORS (FIRE AND RESCUE: HENLY, N. HAYS, DRIFTWOOD), FOLLOWING THE RESIGNATION OF NEIL FOX

Note: ESD#5 will become ESD#6 on October 1, 2007 as approved by Commissioners' Court on May 29, 2007. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve appointment of Myron Yoshioka to the Hays County ESD #5 Board of Directors (fire and rescue: Henly, North Hays, Driftwood) following the resignation of Neil Fox. All voting "Aye". MOTION PASSED.

24620 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CENTER POINT ROAD FROM I-35 TO OLD BASTROP HWY [T1-885]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to increase speed limit from 40MPH to 45MPH. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to establish traffic regulation of 45MPH speed limit on Center Point Road from I-35 to Old Bastrop Highway. All voting "Aye". MOTION PASSED.

24621 ACTION TO COMMIT FUNDS TOWARD THE DEVELOPMENT OF A HAYS COUNTY GREENPRINT FOR GROWTH AS PRACTICED AND PROVIDED BY ENVISION CENTRAL TEXAS IN PARTNERSHIP WITH THE TRUST FOR PUBLIC LANDS

[T1-1027] Commissioner Ford spoke of regional planning by Envision Central Texas and recommendation to fund \$50,000. Diane Miller (Envision Central Texas) spoke in support of greenprint to address growth. Wendy Scapevotta, Travis County Planning Program Executive Director, spoke of information provided by the Trust for Public Lands. Pete Dwyer, Real Estate Developer and Envision Central Texas board member, spoke of need for funding to create a database that will be based in CAPCOG. [T1-1425] Hays County GIS Manager Steve Floyd spoke of need for a parcel map of the county. A motion was made by Commissioner Ford, seconded by Judge Sumter to commit \$50,000.00 from Parks & Open Space Bond Funds toward the development of a Hays County Greenprint for growth as practiced and provided by Envision Central Texas in partnership with the Trust for Public Lands. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING POSSIBLE GUIDELINES FOR THE CITIZEN PARKS ADVISORY TEAM ON A CATEGORICAL DIVISION OF \$30 MILLION BOND FUNDS [T1-1708]

Curt Busk, CPAT Chair, spoke of meetings held. John Sanford, member of CPAT, spoke of the committee. Commissioner Ford suggested categories and amounts for discussion: \$3-5 million for development of existing parks, natural areas or other qualifying projects; \$7-10 million for water quality, aquifer recharge area, and wildlife habitat; and \$15-17 million for land acquisition and development. It is acknowledged that one project may qualify in two categories. No action was taken this date.

CONSIDER GRANTING A WAIVER TO THE HAYS COUNTY VACATION TIME POLICY TO ALLOW 53.75 HOURS FOR THOMAS CRUZ AND 56 HOURS FOR DANIEL VILLEGAS IN THE MAINTENANCE DEPARTMENT TO CARRY OVER FROM SEPTEMBER 30, 2007 TO DECEMBER 31, 2007 [T1-905]

A brief discussion was had regarding request to waive vacation time policy for employees in the building maintenance department. Court decided to convene into closed execution session to discuss this matter. Upon completion of closed session the County Judge advised that no action will be taken.



Court convened into closed executive session at 11:10 a.m. and reconvened into open meeting at 12:35 p.m. Commissioner Barton was not present for remainder of the meeting.

24622 EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO INTERVIEW FOR DIRECTOR OF RESOURCE PROTECTION, TRANSPORTATION AND PLANNING WITH ACTION [T1-2168]

A motion was made by Judge Sumter, seconded by Commissioner Ford to consolidate Environmental Health and the Transportation (Road) Departments forming the Resource Protection, Transportation and Planning Department, and furthermore, hire Jerry Borcharding as Director of Resource Protection, Transportation and Planning Department. All present voting "Aye". MOTION PASSED. Clerk's note: Commissioner Barton requested (in writing) that the minutes reflect his support of this action

24623 AUTHORIZE THE PURCHASE OF A PORTABLE STORAGE BUILDING FOR THE HAYS COUNTY JUVENILE CENTER [T1-2189]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the purchase of a portable storage building for the Hays County Juvenile Center. All present voting "Aye". MOTION PASSED.

24624 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A FREQUENCY RECONFIGURATION AGREEMENT WITH NEXTEL OF TEXAS, INC. [T1-2227]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute a frequency reconfiguration agreement with Nextel of Texas, Inc. All present voting "Aye". MOTION PASSED.

24625 WAIVE SEPTIC FEES FOR THE REAL LIFE CHURCH ON OLD BASTROP HIGHWAY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to waive the septic fees for the Real Life Church on Old Bastrop Highway. All present voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #15 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COMMERCIAL LEASE FOR PRECINCT 2 OFFICES TO BE LOCATED AT 111 N. FRONT STREET, KYLE, TEXAS was PULLED. No discussion and no action taken.

24626 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$30,000 GRANT FROM EDWARDS AQUIFER AUTHORITY TO EXPAND INTEREST REBATES OF THE COUNTY LINKED DEPOSIT PROGRAM AND TO EXECUTE CONTRACT [T1-2287]

This is for rainwater harvesting systems constructed on private lands to conserve Edwards Aquifer water within Hays County. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to accept \$30,000 grant from Edwards Aquifer Authority to expand interest rebates of the County Linked Deposit Program and to execute contract. All present voting "Aye". MOTION PASSED.

24627 ACCEPT THE BIOTERRORISM PREPAREDNESS CONTRACT FROM DSHS FOR \$106,956.00, COVERING THE FIRST FIFTY PERCENT OF THE ANNUAL AMOUNT FOR THE PERIOD 9/1/2007 TO 2/29/2008 [T1-2366]

Special Counsel Mark Kennedy advised that a revised contract will be forthcoming to change the name of the contractor to "Hays County" from "Hays County Health Dept.". A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept the Bioterrorism Preparedness Contract from DSHS for \$106,956.00 covering the first fifty percent (50%) of the annual amount for the period 9/1/07 to 2/29/08. All present voting "Aye". MOTION PASSED.

Clerk Note: WORKSHOP REGARDING SPECIAL DISTRICTS (MUD'S, SUD'S ETC.).PRESENTED BY TOM FORREST was PULLED.

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 SEPTEMBER 25, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



OCTOBER 2, 2007

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 2nd DAY OF OCTOBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Chaplain Robert Hicks (Hays County Sheriff's Department), gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item#1 RE: Adopt a proclamation in recognition of lawsuit abuse awareness week from October 1st to October 5th, 2007 was PULLED.

24628 ADOPT A PROCLAMATION DECLARING SEPTEMBER 26, 2007 AS UNITED WAY OF HAYS COUNTY DAY

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring September 26, 2007 as United Way of Hays County Day. All voting "Aye". MOTION PASSED.

PUBLIC COMMENT

[T1-138] Constable Pct. 3 Darrell Ayres introduced new Reserve Deputy Constable Donald Keith Tomlin. Attorney Charles Soechting made public comment regarding agenda item #1 that was pulled regarding lawsuit abuse awareness week.

24629 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 542,929.33 (9/27/07 disbursements) and \$107,173.15 (10/2/07 disbursements) as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24630 APPROVE BUDGET AMENDMENT 07-38

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Budget Amendment #07-38 as proposed by the County Auditor. All voting "Aye". MOTION PASSED.

24631 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 19 & 25, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioners' Court Minutes of September 19 and 25, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24632 APPROVE APPOINTMENT OF LINDA LAACK TO THE BIOLOGICAL ADVISORY TEAM FOR THE HAYS COUNTY RHCP

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve appointment of Linda Laack to the Biological Advisory Team for the Hays County RHCP. All voting "Aye". MOTION PASSED.

24633 APPROVE 2007-2008 SALARY CHARTS INCORPORATING THE JUVENILE CENTER SALARIES AND ADDING NEW POSITIONS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve 2007-2008 salary charts to incorporate the Juvenile Center salaries and to add new positions. All voting "Aye". MOTION PASSED.



24634 APPROVE SPECIFICATIONS FOR BID #2008-B01 SPECIFICATIONS FOR GEOGRID REINFORCEMENT OF PAVED AND UNPAVED ROADWAYS AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid#2008-B01 specifications for Geogrid Reinforcement of paved and unpaved roadways and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24635 AUTHORIZE RENEWAL OF BID #2006-B23 ROAD BUILDING MATERIALS FOR HAYS COUNTY ROAD DEPARTMENT FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID TO MULTIPLE VENDORS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize renewal of Bid #2006-B23 Road Building Materials for Hays County Road Department for one (1) additional year as provided for in the original bid to multiple vendors. All voting "Aye". MOTION PASSED.

24636 CALL FOR A PUBLIC HEARING ON OCTOBER 16, 2007 TO ESTABLISH TRAFFIC REGULATIONS IN WILLOW CREEK SUBDIVISION [T1-214]

Proposed traffic regulation: 30 MPH speed limit throughout the subdivision, remove the STOP sign on Reimer Avenue at the intersection of Philo Street, and remove both STOP signs on Mountain Drive at the intersection with Oak Haven. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to call for a public hearing on October 16, 2007 to establish traffic regulations in Willow Creek Subdivision. All voting "Aye". MOTION PASSED.

24637 [#07-4-045, 1 LOT] SILVERADO ESTATES PHASE 1 REPLAT OF LOTS 8, 9, & 10 (CREATING LOT 8-A) - WAIVE PRELIMINARY PLAN, RELEASE UTILITY EASEMENT AND APPROVE FINAL PLAT [T1-240]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval of final plat, waiving preliminary plan and releasing the utility easement. Three lots are being combined into one. A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan, release utility easement and approve final plat of "Silverado Estates Phase 1 Replat of Lots 8, 9 & 10". All voting "Aye". MOTION PASSED.

24683 ACTION TO EXTEND LEASE AGREEMENT FOR THE PRECINCT 3 OFFICE LOCATED AT 950 FM 2325 STE B WIMBERLEY, TEXAS [T1-251]

Clerk's Note: Court combined agenda items #12 & #13. Commissioner Conley spoke of problems with current location for Precinct 3 offices and options. A motion was made by Commissioner Conley, seconded by Commissioner Barton to extend current lease on a month to month basis for the Precinct 3 office located at 950 FM2325 Suite B in Wimberley. All voting "Aye". MOTION PASSED.

24639 AUTHORIZE THE COUNTY JUDGE AND JERRY BORCHERDING TO NEGOTIATE AND EXECUTE A CONTRACT FOR CONSULTING SERVICES NOT TO EXCEED \$5,000.00 WITH FORREST AND ASSOCIATES, INC FOR THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT [T1-435]

A motion was made by Commissioner Barton, seconded by Commissioner Ford authorize the County Judge and Jerry Borcharding to negotiate and execute a contract for consulting services, not to exceed \$5,000.00, with Forrest and Associates Inc. for the Resource Protection, Transportation and Planning Department. All present voting "Aye". MOTION PASSED. Commissioner Conley not present for vote.

24640 AMEND THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 6, 2007 SPECIAL ELECTIONS [T1-467]

Elections Administrator Joyce Cowan spoke of possible action by City of Kyle tonight to order an election to fill a vacancy on the city council and she would like to add early voting in Kyle to the schedule that was presented. A motion was made by Judge Sumter, seconded by Commissioner Barton to amend the Early Voting Schedule for the November 6, 2007 Special Election as presented by the Election Administrator with addition of City of Kyle election, if called. All voting "Aye". MOTION PASSED.



24641 AUTHORIZE PURCHASING TO CONTRACT WITH RENE BATES AUCTIONING SERVICES TO SELL THE OLD CIVIC CENTER ROOF MATERIAL [T1-520]

Commissioner Ingalsbe spoke of plans to move the material to an open field and auction it off. County could make more money auctioning off the materials rather than selling it to a scrap yard. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Purchasing Department to contract with Rene Bates Auctioning services to sell old civic center roof material. All voting "Aye". MOTION PASSED.

24642 ACTION TO CREATE A SENIOR PLANNER POSITION IN THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT [T1-542]

A motion was made by Judge Sumter, seconded by Commissioner Conley to create a Senior Planner position in the Resource Protection Transportation and Planning Department with salary classification of 617 with a salary range of \$47,345 - \$71,017. All voting "Aye". MOTION PASSED.

24643 ACTION TO MAKE AN APPOINTMENT ON BEHALF OF THE COURT TO REPRESENT HAYS COUNTY ON THE BOARD OF DIRECTORS OF THE CAPITAL AREA HOUSING FINANCE CORPORATION [T1-585]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to appoint Commissioner Jeff Barton to represent Hays County on the Board of Directors of the Capital Area Housing Finance Corporation effective December 1, 2007. All voting "Aye". MOTION PASSED.

24644 ACCEPT AND SIGN THE LEASE AGREEMENT FOR THE PROPOSED PRECINCT 3 OFFICE LOCATED AT RR 12, SUITES 10, 11, 12 IN WIMBERLEY [T1-323 & 637]

Judge Sumter spoke of amending the agreement regarding pro-rating insurance and ability to lien the property. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to enter into a lease agreement for the proposed Precinct 3 office located at Ranch Road 12 suites 10, 11, & 12 in Wimberley, working with special counsel regarding issue of pro-rating the insurance and ability of landlord to place a lien on the property. All voting "Aye". MOTION PASSED.

WORKSHOP LED BY CURT BUSK, CHAIR OF THE CITIZEN PARK ADVISORY TEAM [T1-690]

Grants Administrator Richard Salmon gave history of parks advisory group (beginning in 1997). CPAT Chair Curt Busk spoke of meetings and goals of the current team. Discussion was had regarding several polls that were conducted and scoring criteria for applicants. Discussed differences in needs in different parts of the county and funds needed to provide information to prospective applicants.

WORKSHOP REGARDING SPECIAL DISTRICTS (MUD'S, SUDS, ETC.) PRESENTED BY TOM FORREST [T1-2335]

Tom Forrest, former Interim Director of Environmental Health & Planning, gave a power point presentation regarding various water districts in Hays County: FWSD - fresh water service district GCD - groundwater conservation district MUD - municipal utility district SUD - river authorities HCW&SA - water and sewer authority WCID - water control & improvement district. In 2000 the commissioner' court created the Hays County Water & Sewer Authority to own, operate, or contract for the operation of a water or sewer utility system, in the same manner as a municipality. The purpose of this district was to expand surface water service to reduce demands on the aquifer and to provide for regional planning with state and federal agencies, cities, utility providers and developments lacking adequate utilities and infrastructure. He explained MUDs and WCIDs. Mr. Forrest recommended a policy for the county to consider in order to provide consistency, protect the county's interests, create win-win conditions, and promote thorough understanding regarding when the county will create special districts.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 2, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 9th DAY OF OCTOBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Don Duvall, Retired Methodist Minister, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Information Technology Director Jeff Magill introduced Geri Kile as the new county webmaster for the county. Judge Sumter called the meeting to order.

PRESENTATION OF HAYS COUNTY AWARDS

J.P. Pct. 1 Place 2 Margie Hernandez presented a 25 year plaque to Hortencia Urrutia and a 10 year pin to Shirley Garza. County Court at Law Judge Howard Warner presented a 20 year service pin to Sandra Jackson. District Attorney Sherri Tibbe presented a 15 year service pin to John Roppolo.

24645 ADOPT A PROCLAMATION CLAIMING OCTOBER 14, 2007 AS LIVESTRONG CHALLENGE DAY IN HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Commissioner Conley to adopt a Proclamation recognizing October 14, 2007 as "Livestrong Challenge Day" in Hays County. All voting "Aye". MOTION PASSED.

24646 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$983,913.44 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24647 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 2, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners' Court Minutes of October 2, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24648 APPROVE SPECIFICATIONS FOR BID #2008-B02 FOR POLICE MOTORCYCLES FOR SHERIFFS DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid#2008-B02 for police motorcycles for Sheriff's Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24649 APPROVE AWARD OF BID #2007-B09 FOR FUEL TO TRIPLE S PETROLEUM

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve award of Bid #2007-B09 for fuel to Triple S Petroleum. All voting "Aye". MOTION PASSED.

24650 APPROVE TEMPORARY SERVICES FOR HUMAN RESOURCES ADMINISTRATION SUPPORT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve temporary services for Human Resources Administration support. All voting "Aye". MOTION PASSED.

24651 [#06-3-032] LEA ACRES RESUBDIVISION OF LOT 19 (19A & 19B) - APPROVE FINAL PLAT AND VARIANCE TO PLAT A PORTION OF LOT 19 AND LEAVE THE REMAINDER [T1-209]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval of final plat and variance request. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat of Lea Acres Resubdivision of Lot 19 (Lot 19A & 19B) and variance to leave the remainder of Lot 19 unplatted. All voting "Aye". MOTION PASSED.



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- 24652 **ACTION TO REQUEST THE PRE-COMPREHENSIVE PLAN COMMITTEE ASSIST IN DEVELOPING AN RFQ FOR A PLANNING CONSULTANT FOR HAYS COUNTY CONNECTIONS 2035 AND TO PARTICIPATE AS PART OF THE SELECTION COMMITTEE** [T1-220]

A motion was made by Judge Sumter, seconded by Commissioner Ford to request the Pre-Comprehensive Plan Committee, along with Jerry Borcharding or his designee, Cindy Maiorka, and any additional staff deemed necessary, to assist in developing an RFQ for a Planning Consultant for Hays County Connections 2035 and for this small committee to participate as part of the selection committee in the process. All voting "Aye". MOTION PASSED.

- 24653 **APPOINT COMMISSIONER CONLEY TO THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT BOARD** [T1-265]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint Commissioner Will Conley to the Austin-San Antonio Intermunicipal Commuter Rail District Board. All voting "Aye". MOTION PASSED.

- 24654 **APPOINT LUANNE CARAWAY AS THE HAYS COUNTY NOMINATION TO THE HAYS CENTRAL APPRAISAL DISTRICT BOARD AND TO ASSIGN THE COUNTY'S EXTRA VOTES TO THE WIMBERLEY ISD** [T1-283]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint Luanne Caraway as the Hays County nomination to the Hays County Central Appraisal District Board and to assign the county's extra votes to the Wimberley ISD. All voting "Aye". MOTION PASSED.

- 24655 **APPOINT BRENT TUTTLE TO FILL VACANT POSITION ON THE HAYS COUNTY HABITAT CONSERVATION PLAN CITIZEN ADVISORY COMMITTEE (CAC)** [T1-394]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Brent Tuttle to fill vacant position of Eddie Gumbert on the Hays County Habitat Conservation Plan Citizen Advisory Committee (CAC). All voting "Aye". MOTION PASSED.

- 24656 **APPROVE \$4,200 FROM THE JUSTICE OF THE PEACE TECHNOLOGY FUND TO PURCHASE AND INSTALL A NEW PHONE SYSTEM IN THE OFFICES LOCATED AT 14306 RR 12, WIMBERLEY, TEXAS** [T1-444]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve \$4,200 from the Justice of the Peace Technology Fund to purchase and install a new phone system in the offices located at 14306 RR12, Wimberley. All voting "Aye". MOTION PASSED.

- 24657 **AMEND CONTRACT WITH NAISMITH ENGINEERING TO INCLUDE COSTS FOR ON-SITE SEWAGE FACILITY DESIGN AND LANDSCAPE IRRIGATION FACILITIES DESIGN FOR THE PCT. 4 OFFICE BUILDING SITE PLAN** [T1-484]

Special Counsel Mark Kennedy spoke of changes needed in the contract amendment referring to Exhibit A1 (change to Exhibit A3). RPTP Director Jerry Borcharding spoke of his concerns about proper maintenance of the sand filter and he would like for his staff to be able to review the plans. A motion was made by Commissioner Ford, seconded by Judge Sumter to amend contract with Naismith Engineering to include costs for on-site sewage facility design and landscape irrigation facilities design for the Precinct 4 office building site plan. All voting "Aye". MOTION PASSED.

- 24658 **EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL ISSUES WITH THE DIRECTOR OF RESOURCE PROTECTION, TRANSPORTATION AND PLANNING** [T1-860]

Court convened into closed executive session at 10:15 a.m. and reconvened into open meeting at 10:45 a.m. A motion was made by Judge Sumter, seconded by Commissioner Conley to set salary of Jerry Borcharding, Director of Resource Protection, Transportation and Planning at \$107,000, with promotion from a Grade 619 to Grade 620 (reflects a 6.133% increase and being an exception to county policy) to be effective October 1, 2007. All voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCH, 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 9, 2007.



Linda C. Fritsche
 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 16th DAY OF OCTOBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Brother Wayne Thompson, Juvenile Detention Center, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24659 ADOPT A PROCLAMATION DECLARING OCTOBER 2007 AS "CHANGE A LIGHT, CHANGE THE WORLD" MONTH

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring October 2007 as "Change a Light, Change the World" month. All voting "Aye". MOTION PASSED.

24660 ADOPT A PROCLAMATION DECLARING RED RIBBON WEEK IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring "Red Ribbon" week in Hays County. All voting "Aye". MOTION PASSED.

24661 ADOPT A PROCLAMATION IN RECOGNITION OF SCHOOL BUS SAFETY WEEK

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation in recognition of "School Bus Safety Week". All voting "Aye". MOTION PASSED.

24662 ADOPT A PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS "DOWN SYNDROME AWARENESS MONTH"

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a Proclamation recognizing the month of October as "Down Syndrome Awareness" month. All voting "Aye". MOTION PASSED.

24663 ADOPT A PROCLAMATION RECOGNIZING THE 150TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF SAN MARCOS

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing the 150th anniversary of the First Baptist Church of San Marcos. All voting "Aye". MOTION PASSED.

24664 ADOPT A PROCLAMATION IN SUPPORT OF "TACKLE HUNGER WEEK" SPONSORED BY THE HAYS COUNTY AREA FOOD BANK

A motion was made by Judge Sumter, seconded by Commissioner Conley to adopt a Proclamation in support of "Tackle Hunger Week" sponsored by the Hays County Area Food Bank. All voting "Aye". MOTION PASSED.

PUBLIC COMMENTS

[T1-444] Andrew Backus thanked the court for support of the LiveStrong Ride.

24665 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog advised that an unbudgeted \$750 invoice for air quality testing at the Justice Center is being paid from contingencies. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 828,631.54 as presented by the County Auditor. All voting "Aye". MOTION PASSED.



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24666 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 9, 2007

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Commissioners Court Minutes of October 9, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24667 AUTHORIZE COMMERCIAL OSSF PERMIT FOR A 2,400 SQ. FT. RETAIL STORE AND OFFICE BUILDING IN PRECINCT #2 AT 2101 BEBEE RD. IN KYLE

RE: Permit #2007-409 issued to Elgin-Grocery Inc. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Commercial OSSF Permit for a 2,400 sq. ft. retail store and office building in Precinct #2 at 2101 Bebee Road in Kyle, Texas. All voting "Aye". MOTION PASSED.

24668 APPROVE BUDGET AMENDMENT TO BIOTERRORISM GRANT FROM A 6-MONTH CONTRACT WITH A BUDGET OF \$106,956 TO AN 11-MONTH CONTRACT WITH A BUDGET OF \$165,630

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Budget Amendment to Bioterrorism Grant from a 6-month contract with a budget of \$106,956 to an 11-month contract with a budget of \$165,630. All voting "Aye". MOTION PASSED.

24669 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE HAYS COUNTY CITIZENS COLLECTION STATION AT 20290 FM 150 WEST IN PRECINCT 4

RE: Permit #2007-721 issued to Hays County Citizens Collection Station. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize institutional OSSF Permit for the Hays County Citizens Collection Station at 20290 FM150 West in Precinct 4. All voting "Aye". MOTION PASSED.

24670 APPROVE SPECIFICATIONS FOR RFP #2008-P01 ENGINEERING FIRM FOR DRAINAGE STUDIES OF SELECTED HAYS COUNTY DRAINAGE BASINS AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T1-523]

Commissioner Barton requested taking points away from the two categories under evaluation criteria and add a category for knowledge or experience with Hays County watersheds in modeling or working with municipal jurisdictions. Commissioner Ford spoke of this eliminating some firms from submitting a proposal. Discussion was had regarding number of points for each category. [T1-694] A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve specifications for RFP #2008-P01 Engineering Firm for drainage studies of selected Hays County Drainage Basins with the following amendment to RFP under Evaluation Criteria: References = 40 points, Performance and Qualifications = 40 points, and Knowledge and/or experience with modeling watersheds within Hays County and/or surrounding counties = 20 points; and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED.

24671 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SHADOW CREEK SUBDIVISION PHASE 1 [T1-870]

Jerry Borcharding gave staff recommendation for approval. Roads being accepted: Shadow Creek Blvd., Dark Horse Lane, Coach Drive, Black Cap Run, Sloan Road, Spanish Trails Blvd., Jackrabbit Lane, Brandons Way, Desert Eagle, and Quarter Avenue. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to release the maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for "Shadow Creek Subdivision Phase 1". All voting "Aye". MOTION PASSED.

24672 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN WILLOW CREEK SUBDIVISION [T1-885]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Jerry Borcharding gave staff recommendation for traffic regulations. Commissioner Conley spoke of vote by property owners regarding traffic issues. A motion was made by Commissioner Conley, seconded by Commissioner Barton to establish traffic regulations of 30 MPH speed limit throughout the county maintained sections of the Willow Creek Subdivision and remove the STOP sign on Reimer Avenue at the intersection of Philo Street and remove both STOP signs on Mountain Drive at the intersection of Oak Haven. All voting "Aye". MOTION PASSED.



24673 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR THE VINEYARD SUBDIVISION PHASE 1 [T1-906]

Jerry Borcharding gave staff recommendation for release of construction bond and accept maintenance bond. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release the construction bond, and accept maintenance bond for two years for the Vineyard Subdivision Phase 1. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #16 RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR THE NORTHRIDGE SUBDIVISION PHASE II was PULLED. [T1-944]

24674 [#07-4-04, 91 LOTS] DRIFTWOOD SUBDIVISION - APPROVE PRELIMINARY PLAN AND VARIANCES TO RIGHT OF WAY WIDTH, MINIMUM CENTERLINE RADIUS, MINIMUM TANGENT LENGTH, AND MINIMUM PAVEMENT WIDTH [T1-993]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval of preliminary plan. There are 85 residential lots and 6 open space lots. Discussion was had regarding variances requested and Jerry Borcharding voiced his concerns. Andrew Backus (President of Hays Trinity Groundwater Conservation District) spoke of water availability. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variances to right of way width, minimum centerline radius, minimum tangent length, and minimum pavement width for "Driftwood Subdivision". All voting "Aye". MOTION PASSED.

24675 [#07-3-52, 25 LOTS] BIG SKY RANCH - APPROVE PRELIMINARY PLAN [T1-1192]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Big Sky Ranch". All voting "Aye". MOTION PASSED.

24676 [#07-4-23, 86 LOTS] BELLA VISTA SUBDIVISION - APPROVE PRELIMINARY PLAN AND VARIANCES TO TYPICAL PAVEMENT SECTION, RIGHT OF WAY, AND ROADWAY GEOMETRIC [T1-1291]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. Jerry Borcharding spoke of variances being requested and gave his recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and variances to typical pavement section, right of way, and roadway geometric for the "Bella Vista Subdivision". All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING CREATION OF A WATER AND WASTEWATER ADVISORY BOARD [T1-1398]

Andrew Backus (Hays Trinity Groundwater Conservation District) made public comment - they would like to be involved in water and wastewater issues. Discussion was had regarding funding and staff time spent meeting with committees. No action taken at this time.

DISCUSSION REGARDING EXPENDITURES OUTSIDE THE 10 PURPOSE AREAS IN THE LINKED DEPOSIT PROGRAM FOR APPLICANT WITH FRANKLIN BANK [T1-2024]

Grants Administrator Richard Salmon spoke of application for a total of \$15,000 which includes the clearing of cedar and the repair of a dam used by livestock and wildlife on an 18 acre tract in the Dripping Springs area. The repairs to the dam (\$5,000) is outside the 10 purpose areas of the Linked Deposit program, however, the court is allowed to approve the expenditure. Discussion was had by the court and no action was taken.

24677 APPOINT BRANDON NEAL TO CITIZEN TRANSPORTATION ADVISORY BOARD TO REPLACE SUSAN PANTELL, WHO HAS RESIGNED [T1-2207]

A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint Brandon Neal to the Citizens Transportation Advisory Board to replace Susan Pantell, who has resigned. All voting "Aye". MOTION PASSED.



24678 AUTHORIZE THE COUNTY JUDGE TO, FROM TIME TO TIME, EXECUTE LICENSE AGREEMENTS FOR THE USE OF HAYS COUNTY PROPERTIES; AND TO RATIFY ANY SUCH ACTION PREVIOUSLY MADE BY THE COUNTY JUDGE [T1-2255]

Special Counsel Mark Kennedy spoke of agreements to use courthouse grounds, parklands, etc. (excluding county right-of-way). A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to, from time to time, execute routine License Agreements for the use of Hays County properties, with exception of roads in individual precincts; and to ratify any such action previously made by the County Judge, and furthermore if a request is denied by the County Judge, the applicant can appeal to Commissioners Court. All voting "Aye". MOTION PASSED.

24679 APPROVE COUNTY HOLIDAYS FOR CALENDAR YEAR 2008 [T1-2505]

Discussion was had regarding eliminating Texas Independence Day, Good Friday, and Columbus Day and making Nov. 26th and Dec. 24th a full day off versus one-half days. Court considered giving employees one personal day off. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve County Holidays for Calendar Year 2008 with change of removing Texas Independence Day and make November 26th and December 24th full days off. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Ford, seconded by Judge Sumter to eliminate Columbus day as a holiday and give all employees one personal day per calendar year to be monitored and accounted for by the Department Head (personal day does not accrue). All voting "Aye". MOTION PASSED.

JAN	1	NEW YEARS DAY
JAN	21	MARTIN LUTHER KING'S BIRTHDAY
FEB	18	PRESIDENT'S DAY
MAR	21	GOOD FRIDAY
MAY	26	MEMORIAL DAY
JUL	4	INDEPENDENCE DAY
SEP	1	LABOR DAY
NOV	11	VETERAN'S DAY
NOV	27-28	THANKSGIVING
DEC	24-26	CHRISTMAS
1	PERSONAL DAY PER CALENDAR (cannot be accrued)	

24680 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT FOR COMMERCIAL OFFICE LEASE WITH THE CITY OF KYLE [T1-3133]

Special Counsel Mark Kennedy spoke of minor changes were made to the agreement. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge and Special Counsel Mark Kennedy to execute an interlocal agreement for commercial office lease with the City of Kyle. All voting "Aye". MOTION PASSED.

JAIL WORKSHOP [T1-3268]

Sheriff Allen Bridges spoke of housing prisoners in Guadalupe County and cost associated with this situation. The existing location needs to be analyzed to see if it can be used for expansion. He spoke of also being out of office space for his department. Chief Deputy Sherman Brodbeck spoke of limited space on the site for construction. Judge Sumter spoke of possibility of building a facility to house all offices associated with the justice system along with the jail and with rental spaces for attorneys, etc. District Attorney Sherri Tibbe spoke of crisis at the Justice Center at this time for space. Terry Julian spoke of assessing the current facility – at no charge. Discussion was had regarding concept of a Regional Jail Facility and current costs for constructing jails. Commissioner Barton spoke of reducing number of inmates with creative solutions. [T2-630] Special Counsel Mark Kennedy spoke of land under contract at this time for the new office complex. Judge Sumter spoke of placing an item on the agenda to go out for RFP/RFQ for current site analysis.

Court was adjourned.

I, LINDA C. FRITSCH, 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 16, 2007.



Linda C. Fritsche
 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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OCTOBER 23, 2007

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF OCTOBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Jimmie Robinson gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Tax Assessor Collector Luanne Caraway advised that her office will be closed tomorrow for TxDot training.

24681 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24682 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 16, 2007

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioners Court Minutes of October 16 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24683 ACCEPT \$1,000.00 AWARD FROM ABITIBI-CONSOLIDATED CORPORATION, RECYCLING DIVISION TO THE HAYS COUNTY CITIZENS COLLECTION STATION

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept \$1,000.00 award from Abitibi Consolidated Corporation Recycling Division to the Hays County Citizens Collection Station. All voting "Aye". MOTION PASSED.

24684 APPROVE SHERIFF'S COMBINED AUTO THEFT FORCE VEHICLE USE AGREEMENT BETWEEN HAYS COUNTY AND TRAVIS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Sheriff's Combined Auto Theft Force Vehicle Use Agreement between Hays County and Travis County. All voting "Aye". MOTION PASSED.

24685 AUTHORIZE A VEHICLE (VIN #1FTEF15NOSLB92679 - 1995 FORD PICKUP TRUCK, WHITE IN COLOR) TRANSFER FROM EMERGENCY MANAGEMENT TO CONSTABLE, PRECINCT 3 INVENTORY

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize a vehicle (VIN #1FTEF15NOSLB92679 - 1995 Ford Pickup Truck - White in color) transfer from Emergency Management to Constable Precinct 3 inventory. All voting "Aye". MOTION PASSED.

24686 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$87,766.12 SUB AWARD GRANT FROM THE DEPARTMENT OF JUSTICE PROGRAMS FOR THE COUNTY'S PARTICIPATION IN THE ALERRT PROGRAM WITH TEXAS STATE UNIVERSITY

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to accept \$87,766.12 sub award grant from the Department of Justice Programs for the County's participation in the ALERRT Program with Texas State University. All voting "Aye". MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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24687 APPROVE SPECIFICATIONS FOR RFP #2008-B02 "SCANNING AND INDEXING SERVICES FOR THE HAYS COUNTY CLERK" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve specifications for RFP#2008-B02 "Scanning and Indexing Services for the Hays County Clerk" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED.

24688 APPROVE RENEWAL OF BID #2006-B04 "ANNUAL PLUMBING REPAIRS FOR HAYS COUNTY BUILDINGS" TO TEXAS STATE PLUMBING FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve renewal of Bid #2006-B04 "Annual Plumbing Repairs for Hays County Building" to Texas State Plumbing for one (1) additional year as provided in the original bid. All voting "Aye". MOTION PASSED.

24689 ACCEPTANCE OF ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND, AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR THE NORTHRIDGE SUBDIVISION PHASE II [T1-56]

Director of Resource Protection, Transportation and Planning Jerry Borcharding gave staff recommendation, for acceptance and release. A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road construction and drainage improvements, release construction bond and accept maintenance bond for two years for the "Northridge Subdivision Phase II". All voting "Aye". MOTION PASSED.

24690 ACTION REGARDING THE COUNTY'S PASS-THROUGH FINANCING AGREEMENT WITH TXDOT [T1-72]

T. J. Higginbotham (Buda resident), Denise San Luis (Buda resident), Warren Ketterman (Buda Economic Dev. Director), Robert Kidnew (President of Texas Lehigh Cement Co - Buda), David Sweet (Buda resident), Brad Hagen, Sam Cooper (Buda resident), and Carl Urban (Buda resident) made public comment. Commissioner Barton presented his findings concerning FM1626 and Hays County and gave a powerpoint presentation regarding contact sensitive design solutions. [Clerk's note: The following is not the complete wording for the Findings - see original document for full text] Findings indicate that (1) FM1626 is an integral and critical part of the county road network, (2) the traffic and safety conditions on large parts of FM1626 are unacceptable, (3) it appears certain that populations along the FM1626 corridor and traffic will increase dramatically, (4) substantial improvements are needed, (5) Travis county is undertaking efforts to improve its part of FM1626, (6) basic improvements have been identified, (7) more work is needed to prepare and design the road, (8) there is a contract (Minute Order) with TxDot to make the needed improvements, (9) appropriate and timely action is needed to preserve and fulfill its partnership with the state, (10) and action is needed to complete environmental assessments, detailed context sensitive design, complete engineering design, proceed with right-of-way studies and acquisition, and continue to explore options for financing and constructing the road. Discussion was had regarding item #10 and it was amended to delete "including possible public private partnerships, revenue bonds, and/or a general bond election". A motion was made by Commissioner Barton, seconded by Judge Sumter to endorse the findings concerning FM1626 presented by Commissioner Precinct 2 with change made to item #10 to delete "including possible public private partnerships, revenue bonds, and/or a general bond election". All voting "Aye". MOTION PASSED. [T1-1206] Commissioner Conley spoke of meetings he has had regarding the Ranch Road 12 improvement project. Commissioner Ingalsbe will sponsor an agenda item next week regarding the FM110 project.

24691 ADOPT A RESOLUTION IN SUPPORT OF THE HOME-DELIVERED MEAL GRANT PROGRAM [T1-1395]

Ella Hurst, Meal on Wheels Program, appeared before the court. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a resolution in support of the Home-delivered Meal Grant Program. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING CHANGE ORDERS FOR ADDITIONAL WORK BEING ADDED TO THE CONTRACT WITH BYRN AND ASSOCIATES FOR THE JUVENILE DETENTION CENTER DRAINAGE IMPROVEMENTS AND CONCRETE PROJECT THAT WAS APPROVED BY COMMISSIONERS COURT ON MAY 8, 2007 [T1-1449]

John Dipollino (Byrn & Associates) explained the change order. Chief Juvenile Probation Officer Ed Cooper was present. No action was taken on this item at this time.



24692 ACTION TO RETURN TO FULL-FUNDING OF HAYS COUNTY PREDATOR CONTROL PROGRAM [T1-1638]

Public comment was made by Jimmie Steidinben, Henry Brooks, John Calentine (USDA Wildlife Services), Douglas Steen (USDA Wildlife Services), Bryan Davis (Hays County Extension Agent), and John Jones. Dan Conway (Ranch foreman) spoke of predator problems. George Fry spoke of procedure and methods used. A motion was made by Commissioner Ford, seconded by Commissioner Conley to return full funding of the Hays County Predator Control Program to \$26,400 by adding \$11,500 from contingency line item #01-414-5455 to the budgeted amount of \$15,000. All voting "Aye". MOTION PASSED.

24693 ESTABLISH A POLICY WHEREIN HAYS COUNTY WATER AVAILABILITY STUDIES ARE SHARED, REVIEWED AND OPINIONS ARE PROVIDED BY EACH OF THE FOLLOWING ORGANIZATIONS FOR WELLS WITHIN THEIR JURISDICTIONS: HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT (HTGCD), BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT (BSEACD), AND EDWARDS AQUIFER AUTHORITY (EAA) [T1-3136]

Commissioner Ford spoke of Statutes that address additional requirements: use of groundwater [Local Government Code §232.0032], and water availability [Texas Water Code §35.019]. Grant Jackson (county consultant) spoke of workshops held by the court and the stakeholders meetings. Public comment was made by Hank Smith (an Engineer and member of the stakeholder committee), and John Dupnik (Barton Springs Edwards Aquifer Conservation District). Jack Hollon spoke briefly. Commissioner Barton suggested postponing action at this time. Jerry Borcharding spoke of details lacking in the process at this time. [T2-222] A motion was made by Commissioner Ford, seconded by Judge Sumter to establish a policy wherein Hays County Water Availability Studies are shared, reviewed and opinions are provided by each of the following organizations for wells within their jurisdictions: HTGCD, BSEACD, & EAA. Motion was amended as follows: [T2-377] A motion was made by Commissioner Ford to begin, from this point forward, allowing the County Judge, Jerry Borcharding, county consultants, and legal counsel to work in conjunction with the three groundwater districts to develop an MOU (Memorandum of Understanding) to begin process of sharing technical data regarding water availability studies. All voting "Aye". MOTION PASSED. MOTIONS WERE WITHDRAWN.

[T2-915] A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow staff (Jerry Borcharding, legal counsel Mark Kennedy, and the County Judge) to explore with the districts what an MOU might be and work with them to provide opinions, based on their expertise and modeling of the aquifer under their jurisdiction, and to provide input to staff and/or the court for decision making in the future. All Voting "Aye". MOTION PASSED.

WORKSHOP REGARDING HAYS COUNTY LINKED DEPOSIT LOAN PROGRAM [T2-965]

Grants Administrator Richard Salmon spoke of loans already made and available grants. Robert Kennedy gave a powerpoint presentation regarding the Linked Deposit Loan Program process. Discussion was had regarding the program.

Clerk's Note: Agenda Item #10 RE: ACTION TO FORM A HAYS COUNTY 2010 REDISTRICTING COMMITTEE was pulled. No discussion and no action taken.

24694 ACTION TO HIRE ED MCCARTHY OR ANY OTHER LEGAL AUTHORITY ON WATER AND WASTEWATER ISSUES TO PREPARE A WORKSHOP FOR THE COURT REGARDING THE HAYS COUNTY WATER AND WASTEWATER AUTHORITY [T2-2715]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to hire Ed McCarthy or any other legal authority on water and wastewater issues to prepare a workshop for the court regarding the Hays County Water and Wastewater Authority, including purpose, intent and the implications and possibilities of this authority; not to exceed \$1,500.00. All voting "Aye". MOTION PASSED.

24695 AUTHORIZE THE DIRECTOR OF RESOURCE PROTECTION, TRANSPORTATION AND PLANNING TO, FROM TIME TO TIME, EXECUTE HAYS COUNTY'S PORTION OF ANTIQUITIES PERMIT APPLICATION FORMS; AND TO RATIFY ANY SUCH ACTION PREVIOUSLY MADE BY THE DIRECTOR OF RESOURCE PROTECTION, TRANSPORTATION AND PLANNING OR THE DIRECTOR OF ROAD AND BRIDGE

[T2-2783] A motion was made by Commissioner Barton, seconded by County Judge to authorize the Director of Resource Protection, Transportation and Planning to, from time to time, execute Hays County's portion of antiquities permit application forms; and to ratify any such action previously made by the Director of Resource Protection, Transportation and Planning or the Director of Road & Bridge. All voting "Aye". MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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24696 APPROVE AND SIGN AN INTERLOCAL AGREEMENT BETWEEN THE HAYS COUNTY SWAT TEAM AND THE CITY OF SAN MARCOS [T2-2903]

Special Counsel Mark Kennedy recommended several changes on page 3 of the agreement (Item #9 Indemnity was misspelled, item #10b change effective date from July to October and change 90 day notice to 30 days). A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve and sign an interlocal agreement between the Hays County SWAT Team and the City of San Marcos. All voting "Aye". MOTION PASSED.

EXECUTIVE SESSION PURSUANT TO TGC 551.071 PENDING LITIGATION REGARDING RANCHES AT HAMILTON POOL AND DAMAGE TO HAMILTON CREEK AS WELL AS THE CONTESTED CASE HEARING ON 11/27/07 REGARDING WASTEWATER TREATMENT AND DISCHARGE PERMIT REQUESTED BY HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #1

The court convened into closed executive session at 4:15 p.m. and reconvened into open meeting at 5:00 p.m. [T2-2990] Judge Sumter advised that a discussion was had regarding Ranches at Hamilton Pool and damage to Hamilton Creek. There was no discussion regarding Hays County Water Control and Improvement District #1 hearing. No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 23, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 30th DAY OF OCTOBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor David Skinner, Dripping Springs United Methodist Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Agenda Item #1 RE: ADOPT A PROCLAMATION DECLARING NOVEMBER AS HOME CARE AND HOSPICE MONTH was PULLED.

24696 APPROVE PAYMENT OF COUNTY INVOICES

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$353,910.61 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

24697 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 23, 2007

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the Commissioners Court Minutes of October 23, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

24698 APPROVE BUDGET AMENDMENT 07-39

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Budget Amendment #07-39 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED.

24699 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE ANDY THOMPSON WAREHOUSE LOCATED AT 235 TRADEMARK DRIVE IN PRECINCT 2

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize institutional OSSF Permit for the Andy Thompson Warehouse located at 235 Trademark Drive in Precinct 2. All present voting "Aye". MOTION PASSED.

24700 APPROVE RENEWAL CONTRACT FOR DR. SARAH RODRIGUEZ TO PROVIDE ENT SERVICES PRO BONO TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve renewal contract for Dr. Sarah Rodriguez to provide ENT Services pro bono to Hays County Personal Health Department. All present voting "Aye". MOTION PASSED.

24701 APPROVE CONTRACT FOR DR. SILVIA LINARES FOR MATERNITY SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve contract for Dr. Silvia Linares for maternity services to the Hays County Personal Health Department. All present voting "Aye". MOTION PASSED.

24702 APPROVE THE CANCELLATION OF COMMISSIONERS' COURT ON NOVEMBER 27, DECEMBER 25, 2007 AND JANUARY 1, 2008

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve the cancellation of Commissioners' Court on November 27 and December 25, 2007 and January 1, 2008. All present voting "Aye". MOTION PASSED.



24703 APPROVE AWARD OF BID #2008-B01 GEOGRID REINFORCEMENT FOR PAVED AND UNPAVED ROADWAY TO LONE STAR GEO PRODUCTS

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve award of Bid #2008-B01 Geogrid Reinforcement for paved and unpaved roadway to Lone Star Geo Products. All present voting "Aye". MOTION PASSED.

24704 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$29,367 GRANT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN WIMBERLEY ISD

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$29,367 Grant from the Office of the Governor - Criminal Justice Division for the Sheriff's School Resource Officer in the Wimberley ISD. All present voting "Aye". MOTION PASSED.

24705 AUTHORIZE THE COUNTY JUDGE TO RENEW OOO/RLSS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES, FOR \$63,535.00

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to renew OOO/RLSS Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$63,535.00. All present voting "Aye". MOTION PASSED.

24706 AUTHORIZE THE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$14,710.00

Commissioner Barton was not present for vote. No application for this contract was required. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to renew the Tuberculosis Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$14,710.00. All present voting "Aye". MOTION PASSED.

24707 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$163,452.72 GRANT FROM THE OFFICE OF GOVERNOR - DIVISION OF EMERGENCY MANAGEMENT HOMELAND SECURITY GRANT PROGRAM AND TO EXECUTE CONTRACT

Commissioner Barton was not present for vote. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$163,452.72 grant from the Office of Governor - Division of Emergency Management Homeland Security Grant Program and to execute contract. All present voting "Aye". MOTION PASSED.

24708 APPROVE UTILITY PERMIT IN R-O-W OF NUTTY BROWN ROAD FROM US 290 TO FM 1826

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Utility Permit in the right-of-way of Nutty Brown Road from US290 to FM1826. All voting "Aye". MOTION PASSED.

24709 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR WOODBROOK SUBDIVISION PHASE 1 AND 2 [T1-112]

Janice Weber gave staff recommendation for approval. Roads being approved are Woodbrook Trail & Brook Cove. A motion was made by Commissioner Ford, seconded by Commissioner Barton to release maintenance bonds (*Letters of Credit #040904 & #140904*) and accept for maintenance all road and drainage improvements within county right-of-way for "Woodbrook Subdivision Phase 1 & 2". All voting "Aye". MOTION PASSED.

24710 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR BELTERRA SUBDIVISION PHASE 4 SECTION 1 [T1-129]

Janice Weber gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for "Belterra Subdivision Phase 4 Section 1". All voting "Aye". MOTION PASSED.



- 24711** [#05-4-11, 2 LOTS] **ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 INTO 10A & 10B - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON NOVEMBER 13, 2007** [T1-141]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Rolling Oaks Section 3 Resubdivision of Lot 10" into Lots 10A & 10B and to call for a public hearing on November 13, 2007. All voting "Aye". MOTION PASSED.

- 24712** **APPOINT DR. MARIANNE REESE TO THE SOUTH CENTRAL TEXAS WATER ADVISORY COMMISSION** [T1-152]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt resolution appointing Dr. Marianne Reese to the South Central Texas Water Advisory Commission. All voting "Aye". MOTION PASSED.

- 24713** **APPROVE SUBMISSION OF 2ND GRANT APPLICATION TO THE OFFICE OF GOVERNOR - DIVISION OF EMERGENCY MANAGEMENT - HAZARD MITIGATION GRANT PROGRAM FOR UP TO \$600,000 TO EXPAND THE COUNTY'S EARLY - WARNING SYSTEM ON DANGEROUS LOW-WATER CROSSINGS** [T1-192]

Grants Administrator Richard Salmon spoke of county match of \$200,000 that was allocated in the FY08 budget. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve submission of 2nd grant application to the Office of Governor - Division of Emergency Management - Hazard Mitigation Grant Program for up to \$600,000 to expand the county's early warning system on dangerous low-water crossings. All voting "Aye". MOTION PASSED.

- 24714** **ACCEPT RESIGNATION OF SAUL GONZALES FROM THE HAYS COUNTY CPAT AND APPROVE THE APPOINTMENT OF DAVID SALAZAR TO FILL THAT POSITION**

[T1-258] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept resignation of Saul Gonzales from the Hays County CPAT and approve the appointment of David Salazar to fill that position. All voting "Aye". MOTION PASSED.

- 24715** **ACTION TO RECEIVE DEEDED INTEREST FROM PRESERVATION ASSOCIATES, INC., A NONPROFIT CORPORATION IN OLD COUNTY JAIL LOCATED IN SAN MARCOS** [T1-284]

Lila Knight spoke of agreement by previous court to accept the old jail property. T. J. Higginbotham made public comment in support of this action. Special Counsel Mark Kennedy spoke of previous court action. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Special Counsel and the County Judge to negotiate with Preservation Associates Inc. for the transfer of the deeded interest in the old county jail located on Fredericksburg Street in San Marcos. All voting "Aye". MOTION PASSED.

- 24716** **APPROVE HAYS COUNTY'S INTENT TO ASSIGN TO THE CITY OF SAN MARCOS ALL OF ITS RIGHTS AND OBLIGATIONS UNDER THE PORTION OF THE PASS THROUGH TOLL AGREEMENT THAT PERTAINS TO FM 110 (SAN MARCOS LOOP), SUBJECT TO TXDOT'S APPROVAL; AND TO AUTHORIZE SPECIAL COUNSEL TO DRAFT A RESOLUTION INDICATING THE SAME** [T1-401]

T. J. Higginbotham, Lila Knight, Richard Schneider, and Warren Ketteman, made public comment. Commissioner Ingalsbe spoke of funds that have been spent regarding this project. San Marcos Mayor Susan Narvaiz spoke in support of this project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve Hays County's intent to assign to the City of San Marcos all of its rights and obligations under the portion of the Pass Through Toll Agreement that pertains to FM110 (San Marcos Loop), subject to TxDot's approval; and to authorize Special Counsel to draft a resolution indicating the same. All voting "Aye". MOTION PASSED.



24717 ACTION TO RE-COMMENCE ENVIRONMENTAL ASSESSMENTS, ENGINEERING DESIGN, AND RELATED SERVICES FOR FM 1626, AND TO AUTHORIZE THE PRECINCT 2 COMMISSIONER TO OVERSEE SUCH SERVICES, ALONG WITH PRIME STRATEGIES [T1-734]

Warren Ketteiman, T. J. Higginbotham, Patrick Wentworth, and Sam Cooper made public comment. A lengthy discussion was had by the court. [T1-1452] A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the Precinct 2 Commissioner, working with staff, special counsel and the auditors office, to initiate needed work on environmental assessments on FM 1626 Segments A & B for an amount not to exceed \$500,000. All voting "Aye". MOTION PASSED.

[T1-1991] A motion was made by Commissioner Barton, seconded by Commissioner Conley to re-commence environmental assessments, engineering design and related services for FM 1626 and to authorize the Precinct 2 Commissioners to oversee such services, along with Prime Strategies and work with county legal staff and department heads to structure the appropriate recommencement documents with an amount not to exceed \$1,687,800 as presented in the agenda backup (this amount is not in addition to the \$500,000) Commissioner Ford and Judge Sumter voting "No". Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". MOTION PASSED.

DISCUSSION REGARDING SCHEDULE FOR PURCHASING PARK BONDS [T1-2416]

Bond Counsel Dan Wegmiller spoke of reimbursement resolutions and time lines for issuing bonds. Court asked Dan Wegmiller to get with County Auditor to develop a plan.

24718 ACTION TO DETERMINE HAYS COUNTY STRATEGY REGARDING A HEARING SET FOR NOVEMBER 27, 2007, WITH REGARD TO TCEQ PERMIT #WQ0014293001 REFLECTING THE HAYS COUNTY WCID #1 REQUEST FOR WASTEWATER TREATMENT AND DISCHARGE IN BEAR CREEK [T1-2927]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Special Counsel Mark Kennedy to participate and represent the court in the administrative hearing set for November 27, 2007 with regard to TCEQ Permit #WQ0014293001 reflecting the Hays County WCID#1 request for wastewater treatment and discharge into Bear Creek. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #26 RE: APPROVE CHANGE ORDERS FOR THE ADDITION OF WORK THAT IS BEING ADDED TO THE CONTRACT WITH BRYN AND ASSOCIATES FOR THE JUVENILE DETENTION CENTER DRAINAGE IMPROVEMENTS AND CONCRETE PROJECT THAT WAS APPROVED BY COMMISSIONERS COURT was PULLED. No discussion and no action taken.

SUNDAY AND ASSOCIATES, INC. - END OF THE PLAN YEAR HEALTH BENEFITS PRESENTATION [T1-3449]

Burke Sunday (Sunday and Associates Inc.) provided a financial report and Medical/Rx & Dental Plan Review. Discussion was had regarding educating county employees on costs and assistance available to deal with specific medical issues.

PRESENTATION BY NAISMITH ENGINEERING INC. ON STATUS OF HAYS COUNTY SUBDIVISION RULES REVIEW, REWRITE AND STAKEHOLDER PROCESS, AS WELL AS TCEQ PHASE II MS4 STORM WATER PERMIT REQUIREMENTS [T2-835]

Grant Jackson (Naismith Engineering Inc.) gave a presentation on the status of updating the development standards. Stakeholders have identified issues and have had numerous meetings reviewing various drafts of the proposed regulations developed by NEI and there were significant comments and discussions on the issues of water availability (focusing on groundwater and rainwater harvesting), OSSF issues, parkland and open space dedication, and general procedures for variances and approvals. The latest draft of the regulations are posted on the project website: www.neionline.com/Haysco.htm Final review draft should be ready by November 15-20th for the court, January 15, 2008 for public review and possibly adopt the rules in March 2008. Mr. Jackson also gave a presentation regarding Phase II Storm water requirements for small municipal separate storm sewer systems (MS4s). He explained that a MS4 is "a conveyance or system of conveyances...owned by.... A public body, designed or used for collecting or conveying storm water, which is not a combined sewer, which is not part of a publicly owned treatment works" - nearly any public drainage system serving more than one building.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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OCTOBER 30, 2007

Court was adjourned.

I, LINDA C. FRITSCHER, 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 30, 2007.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 6, 2007

VOLUME T PAGE 681

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 6th DAY OF NOVEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor John Church of the Generations Church, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Ollie Giles made public comment regarding cemetery maintenance by the county. Ronnie Wilson made public comment regarding discharge of firearms in Hays County.

24719 APPROVE PAYMENT OF COUNTY INVOICE

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 511,068.11 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24720 APPROVE AWARD OF BID #2008-B02 POLICE MOTORCYCLES FOR HAYS COUNTY SHERIFF'S DEPARTMENT TO 35 NORTH HONDA LTD (KENT POWERSPORTS) IN THE TOTAL AMOUNT OF \$41,537.13 (3 MOTORCYCLES @\$13,845.71 EA)

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve award of Bid #2008-B02 Police Motorcycles for Hays County Sheriff's Department to 35 North Honda Ltd. (Kent Powersports) in the total amount of \$41,537.13 (3 motorcycles @ \$13,845.71 each). All voting "Aye". MOTION PASSED.

24721 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL CONTRACT OF CAPCOG REGIONAL EMERGENCY NOTIFICATION SYSTEM (REVERSE DIALING - 911)

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute a renewal contract of CAPCOG Regional Emergency Notification System (Reverse Dialing - 911). All voting "Aye". MOTION PASSED.

24722 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE FLASH OF BEAUTY SHOWROOM AND WAREHOUSE AT 1016 PIER BRANCH RD. IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize Institutional OSSF Permit for the Flash of Beauty Showroom and Warehouse located at 1016 Pier Branch Road in Precinct 4. All voting "Aye". MOTION PASSED.

24723 AUTHORIZE PAYMENT OF INVOICES THAT EXCEED THE LIMIT OF \$9,500 ESTABLISHED FOR THE COMPLIANCE OFFICE RENOVATION

Cost for renovation at the Justice Center for the Compliance Office exceeded the \$9,500 approved by the court in the amount of \$436.86. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize payment of invoices that exceed the limit of \$9,500 established for the Compliance office renovation. All voting "Aye". MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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NOVEMBER 6, 2007

24724 APPROVE RENEWAL OF RFP #2005-P01 INMATE TELEPHONE SERVICES FOR ONE (1) ADDITIONAL YEAR WITH EVERCOM AS PROVIDED IN THE ORIGINAL PROPOSAL

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of RFP #2005-P01 Inmate Telephone Services for one (1) additional year with Evercom as provided in the original proposal. All voting "Aye". MOTION PASSED.

24725 APPROVE TEXAS GOVERNMENTAL RENTAL AGREEMENT EXTENSION WITH APPLIED CONCEPTS, INC.

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Texas Governmental Rental Agreement Extension with Applied Concepts Inc. All voting "Aye". MOTION PASSED.

24726 APPROVE WORK WITH STAGECOACH RANCH POA AS THEY WORK TO BRING SOME OF THEIR ROADS UP TO COUNTY STANDARDS IN ORDER TO HAVE THEM ACCEPTED FOR COUNTY MAINTENANCE [T1-153]

Commissioner Ford explained the request and Jerry Borcharding spoke of work that needs to be done to bring the roads up the county standards. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve work with Stagecoach Ranch Property Owners Association as they work to bring some of their roads up to county standards in order to have them accepted for county maintenance. All voting "Aye". MOTION PASSED.

24727 APPROVE WORK WITH AUTUMN LANE PROPERTY OWNERS AS THEY SEEK TO HAVE THEIR ROAD ACCEPTED FOR COUNTY MAINTENANCE [T1-366]

Danny Stamper (representing the property owners on Autumn Lane) made public comment. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve work with Autumn Lane Property Owners as they seek to have their road accepted for county maintenance. All voting "Aye". MOTION PASSED.

24728 OFFICIALLY ACCEPT BREED ROAD IN TO THE COUNTY MAINTENANCE SYSTEM

[T1-416] Breed Road and Hurlbut Road have a history of being maintained by the Road Department and action is necessary for the official record. Commissioner Ford advised that she would like to do additional research regarding Hurlbut Road before accepting it for county maintenance. A motion was made by Commissioner Ford, seconded by Commissioner Barton to officially accept Breed Road in to the county maintenance system. All voting "Aye". MOTION PASSED.

24729 [#07-3-43, 2 LOTS] OAKWOOD HILLS LOTS 8A & 8B -APPROVE PRELIMINARY PLAN

[T1-558] Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan for "Oakwood Hills Lots 8A & 8B". All voting "Aye". MOTION PASSED.

24730 APPROVE POSTING A STARTING SALARY RANGE FOR THE FOLLOWING POSITIONS: SENIOR PLANNER, ENVIRONMENTAL SPECIALIST [T1-570]

Human Resources Director Dee Dee Baen spoke of job description and salary range being considered. A motion was made by Commissioner Ford, seconded by Judge Sumter to re-post the positions of Senior Planner and Environmental Specialist with hiring range from minimum to midpoint as follows: Senior Planner - Grade 617 with hiring range of \$47,345.34 (minimum) to \$59,181.42 (midpoint) and Environmental Specialist - Grade 616 with hiring range of \$41,305.92 (minimum) to \$51,631.38 (midpoint). All voting "Aye". MOTION PASSED.

24731 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT FOR SERVICES FROM JOSEPH L. LESSARD TO PROVIDE ECONOMIC/FINANCIAL ANALYSIS SERVICES FOR HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T1-700]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute the contract for services from Joseph L. Lessard to provide economic/financial analysis services for Hays County Regional Habitat Conservation Plan. All voting "Aye". MOTION PASSED.



24732 ACCEPT THE RESIGNATION OF JUNE BAUMEL BIVINS FROM THE HAYS COUNTY CPAT AND APPOINT PAT JOHNSON TO FILL THAT POSITION [T1-728]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the resignation of June Baumel Bivins from the Hays County CPAT and appoint Pat Johnson to fill that position. All voting "Aye". MOTION PASSED.

24733 APPROVE BUDGET AMENDMENT 08-01 [T1-751]

This budget amendment adds the following grants under EMC supervision: GDEM'06 Cert Grant = \$19,000 and GDEM'07 Homeland Security Grant. A motion was made by Judge Sumter, seconded by Commissioner Conley to approve Budget Amendment #08-01. All voting "Aye". MOTION PASSED.

24734 APPROVE CHANGE ORDERS FOR THE ADDITION OF WORK THAT IS BEING ADDED TO THE CONTRACT WITH BYRN AND ASSOCIATES FOR THE JUVENILE DETENTION CENTER DRAINAGE IMPROVEMENTS AND CONCRETE PROJECT THAT WAS APPROVED BY COMMISSIONERS COURT [T1-774]

JDC Director Brett Littlejohn gave history of work being done at the Juvenile Detention Center. Special Counsel Mark Kennedy spoke. Jerry Borcharding spoke of inspections by his department. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize an expenditure, not to exceed an additional \$20,400, to be paid out based on final negotiated settlement between Special Counsel and Byrn & Associates for drainage improvements and concrete project at the Juvenile Detention Center. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING RENTAL OF REVERSE OSMOSIS WATER DISPENSERS COUNTYWIDE AND DISCONTINUE SERVICE WITH SPARKLETTES [T1-1042]

Maintenance Supervisor Ron Knott spoke of proposal to take bottled water dispensers out of county buildings and replace with osmosis water. EMC Jeff Turner spoke of problems with loss of supply during an emergency - he encouraged the court to not use this with law enforcement and emergency management. No action taken this date.

24735 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR THE MANAGEMENT OF THE CIVIC CENTER WITH BARRY NELSON FOR UP TO 60 DAYS [T1-1241]

Need to capitalize paragraph regarding INDEMNIFYING CLAUSE. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a contract for the management of the Civic Center with Barry Nelson for up to 60 days and to authorize Barry Nelson to sign contracts on behalf of the county for events held at the Civic Center. All voting "Aye". MOTION PASSED.

24736 AUTHORIZE THE COUNTY JUDGE TO RENEW ROBERT KENNEDY'S CONTRACT FOR THREE MONTHS FOR THE LINKED DEPOSIT PROGRAM [T1-1329]

Grants Administrator Richard Salmon spoke. Special Counsel Mark Kennedy spoke of termination clause and other changes in the contract. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to renew Robert Kennedy's contract for three months at \$7,500 for the Linked Deposit Program with amendments addressed by Special Counsel. All voting "Aye". MOTION PASSED.

24737 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS LOCAL GOVERNMENT CODE, REGARDING PENDING AND/OR CONTEMPLATED LITIGATION IN REFERENCE TO RANCHES AT HAMILTON POOL AND DAMAGE TO HAMILTON CREEK [T1-1517]

The court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:05 a.m. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Special Counsel Mark Kennedy, District Attorney Sherri Tibbe, Jerry Borcharding and Commissioner Ford to interview, negotiate and retain outside counsel for Hays County's potential involvement in litigation involving the Ranches at Hamilton Pool. All voting "Aye". MOTION PASSED.



PRESENTATION BY HOK (HELLMUTH, OBATA + KASSABAUM) REGARDING THE GOVERNMENT OFFICE COMPLEX [T1-1565]

The following people appeared, gave a power point presentation, and answered questions from the court: William Prindle (HOK Sr. VP Managing Principal), Duncan Broyd (HOK Managing Principal), Steven Janeway (HOK Sr. VP Director of Design), Linda Bernauer (HOK Sr. Associate), Greg Allen Barker, Mike Preston (HOK Sr. Associate), and Gregory Strmiska (Bury+Partners Engineering Solutions Principal).

PRESENTATION BY PBS&J AND HKS REGARDING THE GOVERNMENT OFFICE COMPLEX


[T1-3020] The following people appeared, made a presentation and answered questions from the court: Chuck Croslin (PBS&J VP Division Manager), Kevin Bailey (HKS Procurement Options Specialist), John Richardson (HKS Exec. Principal), Larry Miller (PBS&J Project Manager), Dennis Agren (HKS Justice Designer), Patrick Brady (HKS Project Designer), and Alice Painter (Carter Goble Lee Program Spec. & Courts Consultant).


Commissioner Ingalsbe spoke of committee's review and interview with HOK and PBS&J. Special Counsel Mark Kennedy and County Auditor Bill Herzog spoke in favor of HOK. Jerry Borcharding spoke of presentation made to the committee by HOK and PBS&J. No decision was made this date.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 NOVEMBER 6, 2007.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 13, 2007

VOLUME T PAGE 685

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th DAY OF NOVEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

First Baptist Church of Kyle Deacon Mark Jones, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24738 ADOPT A PROCLAMATION DECLARING NOVEMBER AS HOME CARE AND HOSPICE MONTH

Representatives from Central Texas Medical Center spoke regarding home health care and hospice services being provided. Founder of Angels for Elders spoke of services provided. A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation declaring November as "Home Care and Hospice Month". All voting "Aye". MOTION PASSED.

24739 ADOPT A PROCLAMATION DECLARING THE WEEK OF NOVEMBER 11-17, 2007 AS NATIONAL NURSE PRACTITIONER WEEK IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring the week of November 11-17, 2007 as "National Nurse Practitioner Week" in Hays County. All voting "Aye". MOTION PASSED.

24740 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,111,474.31 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24741 APPROVE THE COMMISSIONERS COURT MINUTES OF OCTOBER 30 AND NOVEMBER 6, 2007

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Commissioners Court Minutes of October 30 and November 6, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24742 APPROVE SPECIFICATIONS FOR BID #2008-B04 TWO (2) USED TANDEM AXLE, DIESEL POWERED SEMI WITH FIFTH WHEEL/HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2008-B04 tow (2) used tandem axle diesel powered semi with fifth wheel/Hays County Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24743 APPROVE SPECIFICATIONS FOR BID #2008-B03 LIGHTBARS, HAYS COUNTY SHERIFF POLICE VEHICLES AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2008-B03 Lightbars, Hays County Sheriff Policy Vehicles and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOLUME T PAGE 686

NOVEMBER 13, 2007

24744 APPROVE MAY 2007 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve May 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED.

24745 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$10,512 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM AND TO EXECUTE CONTRACT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to accept \$10,512 Grant from the Office of the Governor, Criminal Justice Division, Juvenile Justice and Delinquency Prevention Program and to execute contract. All voting "Aye". MOTION PASSED.

24746 AUTHORIZE PURCHASE OF NEW CELL PHONE AND CALLING PLAN FOR NEWLY HIRED EMPLOYEES FOR THE JUVENILE PROBATION DEPARTMENT AND JUVENILE CENTER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize purchase of new cell phone and calling plan for newly hired employees for the Juvenile Probation Department and Juvenile Center. All voting "Aye". MOTION PASSED.

24747 APPROVE RAY HELM TO FILL THE PRECINCT 3 DEPUTY CONSTABLE POSITION VACATED BY ELI TURNER

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Ray Helm to fill the Precinct 3 Deputy Constable position vacated by Eli Turner. All voting "Aye". MOTION PASSED.

24748 GRANT A VARIANCE ALLOWING CONSTRUCTION OF A DRIVEWAY CONNECTING COLONY DRIVE AND CRYSTAL HILLS DRIVE WITHIN 100 FEET OF NEAREST DRIVE ON CRYSTAL HILLS DRIVE [T1-174]

RPTP Jerry Borcharding gave staff recommendation for approval of variance request on Crystal Hills Drive. A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a variance allowing construction of a driveway connecting Colony Drive and Crystal Hills Drive within 100 feet of the nearest drive on Crystal Hills Drive. All voting "Aye". MOTION PASSED.

24749 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK SUBDIVISION, PHASE 1, SECTION 3 [T1-193]

RPTP Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond and acceptance of the maintenance bond for two years for Rim Rock Subdivision Phase 1 Section 3. All voting "Aye". MOTION PASSED.

24750 [#07-3-58, 2 LOTS] EVERGREEN ACRES REPLAT OF LOT 8 - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON DECEMBER 4, 2007 [T1-210]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve preliminary plan for "Evergreen Acres Replat of Lot 8" and call for a public hearing on December 4, 2007. All voting "Aye". MOTION PASSED.

24751 [#07-4-61, 5 LOTS] TEJAS RETREAT - APPROVE PRELIMINARY PLAN [T1-220]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Tejas Retreat" subdivision. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #15 RE: [#05-4-11, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 - PUBLIC HEARING, GRANT VARIANCE FOR NOT RESTRICTING LOT 10B TO RAINWATER COLLECTION WITH THE CONDITION THE BUYER OF LOT 10A WILL REPLACE THE CONVENTIONAL SEPTIC WITH A CLASS-I OSSF AND APPROVE OF FINAL PLAT was PULLED.



24752 [#07-4-32, 2 LOTS] **RIVER MOUNTAIN RANCH REVISED LOTS 13A & 14A - WAIVE PUBLIC NOTICE AND PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT**

[T1-237] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. This is a common lot line adjustment between two lots. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to waive public notice and preliminary plan approval and approve the final plat of "River Mountain Ranch Revised Lots 13A & 14A". All voting "Aye". MOTION PASSED.

24753 [#04-4-51, 2 LOTS] **HIDDEN CREEK PHASE 1 REPLAT LOTS 13, 15, & 16 - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON DECEMBER 4, 2007**

[T1-246] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval of preliminary plan. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Hidden Creek Phase 1 Replat of Lots 13, 15 & 16 and call for a public hearing on December 4, 2007. All voting "Aye". MOTION PASSED.

24754 **APPROVE BUDGET AMENDMENT 08-02** [T1-260]

This budget amendment transfers a balance of \$40,000 in Countywide Capital Improvements to FY08 from FY07 for Pcts. 2 & 3 office relocation. And transfers \$30,000 from Edwards Aquifer revenue payment to the LCRA service fee interest rebate expense for Link program. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Budget Amendment #08-02. All voting "Aye". MOTION PASSED.

24755 **AUTHORIZE PURCHASE OF A RADIO TO INSTALL IN THE COUNTY FIRE MARSHAL'S SERVICE VEHICLE** [T1-272]

Fire Marshal Carroll Czichos spoke of need for this radio which was not budgeted and it is recommended that radio be paid out of contingencies. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize purchase of a radio to install in the County Fire Marshal's service vehicle to be paid for out of contingency funds. All voting "Aye". MOTION PASSED.

24756 **APPROVE SUBMISSION OF GRANT APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPT. FOR THE U.S. FISH AND WILDLIFE SERVICE - COOPERATIVE ENDANGERED SPECIES CONSERVATION FUNDS - SECTION 6 GRANT PROGRAM FOR UP TO \$72,000** [T1-363]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve submission of grant application to the Texas Parks & Wildlife Department for the U.S. Fish and Wildlife Service - Cooperative Endangered Species Conservation Funds - Section 6 Grant Program for up to \$72,000 with 25% county match. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED.

24757 **AUTHORIZE THE COUNTY JUDGE TO SUBMIT \$64,700 GRANT APPLICATION TO THE CAPCOG SOLID WASTE & RECYCLING GRANT PROGRAM TO ESTABLISH A 2ND CITIZENS COLLECTION STATION FOR THE COUNTY IN PCT. 2** [T1-744]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a \$64,700 grant application to the CAPCOG Solid Waste & Recycling Grant Program to establish a Citizens Collection Station in the Buda/Kyle area and to provide for a \$5,000 cash match from contingency funds and a land grant match to be determined at a later date. All voting "Aye". MOTION PASSED.

24758 **APPROVE AN ADDITIONAL \$798.57 FOR THE PURCHASE OF A VEHICLE FOR BUILDING MAINTENANCE** [T1-998]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve and additional \$798.57 for the purchase of a vehicle for building maintenance. All voting "Aye". MOTION PASSED.

24759 **ADOPT RESOLUTION REGARDING FM110** [T1-1045]

Commissioner Ingalsbe spoke of action taken by the City of San Marcos. No portion of the loop will be on CR266. Phase 1 is the section from IH35 to SH123. San Marcos Mayor Susan Narvaiz spoke. Resolution assigns all rights and obligations pertaining to FM110 (aka San Marcos Loop) under the Pass-Through Toll Agreement to the City of San Marcos. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt resolution regarding FM110, also known as the San Marcos Loop. All voting "Aye". MOTION PASSED.



24760 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING FM1626 PASS-THROUGH FINANCING PROJECT WITH ZACHARY AMERICAN INFRASTRUCTURE, INC. [T1-1272]

Financial Advisor Counsel Dan Wegmiller spoke of debt service. Steve Klepfer, Chair of the Hays Co Transportation Advisory Board, spoke of special meeting held. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a memorandum of understanding regarding FM1626 Pass-Through Financing Project with Zachary American Infrastructure Inc. All voting "Aye". MOTION PASSED.

24761 AUTHORIZE FIRST SOUTHWEST COMPANY TO BEGIN PROCESS FOR ISSUANCE OF PARK BONDS [T1-2383]

Financial Advisor Dan Wegmiller spoke of options. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize First Southwest Company to begin process for issuance of Parks Bonds. All voting "Aye". MOTION PASSED.

24762 SELECT AN ARCHITECTURAL FIRM TO BEGIN ARCHITECTURAL SERVICES ON THE HAYS COUNTY GOVERNMENT COMPLEX AND AUTHORIZE COMMISSIONER INGALSBE AND STAFF TO NEGOTIATE A CONTRACT [T1-2640]

Commissioner Ingalsbe advised that the building committee recommendation is for selection of HOK. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to select the architectural firm of HOK to begin architectural services on the Hays County Government Complex and authorize Commissioner Ingalsbe and staff to negotiate a contract. Commissioner Ingalsbe and Judge Sumter voting "Aye". Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "No". MOTION FAILED. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to select the architectural firm of PBS&J to begin architectural services on the Hays County Government Complex and authorize Commissioner Ingalsbe and staff to negotiate a contract. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING "LEADERSHIP AND PUBLIC SERVICE" [T1-3171]

Leadership San Marcos Participants were present and members of the court explained their job duties and various projects that are underway in the county. A question and answer period was held.

DISCUSSION REGARDING THE HAYS COUNTY WATER & WASTE WATER AUTHORITY [T2-1106]

Attorney Ed McCarthy provided a brief overview of Texas Water Law; spoke of creation, funding and viability of the Hays County Water Authority; statutory sources of county power relating to water/water quality; intergovernmental cooperation with LCRA, GBRA, and other entities; county water issues; county projects; and water utilities.

24763 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING AND/OR CONTEMPLATED LITIGATION IN REFERENCE TO THE TCEQ APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH ACTION [T2-3137]

The court convened into closed executive session at 5:00 p.m. and reconvened into open meeting at 5:25 p.m. A motion was made by Commissioner Ford, seconded by Commissioner Barton to ratify the retainer of the law firm of Lowerre and Frederick, pursuant to last weeks' motion of the court regarding the Ranches at Hamilton Pool; and to further move that the law firm of Lowerre and Frederick be retained to represent Hays County, in collaboration with Special Counsel, regarding the TCEQ application for a amended permit by WCID #1; and to further move that the budget for Lowerre and Frederick's initial legal services be set at a maximum of \$10,000 until further action of this court. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #24 RE: APPROVE EARMARKING 2 MILLION DOLLARS OF PARK BOND MONEY FOR PROJECTS ON THE EAST SIDE OF IH35 was PULLED.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 NOVEMBER 13, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



NOVEMBER 14, 2007

VOLUME T PAGE 689

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 14th DAY OF NOVEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 DEBBIE GONZALES INGALSBE
 LIZ GONZALEZ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

24764 CANVASS ELECTION RESULTS FOR THE VILLAGE OF WIMBERLEY LOCAL OPTION ELECTION HELD NOVEMBER 6, 2007

Elections Administrator Joyce Cowan presented the results of the Village of Wimberley Local Option Election that was held November 6, 2007. Proposition For or Against "The legal sale of beer and wine for off-premise consumption only" in the Village of Wimberley. There were a total of 771 votes cast as follows: FOR = 565 AGAINST = 206. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to canvass the elections results for the Village of Wimberley Local Option Election held November 6, 2007. All present voting "Aye".

24765 CANVASS ELECTION RESULTS FOR THE CALDWELL HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 1 ELECTION HELD NOVEMBER 6, 2007

Elections Administrator Joyce Cowan presented the results of the Caldwell/Hays County Emergency Services District No. 1 Election that was held November 6, 2007. Proposition: "Confirmation of the creation of Caldwell Hays County Emergency Services District No. 1 and the levy by the district of a tax not to exceed ten (10) cents on the One Hundred Dollars (\$100.00) valuation". There were a total of 68 votes cast as follows: FOR = 45 AGAINST = 23. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to canvass the elections results for the Caldwell Hays County Emergency Services District No. 1 Election held November 6, 2007. All present voting "Aye".

24766 CANVASS ELECTION RESULTS FOR THE CONSTITUTIONAL AMENDMENT ELECTION HELD NOVEMBER 6, 2007

Elections Administrator Joyce Cowan presented the results of the CONSTITUTIONAL AMENDMENT Election that was held November 6, 2007. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to canvass the elections results for the CONSTITUTIONAL AMENDMENT Election held November 6, 2007. All present voting "Aye".

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 NOVEMBER 14, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS

HAYS COUNTY COMMISSIONERS' COURT MINUTES



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NOVEMBER 20, 2007

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF NOVEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Bishop Nathan Curritt, Church of Jesus Christ of Latter Day Saints, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24767 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$452,975.93 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24768 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 13, 2007

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the Commissioners' Court Minutes of November 13, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24769 APPROVE INSTITUTIONAL OSSF PERMIT FOR VANGUARD TRUCK CENTER OF AUSTIN AT 18001 IH 35 NORTH BUDA IN PRECINCT 2

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Institutional OSSF Permit for Vanguard Truck Center of Austin at 18001 IH35 North Buda in Precinct. 2. All voting "Aye". MOTION PASSED.

24770 AUTHORIZE THE COUNTY JUDGE TO REQUEST DE-OBLIGATION OF CJD FUNDED GRANT #DJ-05-A10-18768-01 ENTITLED, COPSYNC INTEROPERABILITY PILOT PROJECT

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to request de-obligation of CJD funded grant #DJ-05-A10-18768-01 entitled "COPSYNC Interoperability Pilot Project. All voting "Aye". MOTION PASSED.

24771 APPROVE JUNE 2007 AND JULY 2007 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve June 2007 and July 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED.

24772 AUTHORIZE THE COUNTY JUDGE TO WITHDRAW GRANT APPLICATION TO CJD ENTITLED, LAW ENFORCEMENT CAPACITY BUILDING PROJECT FOR \$53,685

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to withdraw grant application to CJD Entitled Law Enforcement Capacity Building Project for \$53,685.00. All voting "Aye". MOTION PASSED.

24773 CALL FOR A PUBLIC HEARING ON DECEMBER 4, 2007 TO ESTABLISH SPEED LIMIT OF 25 MPH ON BREED ROAD [T1-41]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on December 4, 2007 to establish speed limit of 25 MPH on Breed Road. All voting "Aye". MOTION PASSED.



24774 [#05-4-11, 2 LOTS, PCT 4] **ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 - PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-49]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation to approval final plat. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Rolling Oaks Section 3 Resubdivision of Lot 10". All voting "Aye". MOTION PASSED.

24775 [#07-3-059, 10 LOTS, PCT 3] **MOUNT OLIVE RANCH SUBDIVISION - APPROVE PRELIMINARY PLAN** [T1-62]

Subdivision Coordinator Sandy Irvin gave staff recommendation to approval preliminary plan. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan of "Mount Olive Ranch Subdivision". All voting "Aye". MOTION PASSED.

24776 [#07-4-55, 2 LOTS, PCT 4] - **BERDOLL SUBDIVISION - APPROVE PRELIMINARY PLAN**

[T1-77] Subdivision Coordinator Sandy Irvin gave staff recommendation to approval final plan. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Berdoll Subdivision". All voting "Aye". MOTION PASSED.

24777 **AUTHORIZE FUNDING TO ALLOW SPECIAL COUNSEL TO ATTEND THE 2007 TEXAS LAW INSTITUTE IN AUSTIN** [T1-92]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize funding, out of contingencies, to allow Special Counsel to attend the 2007 Texas Law Institute in Austin. All voting "Aye". MOTION PASSED.

CONSIDER EARMARKING PARK BOND MONEY FOR PROJECTS ON THE EAST SIDE OF IH35

[T1-152] Judge Sumter spoke of need to earmark funds for east side of IH35 - she suggested at least \$2 million, but not limited to that amount. Commissioner Barton spoke of need to identify potential projects. Discussion was had regarding increasing the amount of \$5 million. A motion was made by Judge Sumter, seconded by Commissioner Ford to earmark Two Million Dollars of Park Bond money for projects on the East side of IH35. Motion was WITHDRAWN.

24778 **DISCUSSION REGARDING ESTABLISHMENT OF GUIDELINES FOR COURT MEMBER INTERACTION WITH VARIOUS CITIZEN COMMITTEES AND ACTION REGARDING MONTHLY REPORTING** [T1-528]

Commissioner Ford spoke of involvement and interaction by members of the court with various citizen committees. Discussion was had regarding the process being followed. A motion was made by Commissioner Conley, seconded by Commissioner Ford to request Richard Salmon and Jerry Borcharding to provide monthly reports to the court regarding their respective committees. All voting "Aye". MOTION PASSED.

24779 **CALL FOR A PUBLIC HEARING ON TAXATION ON PERSONAL PROPERTY IN TRANSIT** [T1-1333]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to call for a public hearing on December 11, 2007 regarding taxation on personal property in transit. All voting "Aye". MOTION PASSED.

24780 **ACTION TO HIRE A CONSULTANT WITH EXPERIENCE IN PARKS AND OPEN SPACE DEVELOPMENT AND/OR LAND ACQUISITION NOT ONLY TO SUPPORT CPAT AND STAFF BUT TO ASSIST IN LEGALLY VETTING PROJECTS FOR THE COURT AND DISCUSSION REGARDING PROCEDURAL GUIDANCE TO CITIZENS PARKS ADVISORY TEAM FOR ACCEPTING, REVIEWING AND RECOMMENDING PROJECTS FOR FUNDING TO THE COMMISSIONERS COURT** [T1-1463]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford and Commissioner Barton to work with the Purchasing Department to develop an RFP for a consultant or consulting team to provide experience and guidance for the CPAT, staff and the court for a fee not to exceed \$25,000.00 for the first year, contingent on bond counsel approval of this use of funds. All voting "Aye". MOTION PASSED. [T1-2386] Discussion was had regarding procedures currently being followed.



24781 ALLOCATE FUNDS TO THE CITIZENS PARKS ADVISORY TEAM (CPAT) FOR EXPENDITURES RELATED TO ADMINISTRATION AND OPERATIONS FOR ONE YEAR [T1-2786]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to allocate \$10,000 to the Citizens Parks Advisory Team (CPAT) for expenditures related to administration and operations out of park bond funds contingent on approval by Bond Counsel or out of contingencies. All voting "Aye". MOTION PASSED.

24782 AUTHORIZE COUNTY JUDGE TO SUBMIT \$8,730 GRANT APPLICATION TO THE LCRA COMMUNITY DEVELOPMENT PARTNERSHIP PROGRAM (CDPP) TO PURCHASE WATER RESCUE EQUIPMENT AND TRAIN 90 PATROL AND TRAFFIC DEPUTIES [T1-3002]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to submit \$8,730 grant application to the LCRA Community Development Partnership Program (CDPP) to purchase water rescue equipment and train 90 patrol and traffic deputies. All voting "Aye". MOTION PASSED.

24783 ADOPT A RESOLUTION IN SUPPORT OF COMMUNICARE HEALTH CENTERS IN THEIR PURSUIT OF FUNDING AND A HAYS COUNTY CONSORTIUM FOR A FEDERALLY QUALIFIED HEALTH CENTER IN HAYS COUNTY [T1-3085]

Bobbie Rider (National Center for farmworker health) and Debra Thompson, CEO for Communicare, spoke. CTMC has offered a location in San Marcos and discussion was had regarding a location in the Kyle area (2 possibilities). [T2-642] A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt resolution in support of Communicare Health Centers in their pursuit of funding, and a Hays County Consortium for a Federal Qualified Health Center (FQHC) in Hays County; with addition of the following paragraph: "further be it resolved that the Hays County Commissioners' Court hereby commits to provide the use of real property on FM150 in Kyle, Texas, or other property to be mutually agreed upon, for use of Communicare Health Centers to operate a FQHC". All voting "Aye". MOTION PASSED.

24784 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A TEXAS WATER DEVELOPMENT BOARD, RESEARCH AND PLANNING FUND GRANT [T2-2156]

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to submit a Texas Water Development Board Research and Planning Fund Grant. All voting "Aye". MOTION PASSED.

EXECUTIVE SESSION PURSUANT TO SECTION 551.072 & 551.071 OF THE TEXAS GOVERNMENT CODE, TO RECEIVE ADVICE FROM COUNSEL AND DISCUSS MATTERS RELATED TO PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IN HAYS COUNTY FOR PARKS, OPEN SPACE AND WATER QUALITY PROTECTION IN HAYS COUNTY [T2-2103]

A powerpoint presentation was given regarding Dahlstrom Ranch on Onion Creek by David Braun (Braun & Associates). Kirk Holland, General Manager for the Barton Springs Edwards Aquifer Conservation District spoke. Joe Berry Geologist/Hydrologist with BSEACD spoke of the features on the property. David Braun spoke of terms for a conservation easement, price and terms for the property and he spoke of public access. George Coffey, Executive Director of the Hill Country Conservancy, spoke. Court convened into closed executive session at 2:30 p.m. and reconvened into open meeting at 4:55 p.m. No action was taken in open court. This will come back to the Commissioners Court on December 4, 2007.

24735 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE, RELATED TO PENDING LITIGATION BETWEEN HAYS COUNTY AND ROSA QUINTANILLA WITH ACTION IN OPEN COURT [T2-2106]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the county Judge to execute a settlement agreement between Hays County and Rosa Quintanilla, agreeing to pay Rosa Quintanilla a total of \$500 to settle her claim against Hays County. Judge Sumter stated that the settlement amount saves the county a lot more in legal fees than the total amount paid and the settlement is not an admission of guilt or wrong doing by the county, any county official, or employees. All voting "Aye". MOTION PASSED.

Court was adjourned.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



NOVEMBER 20, 2007

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I, LINDA C. FRITSCHÉ, 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 NOVEMBER 20, 2007.



Linda C. Fritsche
LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 4th DAY OF DECEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mike Schlimgen, Solid Rock Church, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Carole Belver, Executive Director of Community Action, made public comment regarding their organization and appointment to their board.

24786 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$352,666.44 for 11/27/07 distribution and \$574,167.04 for 12/4/07 distribution as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24787 APPROVE COMMISSIONER COURT MINUTES OF NOVEMBER 14 & 20, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of November 14 & 20, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24788 APPROVE PHOTO ID CARD SYSTEM FOR HAYS COUNTY JUVENILE PROBATION AND DETENTION CENTER

Chief Juvenile Probation Officer Ed Cooper spoke of difference in quotes - to be funded by grant. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Photo ID card system for Hays County Juvenile Probation and Detention Center. All voting "Aye". MOTION PASSED.

24789 AUTHORIZE THE COUNTY JUDGE TO SUBMIT AN EMPG GRANT APPLICATION TO THE OFFICE OF GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR UP TO \$32,701

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to submit an EMPG (Emergency Management Performance Grant) Grant Application to the Office of Governor, Division of Emergency Management for up to \$32,701. All voting "Aye". MOTION PASSED.

24790 APPROVE SERVICE AGREEMENT BETWEEN HAYS COUNTY AND GOVERNMENT RECORDS SERVICES INC. (ACS) FOR COUNTY CLERK RECORDS MANAGEMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve service agreement between Hays County and Government Records Services Inc. (ACS) for County Clerk Records Management. All voting "Aye". MOTION PASSED.

24791 ACKNOWLEDGE RECEIPT OF RESOLUTION ON THE CONVERSION OF THE SOUTH HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 3 INTO "HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 3

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to acknowledge receipt of resolution on the conversion of the South Hays County Emergency Service District No. 3 into "Hays County Emergency Service District No. 3". All voting "Aye". MOTION PASSED.



24792 APPROVE SPECIFICATIONS FOR BID #2008-B05 FOR "TRACTOR AND SIDE MOUNT MOWER FOR ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE"

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B05 for "Tractor and Side Mount Mower for Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24793 APPROVE RENEWAL OF ANNUAL BID FOR A/C AND HEATING SERVICES COUNTYWIDE WITH AVATT SERVICES INC. FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of annual bid for A/C and Heating Services Countywide with Avatt Services Inc. for one additional year as provided for in original bid. All voting "Aye". MOTION PASSED.

24794 APPROVE AUGUST 2007 AND SEPTEMBER 2007 TREASURER'S REPORT AND INVESTMENT REPORTS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve August 2007 and September 2007 Treasurer's Report and Investment Reports. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item # 4 RE: APPROVE SPECIFICATIONS FOR RFQ #2008-P05 "PLANNING SERVICES FOR HAYS COUNTY PLAN FOR GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITY PRESERVATION" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE was PULLED. Need to change submission date to January 11, 2007 and need to add public outreach to scope of work.

24795 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR REGIONAL WATER SUPPLY AND WASTEWATER FACILITIES PLANNING GRANT [T1-444]

Grants Administrator Richard Salmon spoke of funding options. Discussion was had regarding funding \$75,000 from contingencies or LCRA Service Fee Fund and pursue commitments from other entities (partnerships). A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to submit a grant application to the Texas Water Development Board for Regional Water Supply and Wastewater Facilities Planning Grant with a \$75,000 commitment from LCRA Service Fee Fund. All voting "Aye". MOTION PASSED.

24796 APPROVE SPECIFICATIONS FOR RFQ #2008-P03 FOR "THE DEVELOPMENT OF CONTEXT SENSITIVE DESIGN/CONTEXT SENSITIVE SOLUTIONS (CSD/CSS) GUIDELINES" FOR HAYS COUNTY AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T1-618]

Discussed deadline for submittal of December 19, 2007. A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve specifications for RFQ #2008-P03 for "The Development of Context Sensitive Design/Context Sensitive Solutions (CSD/CSS) Guidelines" for Hays County and authorize Purchasing to solicit for Proposals and advertise with deadline for submission being December 21, 2007 at 2:00 pm. All voting "Aye". MOTION PASSED.

24797 CALL FOR A PUBLIC HEARING ON DECEMBER 18, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON MT. OLIVE SCHOOL ROAD/CR 245 [T1-898]

The recommended speed limit is 25 MPH. A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on December 18, 2007 to establish traffic regulations on Mt. Olive School Road (CR245). All voting "Aye". MOTION PASSED.

24798 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT OF 25 MPH) ON BREED ROAD [T1-911]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulation of 25MPH speed limit on Breed Road. All voting "Aye". MOTION PASSED.



24799 CALL FOR A PUBLIC HEARING ON DECEMBER 18, 2007 TO ESTABLISH TRAFFIC REGULATIONS ON PORTER CREEK COURT [T1-922]

Recommendation is to establish a STOP sign on Porter Creek Court at its intersection with Cotton Gin Road (CR129). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to call for a public hearing on December 18, 2007 to establish traffic regulations on Porter Creek Court. All voting "Aye". MOTION PASSED.

24800 [#05-4-87 (PCT 4), 74 LOTS] BELTERRA PHASE 4 SECTION 18 - APPROVE FINAL PLAT & ACCEPT CONSTRUCTION FISCAL SURETY [T1-938]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat and accept construction fiscal surety for "Belterra Phase 4 Section 18". All voting "Aye". MOTION PASSED.

24801 [#07-4-55 (PCT 4) 2 LOTS] BERDOLL SUBDIVISION - APPROVE FINAL PLAT [T1-977]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Berdoll Subdivision" with addition of plat note for DS signatures. All voting "Aye". MOTION PASSED.

24802 [#07-4-49 (PCT 4) 2 LOTS] WILDWOOD REPLAT LOTS 10 & 12 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-989]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. The common lot line is being adjusted. A motion was made by Commissioner Ford, seconded by Commissioner Barton to waive preliminary plan approval and approve final plat of "Wildwood Replat of Lots 10 & 12". All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #19 RE: [#07-4-56 (PCT 4) 2 LOTS] RIM ROCK PHASE 1 REPLAT LOTS 3 & 4 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT was PULLED.

24803 [#07-3-58 (PCT 3) 2 LOTS] EVERGREEN ACRES REPLAT LOT 8 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1000]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve final plat of "Evergreen Acres Replat of Lot 8". All voting "Aye". MOTION PASSED.

24804 [#07-4-51 (PCT 4) 2 LOTS] HIDDEN CREEK PHASE 1 REPLAT LOTS 13, 15 & 16 - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1015]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Hidden Creek Phase 1 Replat of Lots 13, 15 & 16". All voting "Aye". MOTION PASSED.

24805 [#07-4-61 (PCT 4) 5 LOTS] TEJAS RETREAT - APPROVE FINAL PLAT [T1-1034]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Tejas Retreat". All voting "Aye". MOTION PASSED.

24806 [#07-4-042 (PCT 4) 96 LOTS] BELTERRA PHASE 5 SECTION 10 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-1053]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat and accept construction fiscal surety for "Belterra Phase 5 Section 10". All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #24 RE: [#07-4-57 (PCT 4) 1 LOT] BELTERRA PHASE 2 SECTION 9A - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT was PULLED



24807 AUTHORIZE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT WITH SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 4 FOR COLLECTION OF PROPERTY TAXES [T1-1254]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to sign an interlocal agreement with Sunfield Municipal Utility District No. 4 for collection of property taxes. All voting "Aye". MOTION PASSED.

24808 AUTHORIZE THE NAME CHANGE OF THE "SLAVE CEMETERY" TO THE "KYLE FAMILY PIONEER CEMETERY" [T1-1287]

Ollie Giles requested that the court authorize the name change of the slave cemetery to the Kyle Family Pioneer Cemetery. Winton Porterfield spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the name change of the "Slave Cemetery" to the "Kyle Family Pioneer Cemetery". All voting "Aye". MOTION PASSED.

24809 AUTHORIZE THE COUNTY JUDGE TO TRANSFER OWNERSHIP OF A DECOMMISSIONED VEHICLE TO THE CHISHOLM TRAIL FIRE DEPARTMENT

[T1-1645] Special Counsel Mark Kennedy spoke of disposition of surplus property [LGC 263.152(4)]. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to transfer ownership of a decommissioned vehicle to the Chisholm Trail Fire Department pursuant to Local Government Code 263.152(4). All voting "Aye". MOTION PASSED. It was later noted that Abel Velasquez (Human Resources Dept.) will be the person signing over the title to the vehicle.

24810 APPROVE TEMPORARY INCREASE IN STAFF SIZE OF THE BUILDING MAINTENANCE DEPARTMENT WITH A 4 TO 5 MONTH TEMPORARY HIRE [T1-1782]

Maintenance Supervisor Ron Knott explained his request for temporary staff and increase time for custodial position. Court postponed action on converting a 40% custodial position to a full time position. More research is needed. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve a temporary increase in staff size of the Building Maintenance Department with a 4-5 month temporary hire. All voting "Aye". MOTION PASSED.

24811 WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY [T1-2249]

Habitat for Humanity is building its eleventh home in the Wimberley area and have requested waiver of septic fees. A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive development fees for the Wimberley Valley Habitat for Humanity house being built in Woodcreek at the corner of Lone Star Trail and Presidio in Eagle Rock Ranchitos. All voting "Aye". MOTION PASSED.

24812 APPOINT A GROUP TO DEVELOP A POLICY FOR RETURNING SUBDIVISION FEES AND ACTION TO REFUND FEES TO LONE STAR VALLEY [T1-2275]

Discussion was had regarding refund request by Lone Star Valley. The fee that was paid is over \$44,000 on submission of the plans and review, but a preliminary plan has not been put forth for consideration by the court. Some review was performed by county staff and that expense would not exceed \$1,000. A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint a small group to develop a policy for returning subdivision fees, consisting of Subdivision Coordinator Sandy Irvin, Special Counsel Mark Kennedy, County Auditor Bill Herzog and County Judge Liz Sumter; and to refund to Lone Star Valley the subdivision fees paid less an amount not to exceed \$1,000 for county expenses. All voting "Aye". MOTION PASSED.

24813 NOMINATE COMMISSIONER DEBBIE GONZALES INGALSBE TO THE POLICY COMMITTEE OF THE TEXAS CONFERENCE OF URBAN COUNTIES [T1-2639]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to nominate Commissioner Debbie Gonzalez Ingalsbe to the policy committee of the Texas Conference of Urban Counties. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING ACCEPTANCE OF SETTLEMENT, COVENANT TO REMEDIATE, AND RELEASE OF ALL SETTLED CLAIMS, AS IT RELATES TO THE DAMAGE TO THE ROOFTOP OF THE HAYS COUNTY SHERIFF'S OFFICE [T1-2667]

Special Counsel Mark Kennedy spoke of terms and amount of settlement under a class action claim. To be placed back on the agenda Dec. 18th.



24814 APPROVE BUDGET AMENDMENT 08-03 [T1-3158]

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Budget Amendment #08-03. All voting "Aye". MOTION PASSED.

24815 ADOPT A POLICY REGARDING COUNTY PARK PROJECTS [T1-3278]

Discussion was had regarding setting a limit on dollar amount for each project and county owning park property. [T2-273] A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt a policy which states Hays County Commissioners Court interest and intention to expand our parks program to include ownership as the court believes is in the interest of the citizens of Hays County and is deemed feasible by the court. All voting "Aye". MOTION PASSED.

LCRA WATER QUALITY ORDINANCE PRESENTED BY TOM HEGEMEIER [T2-337]

LCRA Water Management Manager Tom Hegemeier provided copies of the Highland Lakes Watershed Ordinance Regulations Handbook. He explained the process and spoke of the county adopting the LCRA ordinance.

24816 AUTHORIZE STAFF TO DEVELOP TERMS AND CONDITIONS OF A PROSPECTIVE AGREEMENT WITH THE OWNERS OF DAHLSTROM RANCH FOR A PARKS BOND PROJECT, THE CONSIDERATION OF WHICH SHALL BE CONTINGENT UPON A RECOMMENDATION FROM CPAT THAT COMMISSIONERS COURT GO FORWARD WITH USE OF PARKS BOND FUNDS FOR THE DAHLSTROM RANCH PROPOSAL [T2-1035]

Commissioner Barton provided a summary for this item and he spoke of offer being made, deadline for decision by the court, and features on the property. Note: A presentation was given to the court on November 13, 2007 and an executive session was held. [T2-1762] A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Commissioner Barton, Special Counsel Mark Kennedy, Grants Director Richard Salmon, Parks Director Jerry Pinnix, and designee from the Resource Protection and Transportation Planning Dept. to develop terms and conditions of a prospective agreement (letter of interest) with the owners of Dahlstrom Ranch for a Parks Bond Project; the consideration of which shall be contingent upon a recommendation from CPAT that Commissioners Court go forward with use of Parks Bond Funds for the Dahlstrom Ranch Proposal. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No" MOTION PASSED.

Commissioner Barton left the meeting at this time.

24817 ADOPT A RESOLUTION CASTING VOTES FOR THE HAYS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS [T1-1072] [T2-1847]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a resolution casting votes for the Hays County Appraisal District Board of Directors as follows: Luanne Caraway = 850 votes Dave Williams = 282 votes Daniel Guerrero = 314 votes. All present voting "Aye". MOTION PASSED.

GOAL SETTING TRAINING AND DEPARTMENT HEAD MEETING

Dr. James Bell, Professor of Management and Entrepreneurship at the McCoy College of Business, Texas State University, presented a developmental workshop to Hays County Department Heads. Maintenance Supervisor Ron Knott spoke of proposal for new water vendor (refreshH20). Judge Sumter spoke of process to be followed to get an item on the Commissioners' Court agenda and need for volunteers to help in an event to be held March 2008 for the county's 160th anniversary.

24818 EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO WITH ACTION IN OPEN COURT [T3-1129]

The court convened into closed executive session at 5:30 p.m. and reconvened into open meeting at 5:35 p.m. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize Special Counsel and/or outside counsel to sign the defense agreement and any other administrative or procedural agreement or necessary filing. All present voting "Aye". MOTION PASSED.



Clerk's Note: Agenda Item # 40 RE: EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING ADVERSARY NO. 07-1061 FM, CURRENTLY PENDING IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS AND STYLED JOHN MINING VS. THE STATE OF TEXAS was PULLED.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 DECEMBER 4, 2007.



Linda C. Fritsche

LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11th DAY OF DECEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE BEING ABSENT, AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor David Slyter, Wimberley Presbyterian Church, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Powell Peters made public comment in opposition to a gun law. Gary Conner made public comment in opposition to the proposed gun ordinance.

Clerk's Note: Agenda Item #1 RE: PRESENTATION FROM THE HTGCD was PULLED.

24819 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$1,965,967.32 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

24820 APPROVE COMMISSIONER COURT MINUTES OF DECEMBER 4, 2007

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Commissioners' Court Minutes of December 4, 2007 as presented by the County Clerk. All present voting "Aye". MOTION PASSED.

24821 APPROVE AWARD OF BID #2008-B03 LIGHT BARS FOR SHERIFF'S POLICE VEHICLES TO SIDDONS FIRE APPARATUS

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve award of Bid #2008-B03 Light-bars for Sheriff's Police vehicles to Siddons Fire Apparatus. All present voting "Aye". MOTION PASSED.

24822 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL PARTICIPATION AGREEMENT WITH TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL (TAC RMP)

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute an interlocal participation agreement with Texas Association of Counties Risk Management Pool (TAC RMP). All present voting "Aye". MOTION PASSED.

24323 APPROVE EXTENSION OF CONTRACT WITH PBS&J TO JUNE 30, 2008 FOR PROFESSIONAL SERVICES RELATING TO THE ENVIRONMENTAL ASSESSMENT DOCUMENT IN SUPPORT OF A FINDING OF NO SIGNIFICANT IMPACT (FONS) FOR RM 110

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve extension of contract with PBS&J to June 30, 2008 for professional services relating to the Environmental Assessment Document in support of a finding of no significant impact (FONS) for RM 110. All present voting "Aye". MOTION PASSED.



24824 APPROVE SPECIFICATIONS FOR RFQ #2008-P05 "PLANNING SERVICES FOR HAYS COUNTY PLAN FOR GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITY PRESERVATION" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Commissioner Barton voiced his concerns and asked that this item be postponed. Court agreed to strike Item #5 under submission requirements and add "public safety" to Exhibit C - key playing issues. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve specifications for RFQ #2008-P05 "planning services for Hays County plan for growth, economic development and community preservation" and authorize Purchasing to solicit for proposal and advertise with deletion of item #5 under Submission Requirements and adding "public safety" to Exhibit C - Key Playing issues. All present voting "Aye". MOTION PASSED.

24825 APPROVE "INVITATION TO BID" FOR RFP #2008-P04 GENERAL CONTRACTOR FOR CONSTRUCTION OF HAYS COUNTY PRECINCT 4 OFFICE BUILDING AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve "Invitation to Bid" for RFP #2008-P04 General Contractor for construction of Hays County Precinct 4 office building and authorize Purchasing to solicit for proposal and advertise. All present voting "Aye". MOTION PASSED.

24826 DELEGATE AUTHORITY AND RATIFY ANY PRIOR APPROVALS OF DONATIONS OF SURPLUS ROAD BUILDING MATERIALS INTO COUNTY INVENTORY FROM TXDOT TO THE DIRECTOR OF THE RESOURCE PROTECTION, TRANSPORTATION AND PLANNING DEPARTMENT [T1-638]

Special Counsel Mark Kennedy advised that the ratification also applies to former Road Director. Commissioner Conley was not present for this item. A motion was made by Judge Sumter, seconded by Commissioner Ford to delegate authority and ratify any prior approvals of donations of surplus road building materials into county inventory from TXDOT to the Director of Resource Protection, Transportation and Planning Department. All present voting "Aye". MOTION PASSED.

24827 CALL FOR A PUBLIC HEARING ON JANUARY 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION, PHASE 1 SECTION 3 [T1-656]

Proposed regulations: STOP sign on Bonnett Meadow Cove at Hawthorne Loop, STOP sign on Running Brook Cove at Hawthorne Loop, STOP sign on Split Cedar Cove at Hawthorne Loop, speed limit of 35MPH on Hawthorne Loop and a speed limit of 25MPH on Bonnett Meadow Cove, Running Brook Cove, and Split Cedar Cove. A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on January 8, 2008 to establish traffic regulations in Rim Rock Subdivision Phase 1 Section 3. All present voting "Aye". MOTION PASSED.

24828 CALL FOR A PUBLIC HEARING ON JANUARY 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN WOODBROOK SUBDIVISION PHASES 1 & 2 [T1-667]

Proposed regulations: STOP sign on Woodbrook Cove at Woodbrook Drive and speed limit of 25 MPH in the subdivision. A motion was made by Commissioner Barton, seconded by Commissioner Conley to call for a public hearing on January 8, 2008 to establish traffic regulations in Woodbrook Subdivision Phases 1 & 2. All present voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #12 RE: [#07-3-43 - PCT 3 - 2 LOTS] OAKWOOD HILLS RESUBDIVISION OF LOT 8 - APPROVE FINAL PLAT was PULLED

24829 [#07-4-57 - PCT 4 - 1 LOT] BELTERRA PHASE 2 SECTION 9A REPLAT OF LOT 1 BLOCK E - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-686]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan approval and approve final plat of "Belterra Phase 2, Section 9A Replat of Lot 1 Block E". All present voting "Aye". MOTION PASSED.

24830 [#07-4-54 - PCT 4 - 3 LOTS] TOM DYE NO 1 SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-698]

Bryan Franklin spoke in support of this property division. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Tom Dye No. 1 Subdivision". All present voting "Aye". MOTION PASSED.



24831 [#07-4-56 - PCT 4 - 2 LOTS] **RIM ROCK PHASE 1 SECTION 1 REPLAT OF LOTS 3 & 4 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT** [T1-748]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to waive preliminary plan approval and approve final plat of "Rim Rock Phase 2 Section 1 Replat of Lots 3 & 4". All present voting "Aye". MOTION PASSED.

24832 **APPROVE AND CONFIRM THE APPOINTMENT OF MARCUS A. GONZALES AS DEPUTY CONSTABLE FOR HAYS COUNTY CONSTABLE PCT 1 LUPE CRUZ EFFECTIVE DECEMBER 17, 2007** [T1-760]

Constable Pct. 1 Lupe Cruz requested approval from the court to appoint Marcus A. Gonzales as Deputy for Constable Pct. 1. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve and confirm the appointment of Marcus A. Gonzales as Deputy Constable for Hays County Constable Precinct 1 Lupe Cruz effective December 17, 2007. All present voting "Aye". MOTION PASSED.

24833 **APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF HAYS COUNTY, TEXAS LIMITED TAX BONDS SERIES 2007; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE** [T1-790]

Financial Advisor Dan Wegmiller presented a final pricing summary for \$10,000,000 Limited Tax Bonds, Series 2007. Recommends accepting bid of J.P. Morgan Chase Bank at 3.813% [T1-1120] A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve an Order Authorizing the Issuance of Hays County, Texas Limited Tax Bonds Series 2007; levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; authorizing the execution of a payment agent/registrar agreement and a purchase and investment letter; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; and providing an effective date. All present voting "Aye". MOTION PASSED.

24834 **APPOINT SANDY IRVIN TO THE SAN MARCOS MAIN STREET PROGRAM BOARD**

[T1-931] A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Sandy Irvin to the San Marcos Main Street Program Board. All present voting "Aye". MOTION PASSED.

24835 **NOMINATE COMMISSIONER DEBBIE INGALSBE TO COMMUNICARE HEALTH CENTERS BOARD** [T1-944]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to nominate Commissioner Debbie Ingalsbe to the Communicare Health Centers Board. All present voting "Aye". MOTION PASSED.

24836 **INCREASE BOND PROGRAM WORK ORDERS (WA#6- ENVIRONMENTAL SERVICES AND WA#23 - CONSTRUCTION PHASE SERVICES)** [T1-978]

RE: Sawyer Ranch Road Bond Project. Additional funds were expended after a storm event washed prime oil into Sawyer Ranch subdivision and to resolve unforeseen issues regarding driveway placement and unexpected drainage concerns. A motion was made by Judge Sumter, seconded by Commissioner Barton to increase Bond Program Work Orders WA#6 (Environmental Services) and WA#23 (Construction Phase Services) in the amount of \$30,579.00. All present voting "Aye". MOTION PASSED.

24837 **APPROVE BUDGET AMENDMENT 08-04** [T1-1174]

Amendment #08-04 is to budget new grant [US Marshal/Lone Star Fugitive Task Force Grant] for overtime up to \$15,572. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Budget Amendment #08-04 as presented by the County Auditor. All present voting "Aye". MOTION PASSED.

DISCUSSION REGARDING DETERMINING THOSE ORGANIZATIONS FROM WHICH THE COURT WISHES TO PURCHASE MEMBERSHIPS [T1-1186]

A list of possible organizations was presented. No action was taken at this time.



24838 AUTHORIZE THE COUNTY TREASURER TO PURCHASE A REPLACEMENT SHREDDER [T1-1310]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Treasurer to purchase a replacement shredder using funds out of countywide operating budget line item 01-414-5711 NTE \$1500. All present voting "Aye". MOTION PASSED.

24839 PUBLIC HEARING ON TAXATION ON PERSONAL PROPERTY IN TRANSIT AND ADOPT A RESOLUTION INDICATING THE SAME [T1-1365]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Special Counsel Mark Kennedy spoke of HB621. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt a Resolution to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code Section 11.253. All present voting "Aye". MOTION PASSED.

24840 APPROVE PAYMENT OF AN INVOICE FOR THE JUVENILE DETENTION CENTER FOR WHICH A PURCHASE ORDER WAS NOT OBTAINED [T1-1440]

Invoice being considered is from Miller Uniforms & Emblems Inc. = \$1,841.63. Requested payment out of line item #17-473-5234. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve payment of an invoice for the Juvenile Detention Center for which a purchase order was not obtained. All present voting "Aye". MOTION PASSED.

24841 AWARD PARK BOND FUNDS TO THE CITY OF DRIPPING SPRINGS TO PUT TOWARD THE PURCHASE OF A NEW PARK PROPERTY FOR THE CITY [T1-1493]

Dripping Springs Mayor Todd Purcell spoke of new park property. [T1-2119] A motion was made by Commissioner Ford, seconded by Commissioner Conley to award Park Bond Funds in the amount of \$775,000 to the City of Dripping Springs to put toward the purchase of a new park property for the City conditioned on a term of commitment for one year, ending on December 11, 2009; City must commit to improvements and maintenance of park; the property purchased must remain parkland in perpetuity; City must acquire matching funds equal to county award; County Auditor will verify all matching funds; and to use the funds solely for the purposes for which they are provided and in the event of loss or misuse, county bond funds will be returned in full. All present voting "Aye". MOTION PASSED.

EXECUTIVE SESSION PURSUANT TO §551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING ADVERSARY NO 07-1061FM, CURRENTLY PENDING IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS AND STYLED JOHN MINING VS. THE STATE OF TEXAS [T1-2250]

Court convened into closed executive session at 11:25 a.m. and convened into open meeting at 11:35 a.m. No action was taken.

WORKSHOP - TRUST FOR PUBLIC LAND [T1-2310]

A powerpoint presentation was given regarding "The Trust for Public Land" (TPL). TPL helps communities define conservation priorities, identify lands to be protected, and plan networks of conserved land that meet public need. TPL helps structure, negotiate, and complete land transactions that create parks, playgrounds, and protect natural areas.

JAIL SURVEY PRESENTATION BY BURNS ARCHITECTURE, INC., KENNETH BURNS [T2-150]

Kenneth Burns (Burns Architecture, Inc.) spoke of options, conceptual budget, and construction examples for the Hays County Jail expansion. He advised that there is room to expand the current facility and he provided several options [#1= 588 beds #2 = 784 beds]. Estimated project budgets for Option #1 = \$39,600,000; Option #2 = \$54,400,000 (does not include separation cells). The current jail has 362 beds.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 DECEMBER 11, 2007.



LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18th DAY OF DECEMBER A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Tim Darnell, San Marcos Hill Country Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION FROM COMMISSIONER BARTON REGARDING THE PROPOSED DAHLSTROM RANCH CONSERVATION EASEMENT PROJECT AND THE COUNTY'S PARK AND OPEN SPACE BONDS

David Wilson, Lila Knight, and Charles O'Dell made public comment. Commissioner Barton gave an update on review by CPAT (Citizens Park Advisory Team). He will bring this back to the court and CPAT early next year.

PRESENTATION FROM THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT [T1-290]

Andrew Backus, HTGCD Board President, gave a powerpoint presentation regarding the Hays Trinity Groundwater Conservation District.

24842 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$ 514,618.62 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24843 APPROVE COMMISSIONERS' COURT MINUTES OF DECEMBER 11, 2007

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Commissioners' Court Minutes of December 11, 2007. All voting "Aye". MOTION PASSED.

24844 AUTHORIZE TRANSFER OF 1996 GMC (IGC3C19MXTE233805) TRUCK FROM THE SHERIFF'S DEPARTMENT TO THE MAINTENANCE DEPARTMENT AND SCHEDULE A 1999 FORD (1FTZX1726XKB66859) FOR AUCTION

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize transfer of 1996 GMC (IGC3C19MXTE233805) truck from the Sheriff's Department to the Maintenance Department and schedule a 1999 Ford (1FTZX1726XKB66859) for auction. All voting "Aye". MOTION PASSED.

24845 APPROVE AWARD OF RFP#2008-P02 "SCANNING & INDEXING" FOR THE COUNTY CLERK'S OFFICE TO ASC (GOVERNMENT RECORDS SERVICES) AND AUTHORIZE THE COUNTY CLERK TO NEGOTIATE A CONTRACT

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve award of RFP#2008-P02 "Scanning & Indexing" for the County Clerk's office to ASC (Government Records Services) and authorize the County Clerk to negotiate a contract. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda item #7 RE: APPROVE INSTITUTIONAL OSSF PERMIT FOR LESLIE A. RUNKLE FOR A 7 ROOM BED & BREAKFAST LOCATED AT 10401 SIGNAL HILL ROAD IN PRECINCT 4 was PULLED. This development is located within the Austin ETJ and action is being postponed until it has been through their process.



- 24846 AUTHORIZE THE COUNTY JUDGE TO RENEW THE AMENDED BIOTERRORISM PANDEMIC FLU CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$165,630**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to renew the amended Bioterrorism Pandemic Flu Contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$165,630. All voting "Aye". MOTION PASSED.

- 24847 AUTHORIZE TRANSFER OF 1999 FORD, VIN#1FTRX1727XKA49214, PICKUP TRUCK WITH 172,968 MILES FROM THE SHERIFF'S DEPARTMENT TO THE HAYS COUNTY TRANSFER STATION/PARKS DEPARTMENT AND SCHEDULE A 1992 CHEVROLET PICKUP, VIN #2GCEC19Z1P1219651, WITH 219,651 MILES FOR AUCTION**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize transfer of 1999 Ford (Vin#1FTRX1727XKA49214) pickup truck with 172,968 miles from the Sheriff's Department to the Hays County Transfer Station/Parks Department and schedule a 1992 Chevrolet pickup (Vin#2GCEC19Z1P1219651) with 219,651 miles for auction. All voting "Aye". MOTION PASSED.

- 24848 APPOINT COMMISSIONER WILL CONLEY, MARK KENNEDY, RICHARD SALMON, AND GARY AMAON TO A PRECINCT 3 COMMITTEE TO WORK ON BEST COUNTY OPTIONS REGARDING THE JACOBS WELL PROJECT AND PRESENT TO COURT AT A LATER DATE**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to appoint Commissioner Will Conley, Mark Kennedy, Richard Salmon and Gary Amaon to a Precinct 3 committee to work on best county options regarding the Jacobs Well Project and present to court at a later date. All voting "Aye". MOTION PASSED.

- 24849 APPROVE RESOLUTION RELATED TO THE COUNTY GRANT APPLICATION, SUBMITTED TO THE CAPCOG SOLID WASTE & RECYCLING GRANT PROGRAM, TO SET UP A 3RD RECYCLING CENTER IN PRECINCT 2**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve resolution related to the County grant application, submitted to the CAPCOG Solid Waste & Recycling Grant Program, to set up a 3rd Recycling Center in Precinct 2. All voting "Aye". MOTION PASSED.

- 24850 ACCEPT DONATED COMPUTERS AND PRINTERS FROM THE STATE OF TEXAS OFFICE OF COURT ADMINISTRATION**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to accept donated computers and printers from the State of Texas Office of Court Administration. All voting "Aye". MOTION PASSED.

- 24851 APPROVE AWARD OF BID #2008-B04 "TWO USED TANDEM AXEL DIESEL POWERED SEMI-TRACTORS W/FIFTH WHEEL" TO ARROW TRUCK SALES IN THE AMOUNT OF \$109,000**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve award of Bid #2008-B04 "Two used tandem axel diesel powered semi-tractors w/fifth wheel" to arrow truck sales in the amount of \$109,000. All voting "Aye". MOTION PASSED.

- 24852 APPROVE UTILITY PERMITS #01926 & 01927**

A motion was made by Commissioner Barton, seconded by Commissioner Conley to approve Utility Permit #01926 on Hays Country Acres Road issued to Verizon and #01927 on Fitzhugh Road (CR104) issued to Pedernales Electric Coop. Inc. as submitted by the Road Department. All voting "Aye". MOTION PASSED.

PUBLIC COMMENT

[T1-839] Dianne Wassenich made public comment regarding parks bond funds. Abbe DeLozier made public comment regarding agenda item #7 (Institutional OSSF Permit for Leslie Runkle) which was pulled from the agenda.



24853 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MT. OLIVE SCHOOL ROAD (CR245) [T1-960]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for establishing a speed limit of 25MPH. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to establish traffic regulations of 25 MPH speed limit on Mt. Olive School Road (CR245). All voting "Aye". MOTION PASSED.

24854 ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN THE R-O-W OF AUTUMN LANE [T1-972]

RPTP Director Jerry Borcharding spoke of request by citizens to have this road taken into the county maintenance system. He spoke of condition of the road and variances to be considered. A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept for maintenance all road and drainage improvements within the right-of-way of Autumn Lane. All voting "Aye". MOTION PASSED.

24855 [#06-4-55, 4 LOTS] AUTHORIZE THE FILING OF THE RECORD PLAT FOR "MARTIN VIEW" SUBDIVISION [T1-1028]

Subdivision Coordinator Sandy Irvin advised that final plat approval was October 31, 2006 and the plat was not recorded within 12 months of that approval, therefore, authorization is required by the Commissioners' Court. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize filing of the record plat for "Martin View" subdivision. All voting "Aye". MOTION PASSED.

24856 [#07-3-69, 2 LOTS] BURNETT RANCH REPLAT OF LOTS 214-216 SECTION 2 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-1044]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. Three lots are being reconfigured into two lots which allows for waving the preliminary plan. A motion was made by Commissioner Conley, seconded by Commissioner Ford to waive preliminary plan approval and approve final plat of "Burnett Ranch Replat of Lots 214-216 Section 2". All voting "Aye". MOTION PASSED.

24857 [#07-4-54, 3 LOTS] TOM DYE NO. 1 SUBDIVISION - APPROVE FINAL PLAT [T1-1055]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Tom Dye No. 1" subdivision. All voting "Aye". MOTION PASSED.

24858 [#05-4-87, 88 LOTS] BELTERRA PHASE 4 SECTION 14 - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-1077]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. Commissioner Ford spoke of pending TCEQ permit for water/wastewater. Special Counsel Mark Kennedy spoke of plat notes that address these issues. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of "Belterra Phase 4 Section 14" and accept construction fiscal surety. All voting "Aye". MOTION PASSED.

24859 [#05-4-87, 124 LOTS] BELTERRA PHASE 4 SECTION 12A - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-1223]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat of "Belterra Phase 4 Section 12A" and accept construction fiscal surety. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING POSSIBLE ALLOCATION OF \$1,158,000 IN PARK BOND FUNDS TO THE CITY OF SAN MARCOS FOR THE CFPO PARK PROJECT [T1-1247]

San Marcos Police Officer Frank Calabrese gave history of CFPO youth athletics program and need for a new location. Commissioner Conley spoke in support of this project. Penny Dunn (San Marcos Police Dept.) spoke in support of the CFPO Park Project. San Marcos Mayor Susan Narvaiz advised that this is not a city project and she spoke in support of this project. Charles O'Dell (President of Hays CAN) spoke of this project. Andrew Spiels spoke in support of this project. Commissioner Ingalsbe spoke in support of this project and the number of children that are served throughout the county. Commissioner Barton spoke of this being a community wide park project. This project is to be submitted to the County Parks Advisory Team for consideration.



24860 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT BETWEEN HAYS COUNTY AND SETON AND SCC DEVELOPMENT [T1-1760]

A powerpoint presentation was given regarding development occurring east of IH35 in the Kyle area where the Seton hospital facility will be located. Target date for opening of the hospital is January 2010. Commissioner Ingalsbe spoke of previous court action regarding this project and terms of the agreement. Discussion was had regarding improvements to be made to Dacy Lane. Special Counsel Mark Kennedy spoke of minor adjustments made to the agreement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute the final draft of the Economic Development Incentives Agreement between Hays County, Seton and SCC Development. All voting "Aye". MOTION PASSED.

24861 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION FOR UP TO \$40,000 TO THE OFFICE OF GOVERNOR - CRIMINAL JUSTICE DIVISION - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM [T1-2441]

Grants Administrator Richard Salmon explained the grant. Equipment to be purchased with grant is a video recording system for the Sheriff's Department interview rooms. A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to submit grant application for up to \$40,000 to the Office of Governor - Criminal Justice Division - Discretionary Justice Assistance Grant Program. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING THE PASS THROUGH TOLL AGREEMENT INCLUDING BUT NOT LIMITED TO FM1626, LOOP 110, RR12, SH290, AND SH21 [T1-2484]

Diana Wood, Umland City Administrator, spoke of State Highway 21. Charles O'Dell, President of Hays CAN, spoke. Commissioner Barton gave an update regarding the pass through toll agreement. Judge Sumter spoke of funding options. Discussion was had regarding TxDot meetings and possible bond election in May 2008.

24862 APPROVE PURCHASE OF DATA PROCESSING EQUIPMENT FOR RESOURCE PROTECTION AND TRANSPORTATION PLANNING DEPARTMENT (ENVIRONMENTAL HEALTH DEPT) [T1-3400]

Janice Weber, RTP Infrastructure Coordinator, spoke of current computer equipment being slow. Request is being made for 14 computers, warranty, speakers = \$900, 14 office software = \$240 each, 8 flat monitors = \$225 each, and 2 non-network printers = \$275 each for a total of \$18,310.00. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve purchase of data processing equipment for Resource Protection and Transportation Planning Department (Environmental Health Department) in the amount of \$18,310.00 out of countywide contingencies. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING A BURN BAN POLICY [T2-95]

Special Counsel Mark Kennedy spoke of policy over the last seven years being followed using a disaster declaration process (imminent threat of wild fire). He spoke of Government Code Section 418.108 (declaration of local disaster) and Local Government Code Section 352.081 (regulation of outdoor burning). Fire Marshal Carroll Czichos spoke of exemption permit that could be utilized. No action was taken.

24863 AUTHORIZE TRANSFER OF A 2003 FORD F250 (VIN#3FTNF20L63MB16377) TO HAYS COUNTY ESD#4 [T2-769]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize Commissioner Conley and Special Counsel Mark Kennedy to work up an offer and consideration to the Hays County ESD#4 that could be executed by the County for transfer of a 2003 Ford F250 (Vin#3FTNF20L63MB16377) to the Hays County ESD#4. All voting "Aye". MOTION PASSED.

24864 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ACCEPTANCE OF SETTLEMENT, COVENANT TO REMEDIATE, AND RELEASE OF ALL SETTLED CLAIMS, AS IT RELATES TO THE DAMAGE TO THE ROOFTOP OF THE HAYS COUNTY SHERIFF'S DEPARTMENT [T2-971]

Special Counsel Mark Kennedy spoke of negotiating a two year extension. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute an acceptance of settlement, covenant to remediate, and release of all settled claims, as it relates to the damage to the roof top of the Hays County Sheriff's Department and negotiation for a two year extension. All voting "Aye". MOTION PASSED.

**24865 APPROVE BUDGET AMENDMENT #08-05 [T2-1018]**

Emergency Management Coordinator Jeff Turner spoke of countywide equipment that could be used for making ID cards for county employees. TJPC-Juvenile Alternative Ed budget amendment for computer & ID card machine equipment was pulled. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the Road & Bridge General Budget transfer listed on Amendment #08-05. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #27 RE: DISCUSSION OF CONSERVATION EASEMENTS AND PARK ACCESS was PULLED.

24866 ACTION REGARDING ORGANIZATION FROM WHICH THE COURT WISHES TO PURCHASE MEMBERSHIPS [T2-1203]

County Auditor Bill Herzog spoke of membership dues. Judge Sumter recommended dropping County Executives of America (\$976). Court agreed to delete membership in "County Executives of America = \$976 and add new commitments of Envision Center Texas = \$11,250 and Clean Air Force = \$4,275. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to amend the budget by moving \$10,000 from contingencies to the countywide membership dues expenditures line item. All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #31 RE: APPROVE APPOINTMENT OF RALPH GONZALES TO THE COMMUNITY ACTION, INC. SAN MARCOS, TEXAS, BOARD OF DIRECTORS was PULLED.

EXECUTIVE SESSION PURSUANT TO 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS PERSONNEL ISSUES, AS PROVIDED FOR UNDER THE TEXAS OPEN MEETINGS ACT.

Court convened into closed executive session and reconvened into open meeting. No discussion and no action taken.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 DECEMBER 18, 2007.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8th DAY OF JANUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Nick Icossipentarhos gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Personal Health Director Nick Icossipentarhos presented a five year service pin to Glenda Walton. County Auditor Bill Herzog presented a fifteen year service pin to Cindy Maiorka. County Treasurer Michele Tuttle presented a ten year service pin to Constable Pct. 3 Darrell Ayres. Constable Pct. 1 Lupe Cruz presented a five year service pin to Deputy Constable John Telles.

24867 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices for December 25, 2007 in the amount of \$415,084.17, January 1, 2008 in the amount of \$407,986.34, and January 8, 2008 in the amount of \$548,133.90 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24868 APPROVE COMMISSIONERS' COURT MINUTES OF DECEMBER 18, 2007

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioners' Court Minutes of December 18, 2007 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24869 APPROVE COMMERCIAL OSSF PERMIT FOR FS DEVELOPMENT FOR A WAREHOUSE LOCATED AT 226 WELDON JOHNSON WAY (KYLE INTERSTATE PARK LOT 3)

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve commercial OSSF Permit for FS Development for a warehouse located at 226 Weldon Johnson Way (Kyle Interstate Park Lot 3). All voting "Aye". MOTION PASSED.

24870 APPROVE COMMERCIAL OSSF PERMIT FOR FS DEVELOPMENT FOR A WAREHOUSE LOCATED AT 246 WELDON JOHNSON WAY (KYLE INTERSTATE PARK LOT 4)

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve commercial OSSF Permit for FS Development for a warehouse located at 247 Weldon Johnson Way (Kyle Interstate Park Lot 4). All voting "Aye". MOTION PASSED.

24871 ACCEPT DONATION OF \$250.00 FOR COUNTY EMPLOYEE'S PICNIC AND AUTHORIZE EXPENDITURE FOR PICNIC SUPPLIES

A motion was made by Commissioner Barton, seconded by Judge Sumter to accept donation of \$250.00 for county employee's picnic and authorize expenditure for picnic supplies. All voting "Aye". MOTION PASSED.

24872 APPROVE AWARD OF BID #2008-B05 TRACTOR WITH SIDE MOUNTED MOWER TO DIETZ TRACTOR COMPANY IN THE AMOUNT OF \$36,866.00

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve award of Bid #2008-B05 tractor with side mounted mower to Dietz Tractor Company in the amount of \$36,866.00. All voting "Aye". MOTION PASSED.



- 24873 APPROVE TERMINATION OF SERVICES WITH INTERSTATE BUILDING MAINTENANCE FOR BID #2007-B05 ANNUAL CARPET & FLOOR CARE AND AWARD TO THE NEXT LOWEST BIDDER, BRITE RITE**

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve termination of services with Interstate Building Maintenance for Bid #2007-B05 annual carpet & floor care and award to the next lowest bidder Brite Rite. All voting "Aye". MOTION PASSED.

- 24874 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH MERCHANT MULTISERVICE, LLC TO SECURE A MEANS OF ACCEPTING SECURE AND COMPLIANT ELECTRONIC FINANCIAL TRANSACTIONS FOR THE OFFICE OF THE TAX ASSESSOR/COLLECTOR AND THE OFFICES OF JUSTICE OF THE PEACE**

Special Counsel Mark Kennedy explained that this is a renewal for the Tax Assessor-Collector and Justices of the Peace are being added to the agreement. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an agreement with Merchant Multiservice LLC to secure a means of accepting secure and compliant electronic financial transactions for the office of the Tax Assessor/Collector and the offices of Justice of the Peace. All voting "Aye". MOTION PASSED.

- 24375 ACCEPT THE CERTIFICATE OF COMPLETION, ACCEPT MAINTENANCE BOND FOR POSEY ROAD AND AUTHORIZE THE FINAL PAYMENT AND RELEASE OF RETAINAGE [T1-229]**

Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the certification of completion, accept maintenance bond for Posey Road, and authorize the final payment and release of retainage. All voting "Aye". MOTION PASSED.

- 24876 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION PHASE 1 SECTION 3 [T1-240]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation for stop signs and speed limits of 35MPH & 25MPH as submitted. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulations of speed limit of 35MPH on Hawthorne Loop, a speed limit of 25MPH on Bonnett Meadow Cove, Running Brook Cove, and Split Cedar Cove, a STOP sign on Bonnett Meadow Cove at Hawthorne Loop, a STOP sign on Running Brook Cove at Hawthorne Loop, and a STOP sign on Split Cedar Cove at Hawthorne Loop in Rim Rock Subdivision Phase 1 Section 3. All voting "Aye". MOTION PASSED.

- 24877 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN WOODBROOK SUBDIVISION PHASES 1 & 2 [T1-251]**

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation for traffic regulations. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to establish traffic regulations of a STOP sign on Woodbrook Cove at Woodbrook Drive and a speed limit of 25MPH in Woodbrook Subdivision Phases 1 & 2. All voting "Aye". MOTION PASSED.

- 24878 ACTION REGARDING ACCEPTANCE OF OAK BRANCH INTO THE COUNTY MAINTENANCE SYSTEM [T1-266]**

Commissioner Ford spoke of this being a private road maintained by property owners. The property owners association proposes to fund \$60,000 at this time with the remaining cost to be funded from a tax assessed to each property in the subdivision (if approved through an election process) to bring the road up to county standards. [T1-308] A motion was made by Commissioner Ford, seconded by Judge Sumter to agree to accept Oak Branch into the county maintenance system at which time it has been brought up to county standards through an election and taxation process. All voting "Aye". MOTION PASSED. [T1-1939] Special Counsel Mark Kennedy spoke of casting votes on an item and rescinding previous action. A motion was made by Commissioner Conley, seconded by Commissioner Barton to rescind the action previously made regarding Oak Branch. All voting "Aye". MOTION PASSED. [T1-2105] A motion was made by Commissioner Ford, seconded by Judge Sumter to accept Oak Branch Drive into the county maintenance system at which time the residents bring their road up to accepted standards and having a prevailing vote of landowners to tax themselves to replace the county cost for bringing that road up to county standards. Commissioner Conley spoke of his concerns. MOTIONS WITHDRAWN [T1-2510] A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a public hearing to consider proposed improvement and assessment regarding Oak Branch Drive as provided in Transportation Code 253.003. All voting "Aye". MOTION PASSED



24879 ACCEPT OLD RED RANCH ROAD IN TO THE COUNTY ROAD MAINTENANCE SYSTEM AFTER VISTA GRANDE HOA ACCOMPLISHES THE TASKS SPECIFIED IN THE COUNTY'S INSPECTOR PUNCH LIST [T1-469]

Commissioner Ford spoke of HOA wanting to bring this road up to county standards and have the county accept it into the county road maintenance system. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to agree to consider acceptance of Old Red Ranch Road in to the county road maintenance system after Vista Grande Home Owners Association accomplishes the tasks specified in the county inspector's punch list. All voting "Aye". MOTION PASSED.

24880 [#07-3-059, 10 LOTS] MOUNT OLIVE RANCH SUBDIVISION - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat of "Mount Olive Ranch" subdivision and accept construction fiscal security. All voting "Aye". MOTION PASSED.

24881 [#07-3-062, 3 LOTS] WOODCREEK SECTION 5 REPLAT LOTS 62-65 - WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT [T1-698]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. Three lots are being created out of an original four lots. A motion was made by Commissioner Conley, seconded by Judge Sumter to waive preliminary plan and approve final plat of "Woodcreek Section 5 Replat of Lots 62-65". All voting "Aye". MOTION PASSED.

24882 APPROVE CONVERSION OF THE CIVIC CENTER CONTRACTED POSITION TO A FULL TIME HAYS COUNTY EMPLOYEE POSITION WITH THE TITLE OF "HAYS COUNTY CIVIC CENTER MANAGER" AT GRADE 616 AND FURTHERMORE, AUTHORIZE THE POSITION TO BE POSTED UP TO THE 12TH PERCENTILE OF THE HIRING RANGE AND TO CONTINUE THE CIVIC CENTER CONTRACT THAT EXPIRED 12/31/07 UNTIL JANUARY 15, 2008 [T1-719]

Commissioner Ingalsbe spoke. She suggested that Jerry Borcharding, Debbie Ingalsbe & Dee Dee Baen be allowed to review applications and make recommendation. Special Counsel Mark Kennedy recommended allowing these people to hire the manager because of January 15th deadline. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve conversion of the Civic Center contracted position to be a full time Hays County employee position with the title of "Hays County Civic Center Manager" at Grade 616 and furthermore, authorize the position to be posted up to the 12th percentile of the hiring range and to continue the civic center contract that expired 12/31/07 until January 15, 2008. All voting "Aye". MOTION PASSED.

24883 AUTHORIZE THE INSTALLATION OF A PROTECTIVE AWNING FOR THE STALL AREA ON THE SOUTH SIDE OF THE HAYS COUNTY CIVIC CENTER [T1-829]

Three quotes were obtained: Vincent's Roofing = \$9500 Springs Construction = \$8,497 Hopson Builders = \$7417. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the installation of a protective awning for the stall area on the south side of the Hays County Civic Center in the amount of \$7,417.00. All voting "Aye". MOTION PASSED.

24884 APPROVE BUDGET AMENDMENT #08-06 [T1-863]

A motion was made by Judge Sumter, seconded by Commissioner Ford to approve Budget Amendment #08-06 as proposed by the County Auditor. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED.

24885 IMPLEMENT A BURN BAN UNDER CHAPTER 352 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-892]

Assistant Fire Marshal Bo Montague spoke in support of implementing the burn ban. A motion was made by Judge Sumter, seconded by Commissioner Barton to implement a burn ban under Chapter 352 of the Texas Local Government Code with finding that circumstances present in all or part of the unincorporated areas create a public safety hazard that would be exasperated by outdoor burning. All voting "Aye". MOTION PASSED.



24886 AUTHORIZE DEVELOPMENT OF A MEMORANDUM OF AGREEMENT WITH TEXAS CHAPTER OF TRUST FOR PUBLIC LAND IN ORDER TO CAPITALIZE ON THEIR SERVICES AND EXPERTISE AS IT RELATES TO HAYS COUNTY PARKS & OPEN SPACE BOND FUNDS [T1-1095]

Commissioner Ford spoke of previous action taken by the Court and presentation by TPL (Trust for Public Land). [T1-1504] A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize development of a memorandum of agreement with Texas Chapter of Trust for Public Land in order to capitalize on their services and expertise as it relates to Hays County Parks & Open Space Bond funds with MOA to be developed with input from Commissioner Ingalsbe, Commissioner Ford, Grants Administrator Richard Salmon, Parks Manager Jerry Pinnix, PCAT Chairman Curt Busk, and Special Counsel Mark Kennedy. All voting "Aye". MOTION PASSED.

24887 AUTHORIZE SUBMISSION OF A GRANT APPLICATION FOR UP TO \$250,000 TO THE TEXAS WATER DEVELOPMENT BOARD FOR A BASIN WIDE FLOOD PLAN

[T1-1522] A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize submission of a grant application for up to \$250,000 to the Texas Water Development Board for a basin-wide flood plan. All voting "Aye". MOTION PASSED.

WORKSHOP RE: AGENDAS, WORKSHOPS AND WORK SCHEDULES FOR 2008

[T1-2669] Commissioner Barton presented a list of major agenda items/workshops for 2008. He spoke of considering a November bond package rather than May. Commissioner Barton spoke of items he would like to bring to the court in the next 30 days: (1) Transit Working Group Briefing [Austin/San Antonio Rail also], (2) Demographics/Sustainable Indicator, (3) Firearms Discharge, (4) Plum Creek Working Group, (5) Context Sensitive Design, and (6) Pass Through Financing/Partnership. Other general items: Health Care/Health Dept., Seton/Hays Health Scan; dispatch & radios, Jail, Civic Center, drainage plan, reorganization of county departments, spring employee raises, bond election, parks status and funding, county master plan, subdivision rules (and other planning committees), county buildings, budget philosophy, pending legal issues, and water/wastewater study. Commissioner Ford spoke of Precinct 4 issues: subdivision rules, LCRA ordinance, and clean air/conservation initiatives. Special Counsel Mark Kennedy spoke of legal issues that will be coming up. Commissioner Ford spoke of habitat conservation plan. Commissioner Ingalsbe spoke of Precinct 1 issues: county office complex and the civic center.

EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074 TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS

Court convened into closed executive session pursuant to Texas Government Code 551.074 to discuss personnel matters involving evaluation of all individual department heads. Upon completion of closed session, the court reconvened into open meeting. No discussion and no action was taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID#1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO

Court convened into closed executive session pursuant to Texas Government Code 551.071 regarding the application for an amended permit by WCID#1 with the Texas Commission on Environmental Quality and pending litigation related thereto. Upon completion of closed session, the court reconvened into open meeting. No discussion and no action was taken.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JANUARY 8, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15th DAY OF JANUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
ELIZABETH Q. GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Robin Steele gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24888 APPROVE A PROCLAMATION DECLARING JANUARY 21, 2008 AS DR. MARTIN LUTHER KING, JR. DAY

Harvey Miller spoke of special events to be held in commemoration. He also invited the public to join in the festivities. A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to approve a proclamation declaring January 21, 2008 as Dr. Martin Luther King, Jr. Day. All voting "Aye". MOTION PASSED.

24889 PRESENTATION BY JERRY BORCHERDING REGARDING THE TRANSPORTATION ADVISORY BOARD

Jerry Borcharding, Director of Resource Protection Transportation and Planning Department gave a general overview of the Transportation Advisory Board's progress.

24890 PRESENTATION BY MIKE BLIZZARD, WHO CONDUCTED THE PRE-2007 PARK BOND RESEARCH ON FINDINGS REGARDING ATTITUDES OF HAYS COUNTY CITIZENS ON PRESERVATION OF WATER QUALITY LANDS AND PUBLIC ACCESS.

[T-174] Mike Blizzard of Blisco Productions spoke of survey conducted in 2007. A citizen's survey done prior to the bond election to see where voters stood on certain issues. He spoke of how helpful the survey was in drawing up the different propositions for the Bond Election. He spoke of non-profit organizations and private individuals that paid for the survey.

24891 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payment of county invoices in the amount of \$705,069.87 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24892 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 8, 2008

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioner Court Minutes of January 8, 2008. All voting "Aye". MOTION PASSED.

24893 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$65,118 GRANT FROM THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE AND TO EXECUTE CONTRACT

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to accept a \$65,118 Grant from the Texas Judicial Council-Task Force on Indigent Defense and to execute contract. All voting "Aye". MOTION PASSED.

24894 ACCEPT REPORT FROM HAYS COUNTY CONSTABLE PCT 3 OFFICE

A motion was made by Commissioner Barton seconded by Commissioner Ford to accept annual report from Hays County Constable Pct. 3 office. All voting "Aye". MOTION PASSED.

**24895 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve utility permits as presented by the Hays County Road Department. All voting "Aye". MOTION PASSED.

Permit #	Road	Company
#01932	Cowan Lane	PEC
#01929	Rohde Road	CenterPoint Energy
#01928	Rohde Road	CenterPoint Energy

24896 AUTHORIZE THE COUNTY JUDGE TO RE-EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS FOR THE ESTABLISHMENT OF THE HAYS COUNTY SWAT TEAM

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to re-execute an Interlocal Agreement between Hays county and the City of San Marcos for the establishment of the Hays County SWAT Team. All voting "Aye". MOTION PASSED.

DISCUSSION TO AMEND THE TRANSPORTATION ADVISORY BOARDS PROCEDURES TO ACCESS THE \$25,000.00 APPROVED FOR PRIME STRATEGIES

[T1-456] Gary Knight spoke. [T-1810] Lila Knight spoke. [T-12186] A motion was made by Commissioner Ford seconded by Judge Sumter allow the Transportation Advisory Board to get presentations from consultants, planners, engineers, etc. whomever they need to work with, they do not need to go through Prime Strategies to make those requests but instead go through Jerry Borcharding and/or staff to make that request. Motion was withdrawn. [T1-3100] Item pulled after lengthy discussion.

1:00 - EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS

Court convened into closed executive session pursuant to Texas Government Code 551.074 to discuss personnel matters involving evaluation of all individual department heads. Upon completion of closed session, the court reconvened into open meeting. No discussion and no action was taken.

24897 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, REGARDING RANCHES AT HAMILTON POOL, AND REGARDING CONTAMINATION OF LONG BRANCH CREEK, AND PENDING OR CONTEMPLATED LITIGATION RELATED THERETO WITH ACTION

[T1-3167] Court convened into closed executive session pursuant to Texas Government Code 551.071 regarding the application for an amended permit by WCID#1 with the Texas Commission on Environmental Quality, regarding Ranches at Hamilton Pool, and regarding contamination of Long Branch Creek, and pending or contemplated litigation related thereto. Upon completion of closed session, the court reconvened into open meeting. A motion was made by Commissioner Ford seconded by Judge Sumter to authorize the Commissioners' Court to expend up to \$100,000 for outside legal counsel to represent Hays County in existing or potential legal proceedings having to do with the Hays County WCID #1, Ranches at Hamilton Pool, and Long Branch Creek. All voting "Aye". MOTION PASSED.

24898 ACTION REGARDING PHYSICAL SPACE NEEDS OF INFORMATION TECHNOLOGY DEPARTMENT

[T1-3232] Commissioner Ford explained the needs and the lack of space at the Justice Center for the IT Department. A motion was made by Commissioner Ford seconded by Judge Sumter to move forward into a contract with Whittendon Group for property located at 3414 Hunter Road at the cost of \$1.10 sq. ft. for a total of \$1,925.00 a month for this fiscal year and coming out of contingencies and that Building Maintenance Department proceed with finish out as drawn out on diagram done by Jeff McGill and not to exceed \$15,000 and that money will come out of Capital Improvements. All voting "Aye". MOTION PASSED.

DISCUSSION OF CONSERVATION EASEMENTS AND PARK ACCESS

[T2-67] Discussion was had about the need to acquire conservation easements and/or public access. [T2-179] Lila Knight spoke of open space. [T2-260] Curt Busk spoke of easements and public access. [T2-386] Richard Salmon, Grants Administrator, spoke of inviting Melinda Taylor to start attending CPAT. [T2-332] Jerry Pinnex, Parks Director, spoke of Habitat Conservation Plan together with CPAT and maybe more input from the public. No action taken at this time.



24899 APPROVE NEW CELL PHONE AND CELL PHONE PLAN FOR THE JUVENILE PROBATION DEPARTMENT ON-CALL OFFICER

Chief Juvenile Probation Officer, Ed Cooper spoke of on call officer currently having a pager and not always receiving all the calls made to the officer. A motion was made by Commissioner Barton seconded by Commissioner Ford to approve new cell phone and cell phone plan for the Juvenile Probation Department On-Call Officer with Cingular. All voting "Aye". MOTION PASSED.

24900 APPOINT JODY JENNINGS DOSS AND BEA FLORES TO THE HAYS COUNTY CHILD PROTECTIVE SERVICES BOARD

[T2-540] A motion was made by Judge Sumter seconded by Commissioner Conley to appoint Jody Jennings Doss and Bea Flores to the Hays County Child Protective Services Board. All voting "Aye". MOTION PASSED.

24901 REVISE PRICING SCHEDULE FOR THE HAYS COUNTY CIVIC CENTER

[T2-569] Barry Nelson spoke of pricing and how we should be more competitive with our surrounding area. A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to revise the pricing schedule for the Hays County Civic Center as provided in the backup and that we evaluate/update the pricing schedule on a yearly basis. All voting "Aye". MOTION PASSED.

24902 AUTHORIZE A RESERVED PARKING SPACE FOR THE HAYS COUNTY TAX ASSESSOR COLLECTOR

[T2-713] A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize a reserved parking space for the Hays County Tax Assessor/Collector. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED.

24903 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SERVICE AGREEMENT WITH GOVERNMENT RECORDS SERVICES INC. FOR SCANNING & INDEXING FOR THE COUNTY CLERK'S OFFICE

[T2-762] A motion was made by Commissioner Barton seconded by Commissioner Conley to authorize the County Judge to execute Service Agreement with Government Records Services Inc. for Scanning & Indexing for the County Clerk's Office. All voting "Aye". MOTION PASSED.

24904 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT AND WORK AUTHORIZATION BETWEEN HAYS COUNTY AND LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) FOR PROFESSIONAL SERVICES FOR FM 1626(B)

[T2-800] A motion was made by Commissioner Barton seconded by Commissioner Conley to authorize the County Judge to Execute a professional Services Agreement and Work Authorization between Hays County and Lockwood, Andrews & Newnam, Inc. (LAN) for professional Services for FM 1626(B). All voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 JANUARY 15, 2008.

Linda C. Fritsche

LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 22ND DAY OF JANUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Paul Bunton, Abundant Life Christian Church, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION FROM TRANSPORTATION ADVISORY BOARD CHAIRPERSON STEVE KLEPFER

Steve Klepfer, Transportation Advisory Board Chairperson gave an update on meetings held by the board. He spoke of charges given to the board by the court and work that is being done. Mr. Klepfer spoke of various roads that have been looked at by the board and action that has been taken and not yet submitted to the court. He spoke of other roads that the board would like to look at.

PRESENTATION BY LAND DESIGN PARTNERS INC. ON 5-MILE DAM [T1-374]

Brent Luck (Land Design Partners) gave a powerpoint presentation giving an update on the 5-mile dam park project. He spoke of changes that have been made due to floodplain issue. Plans are to be advertised for bids on February 22nd and open bids on March 18th. Jerry Pinnix advised that information regarding this project are available on the county website in the NEWS section.

24905 APPROVE PAYMENT OF COUNTY INVOICES

Commissioner Ford requested that payment of \$5,000 to Thomas Forrest (pg 5) be pulled. It was also requested that Habitat Conservation Plan invoices (pg 16) be put on hold subject to review by Commissioners Ford and Conley. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices as submitted with exception of pulling payments to Thomas Forrest out of Environmental Health budget (page 5) and Habitat Conservation Plan budget (page 16) subject to review. All voting "Aye". MOTION PASSED.

24906 APPROVE COMMISSIONERS' COURT MINUTES OF JANUARY 15, 2008

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve the Commissioners Court Minutes of January 15, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24907 APPROVE UTILITY PERMIT #01930 (TRAIL DRIVER ROAD)

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Utility Permit #01930 on Trailer Driver Road issued to Lower Colorado River Authority as submitted by the Road Department. All voting "Aye". MOTION PASSED.

24908 APPROVE RENEWAL OF BID FOR OUR PRESCRIPTIONS FOR THE INDIGENT HEALTH CARE SPECIAL ASSISTANCE PROGRAM FOR TWO (2) ADDITIONAL YEARS AS PROVIDED FOR IN ORIGINAL BID WITH THORPE LANE PHARMACY

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve renewal of bid for our prescriptions for the Indigent Health Care Special Assistance Program for two (2) additional years as provided for in original bid with Thorpe Lane Pharmacy. All voting "Aye". MOTION PASSED.

24909 AUTHORIZE THE COUNTY JUDGE TO SIGN A RESOLUTION TO RECOGNIZE THE PROPOSED AND ONGOING PROJECTS THAT ARE PART OF THE INTERLOCAL AGREEMENT WITH UHLAND, TEXAS THAT WAS AUTHORIZED BY THE COURT

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to sign a resolution to recognize the proposed and ongoing projects that are part of the interlocal agreement with Uhlend, Texas that was authorized by the Court on July 17, 2007 and September 18, 2007. All voting "Aye". MOTION PASSED.



24910 CALL FOR A PUBLIC HEARING ON FEBRUARY 5, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN NORTHRIDGE SUBDIVISION [T1-709]

The proposed traffic regulation is a speed limit of 25MPH. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on February 5, 2008 to establish traffic regulations in Northridge Subdivision. All voting "Aye". MOTION PASSED.

24911 ACCEPT "HURLBUT ROAD" AS A COUNTY MAINTAINED ROAD [T1-717]

Hurlbut Road is a road that has historically been maintained by the County however no record of its acceptance can be located. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept "Hurlbut Road" as a county maintained road. All voting "Aye". MOTION PASSED.

24912 [#07-3-43, PCT. 3, 2 LOTS] OAKWOOD HILLS RESUBDIVISION OF LOTS 8A & 8B - APPROVE FINAL PLAT [T1-804]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat of "Oakwood Hills Resubdivision of Lots 8A & 8B". All voting "Aye". MOTION PASSED.

24913 [#07-3-52, PCT. 3, 25 LOTS] BIG SKY RANCH - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-814]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat of "Big Sky Ranch" and accept construction fiscal surety. All voting "Aye". MOTION PASSED.

24914 APPROVE PARKS BOND FUNDING UP TO \$1,618,417 FOR THE CFPO PARK PROJECT IN SAN MARCOS [T1-848]

Judge Sumter recused herself from this item and turned the gavel over to Commissioner Ford and left the meeting at this time. A motion was made by Commissioner Barton, seconded by Commissioner Conley to pass the gavel to senior court member Commissioner Ingalsbe. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye" and Commissioner Ford voting "No". MOTION PASSED. Special Counsel quoted parts of Attorney Generals Opinions GA-007-68 DM-244, JM-1006 regarding recusal. Penny Dunn gave a brief presentation regarding the Village of San Marcos Partners. Lisa Dvorak made public comment in support of this project. Curt Busk (CPAT Chair) spoke of consensus of the CPAT regarding this project, scoring, and concerns. Commissioner Ingalsbe spoke of number of children and people that this project will serve. Charles O'Dell (Hays CAN) spoke in opposition to funding this project. Kim Porterfield spoke in support of this project. San Marcos Mayor Susan Narvaiz spoke in support of this park project. Commissioner Conley spoke of what this project will provide to the county and he feels like it merits funding. Commissioner Barton spoke of protecting natural spaces and providing services. Commissioner Ford spoke in support of the project and voiced her concerns about funding. Frank Calabrese spoke of future plans for facilities. Commissioner Ingalsbe spoke of distribution of funds. [T1-2100] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve up to \$1,618,417 in Park Bond Funds for the CFPO Park Project and have the City of San Marcos as supervisors for this project; county will distribute the funds, working in conjunction with the City, as aspects of that project are completed; and subject to an interlocal agreement between the City of San Marcos and Hays County. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford voting "No". MOTION PASSED. Judge Sumter returned to the meeting at this time.

24915 APPROVE PHONE ALLOWANCE FOR RPTP (ENVIRONMENTAL HEALTH) EMPLOYEE [T1-2363]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve phone allowance for RPTP (Environmental Health) employee. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". Commissioner Barton not present to vote. MOTION PASSED.

DISCUSSION REGARDING MODIFICATION OF THE FUNCTION AND AGENDA OF THE TRANSPORTATION ADVISORY BOARD [T1-2381]

Commissioner Conley spoke of need to modify the function and agenda of the Transportation Advisory Board and spoke of three issues he has: (1) pass through financing program is in the hands of this court, (2) give clear directions from the court on what we want the committee to accomplish for a bond election, and (3) a sense of professionalism. Judge Sumter spoke of professionalism. Commissioner Barton responded to Commissioner Conley's issues. Judge Sumter spoke of need for a workshop to address these issues and others. Commissioner Ford spoke of need to have more information to educate voters for a bond election. Transportation Advisory Board Chairman Steve Klepfer spoke.



24916 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A LICENSE AGREEMENT WITH GOLDENWOOD PROPERTY OWNERS ASSOCIATION [T2-60]

Special Counsel Mark Kennedy spoke of negotiations and final agreement and termination clause. A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to enter into a license agreement with the Goldenwood Property Owners Association. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED.

24917 APPROVE BUDGET AMENDMENT #08-07 [T2-158]

Berry James spoke of adding an amendment in Environmental Health Dept. to transfer \$1600 from continuing education into dues & bonds line item. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment #08-07 with addition. All voting "Aye". MOTION PASSED.

24918 PRESENTATION ON THE PLUM CREEK WATERSHED PROTECTION PLAN AND AUTHORIZE THE COUNTY JUDGE TO SIGN A LETTER OF SUPPORT FROM HAYS COUNTY FOR THE PLUM CREEK WATER PROTECTION PLAN [T2-230]

County Extension Agent Bryan Davis spoke. Nikki Dictson (Texas AgriLife Extension Service) gave a powerpoint presentation regarding management measures necessary to achieve recommended pollutant reductions in the Plum Creek Watershed and she spoke of ongoing meetings and training sessions. Bruce Lesiker spoke of on-site wastewater treatment systems, operations and maintenance of those systems. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to express the county's support of the process and to authorize the County Judge to sign a Letter of Support from Hays County for the Plum Creek Water Protections Plan. All present voting "Aye". Commissioner Conley was not present for the vote. MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JANUARY 22, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29th DAY OF JANUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Terry Michaels, Calvary Church of the Springs, gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

24919 PROCLAMATION FOR THE SAN MARCOS NOON LIONS CLUB 62ND ANNUAL MEXICAN DINNER

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt proclamation for the San Marcos Noon Lions Club 62nd Annual Mexican Dinner. All voting "Aye". MOTION PASSED.

PRESENTATION FROM LINDSEY JANSEN, AMERICAN CANCER SOCIETY

Lindsey Jansen congratulated the Hays County "Relay Super Stars", the top 2 fund raising team for the 2007 San Marcos Relay for Life. Tiffany Jackson spoke of fundraiser held at the courthouse and named off the team members.

PUBLIC COMMENT

Charles O'Dell (Hays CAN) made public comment regarding ethical government.

24920 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill, Herzog spoke of changes in invoices [R&B \$106,000 for juvenile detention & license fee for bldg mtc] Commissioner Ford requested that payment to Tom Forrest be placed on hold until court approves. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve payment of county invoices in the amount of \$1,285,470.82 as presented by the county Auditor with the exception of payment to Tom Forrest. All voting "Aye". MOTION PASSED.

24921 APPROVE COMMISSIONERS COURT MINUTES OF JANUARY 22, 2008.

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Commissioner Court Minutes of January 22, 2008. All voting "Aye". MOTION PASSED.

24922 APPROVE EARLY VOTING SCHEDULE 2008.

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve Early Voting Schedule 2008. All voting "Aye". MOTION PASSED.

24923 Approve Institutional OSSF Permit for APHCC OF TEXAS, 145 Trademark Dr., Buda, in Precinct 2

Environmental Health Sanitarian Tom Pope spoke of use of the property and monitoring that may need to take place. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve institutional OSSF permit for APHCC of Texas at 145 Trademark Drive in Buda and monitor average use per month. All voting "Aye". MOTION PASSED.

24924 APPROVE THE PURCHASE OF ACID LOCKER FOR THE TRANSFER STATION IN DRIPPING SPRINGS.

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the purchase of Acid Locker for the transfer station in Dripping Springs. All voting "Aye". MOTION PASSED.



24925 AUTHORIZE THE HAYS COUNTY HEALTH DEPARTMENT TO SELL THE REMAINDER OF THE FLU VACCINE AT A PRICE OF \$15.00 PER DOSE

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the Hays County Health Department to sell the remainder of the Flu Vaccine at a price of \$15.00 per dose. All voting "Aye". MOTION PASSED.

24926 APPROVE UTILITY PERMIT #01933

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve utility permit #01933 issued to Gorforth Water Supply on Gorforth Road (CR157) as presented by the Hays County Road Department. All voting "Aye". MOTION PASSED.

24927 APPROVE THE CORRECTION OF MARKERS/HEADSTONES DIMENSIONS IN THE HAYS COUNTY RULES FOR CEMETERY OPERATION AND INDIGENT BURIALS

A motion was made by Commissioner Conley, seconded by Judge Sumter to approve the corrections of the Markers/Headstone dimensions of the Hays County Rules for Cemetery Operation and Indigent Burials. Corrected language should read: All markers/headstones shall be flat, flush with the ground, with maximum dimensions of 2' X 1' (24" X 12"). All voting "Aye". MOTION PASSED.

24928 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$38,339 GRANT FROM THE OFFICE OF GOVERNOR - CRIMINAL JUSTICE DIVISION - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM.

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize the County Judge to accept \$38,339 Grant from the Office of Governor - Criminal Justice Division - Discretionary Justice Assistance Grant Program. All voting "Aye". MOTION PASSED.

24929 AUTHORIZE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310, 3037 AND 5317 PROGRAMS GRANT APPLICATION PART II.

A motion was made by Commissioner Conley, seconded by Judge Sumter to Authorize County Judge to submit Grant application to the Texas Department of Transportation Section 5310, 3037 and 5317 Programs Grant application Part II. All voting "Aye". MOTION PASSED.

24930 AUTHORIZE COUNTY JUDGE TO ACCEPT A \$65,118 GRANT FROM THE TEXAS JUDICIAL COUNCIL - TASK FORCE ON INDIGENT DEFENSE AND TO EXECUTE CONTRACT

A motion was made by Commissioner Conley, seconded by Judge Sumter to authorize County Judge to accept a \$65,188 Grant from the Texas Judicial Council - Task Force on Indigent Defense and to execute Contract. All voting "Aye". MOTION PASSED.

24931 CALL FOR A PUBLIC HEARING ON FEBRUARY 12, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON GATLIN CREEK ROAD, CR191 [T1-320]

Recommended traffic regulation: 35 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on February 12, 2008 to establish traffic regulations on Gatlin Creek Road (CR191). All voting "Aye". MOTION PASSED.

Clerk's Note: Agenda Item #15 RE: RIM ROCK PHASE 2 SECTION 2 (90 LOTS) - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY was PULLED. No discussion and no action taken.



24932 GRANT A VARIANCE TO SUBDIVISION AND DEVELOPMENT RULES SECTION 3.11 TO ALLOW PERMITTING OF AN ON SITE SEWAGE FACILITY AND DEVELOPMENT PERMIT TO FLORINDA MARTINEZ, 1.302 ACRES IN THE 2000 BLOCK OF GOFORTH ROAD [T1-337]

Charles O'Dell, President of Hays CAN, made public comment. Commissioner Barton spoke of application made by Florinda Martinez and explained situation at this location. Judge Sumter voiced her concerns. Subdivision Coordinator Sandy Irvin and RPTP Director Jerry Borcharding spoke of work that is being done to plat the subdivision. A motion was made by Commissioner Barton, seconded by Commissioner Conley to allow permitting of an on-site sewage facility and development permit to Florinda Martinez for a 1.302 acre tract in the 2000 block of Goforth Road. Commissioner Barton and Commissioner Conley voting "Aye". Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "No". MOTION FAILED.

24933 APPOINT ROBBIN MALAIN TO THE COMMUNITY ACTION, INC., SAN MARCOS, TEXAS BOARD OF DIRECTORS [T1-1285]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint Robbin Malain to the Community Action Inc., San Marcos Board of Directors. All voting "Aye". MOTION PASSED.

DISCUSSION TO MATCH DEPARTMENT HEADS WITH A COURT MEMBER WHO WILL ACT AS PRIMARY POINT OF CONTACT [T1-1310]

Commissioner Ford spoke in favor of matching department heads with a court member who will act as primary point of contact. Collections Dept. Director Judy Seim spoke. This item will be discussed in executive session.

24934 AUTHORIZE POSTING A HIRING RANGE FOR A CERTIFIED NURSE PRACTITIONER OF MINIMUM TO MIDPOINT, \$47,345.34 TO \$59,181.42 [T1-1462]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize posting a hiring range for a Certified Nurse Practitioner of minimum and midpoint of \$47,345.34 to \$59,181.42. All voting "Aye". MOTION PASSED.

24935 RE-APPOINT MIKE GONZALES TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TO REPRESENT HAYS COUNTY CITIES [T1-1489]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to re-appoint Mike Gonzales to the Capital Area Metropolitan Planning Organization to represent Hays County cities – term to expire in 2009. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING AUTHORIZING A TEMPORARY, PART-TIME EMPLOYEE FOR PCT. 2 COMMISSIONER'S OFFICE TO FACILITATE THE CONTINUATION OF THE FM1626 PROJECT THAT WAS APPROVED BY THE COURT ON OCTOBER 30, 2007 [T1-1512]

Charles O'Dell, President of Hays CAN, made public comment. Commissioner Barton spoke of action taken on October 30, 2007 and work that needs to be done. No action being requested this date.

24936 AUTHORIZE A TEMPORARY PART-TIME INTERN FOR PRECINCT 2 COMMISSIONER'S OFFICE [T1-1656]

Charles O'Dell, President of Hays CAN, made public comment. Commissioner Barton spoke of hiring an intern out of his special project funds. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize a temporary part-time intern for Precinct 2 Commissioners' office. All voting "Aye". MOTION PASSED.

24937 CALL FOR A MORATORIUM ON CONSIDERATION OF PARK BOND PROJECTS WHILE COURT AND CPAT TAKE TIME TO DEFINE THE TYPE OF PROJECTS WE ANTICIPATE AND REFINE THE SCORING CRITERIA FOR EACH PROJECT TYPE

[T1-1701] - A motion was made by Commissioner Ford, seconded by Judge Sumter to call for a short moratorium on consideration of Park Bond Projects while court and CPAT take time to define the type of projects we anticipate and refine the scoring criteria for each project type and allow projects currently in the consideration process with CPAT and HC staff to continue on that path or at their own discretion hold back and wait for new criteria to be established; and a motion was made by Commissioner Barton, seconded by Commissioner Conley to amend Commissioner Ford's motion to have moratorium expire on or before midnight on April 1, 2008. All voting "Aye" on both motions. MOTION PASSED.



DISCUSSION REGARDING GUIDELINES TO CITIZENS PARKS ADVISORY TEAM ON CATEGORIZING PARKS AND OPEN SPACE PROJECTS CONSIDERED FOR THE 2007 \$30 MILLION BOND FUNDS [T1-2301]

Commissioner Ford suggested the following categories: (1) acquisitions to preserve open space natural areas, habitats and land that contribute to water quality (2) acquisitions for new parks and recreation facilities, (3) funds for new park development, (4) funds for restoration and management of open space and natural areas, (5) funds for redevelopment of existing public lands. She spoke of need for a workshop. Commissioner Conley spoke of Habitat Conservation Plan.

DISCUSSION REGARDING SCHEDULING FOR COURT AGENDAS AND WORKSHOPS

[T1-2581] - Commissioner Barton spoke of scheduling for court workshop/agenda items. No action was taken.

Clerk's Note: Agenda Item #27 RE: ACTION TO LIFT THE BURN BAN was PULLED. Fire Marshal Carroll Czichos recommends continuation.

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS

The court convened into closed executive session at 1:10 p.m. to discuss personnel matters involving evaluation of all individual department heads and reconvened into open meeting at 6:15 p.m. No discussion and no action taken.

24938 AUTHORIZE THE COUNTY JUDGE TO SIGN THE LEASE AGREEMENT WITH YELLOW ROCK BUSINESS PARK LLP FOR NEW OFFICE SPACE FOR HAYS COUNTY INFORMATION TECHNOLOGY DEPARTMENT [T1-2970]

Commissioner Ford spoke of space available for the Information Tech Dept. Special Counsel Mark Kennedy spoke of changes in the original lease agreement: 2a1 further description for property, start date of Feb. 1st, dedicated trash responsibility to landlord, \$300,000 policy limit instead of \$1 million, 2 clauses added (lease extension & funding out clause). **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to sign the lease agreement with Yellow Rock Business Park LLP for new office space for Hays County Information Technology Department as reviewed by Special Counsel. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley abstained. MOTION PASSED.**

24939 APPROVE PAYMENT OF INVOICES FOR TOM FORREST [T1-3153]

Charles O'Dell, President of Hays CAN, made public comment regarding open records request. Special Counsel Mark Kennedy spoke of his response to that request. Commissioner Barton spoke of services provided by Tom Forrest. Funds are available in the Road & Bridge Consultant line item. **A motion was made by Judge Sumter, seconded by Commissioner Barton to ratify and approve payment of invoices for November & December in the amount of \$10,000 to Tom Forrest to be paid out of R&B Dept. Consultant line item. All voting "Aye". MOTION PASSED.**

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JANUARY 29, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 31st DAY OF JANUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

24940 DISCUSSION AND ACTION REGARDING TXDOT PROPOSED PASS-THROUGH FINANCE PACKAGE

Mike Weaver (Prime Strategies) gave an update regarding negotiation of the pass through finance agreement with TxDot. Bob Daigh (TxDot District Engineer) spoke of limited funding and safety issues that need to be addressed (i.e. US290 left turn lanes) and complete frontage road system for IH35 (create one-way frontage roads). Don Nyland spoke of US290 project to construct center turn lane and shoulders from Trautwein to Nutty Brown Road; IH35 - FM2001 overpass road; IH35 Phase 1 to construct frontage road and reverse ramps between CR210 to FM1626, re-stripe and sign for one way frontage roads from FM2001 to FM1626, construct Kyle Crossing, construct Kyle Crossing bridge, construct N-S Turn a Round Bridge at CR210, construct S-N Turn a Round Bridge at CR210, construct S-N Turn a Round Bridge at FM1626; and IH35 Phase 2 construct south bound frontage road and ramps from FM1626 to FM150, re-stripe and resign for one way frontage road from FM1626 to Yarrington Road, re-align FM150 from IH35 East Frontage Road to 0.5 miles east, and construct 3 lane rural section with 6' shoulders/120' right of way by city and county. Total estimated cost is \$66,641,520. Bob Daigh spoke of projects selected and projects that might be a consideration. Kyle City Manager Tom Mattis spoke of city/county partnership and need for safety improvements as quickly as possible. Commissioner Barton spoke of possible partnerships that might assist in funding shortfalls and he spoke of IH35 safety improvements. Kyle Mayor Mike Gonzales spoke of traffic congestion in the Kyle area and commitment by the City of Kyle to address the situation. Commissioner Conley spoke of moving quickly on some projects. Bob Daigh spoke of their being no mobility projects to be let after 2011 due to lack of funding – funding will only be available for maintenance. Discussion was had regarding RR12, SH21, and US290. Mike Weaver spoke. [T1-1227] Brad Hagen made public comment [T1-1353] Lila Knight made public comment. [T1-1450]

A motion was made by Judge Sumter, seconded by Commissioner Ford to allow Judge Sumter, Commissioner Barton and Mike Weaver to move forward with negotiating a financial package, as was presented this date, with the Texas Department of Transportation (TxDot) and bring it back to the court for consideration. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE HAYS COUNTY COMMISSIONERS COURT'S APPROACH TO TRANSPORTATION AND TRANSPORTATION PLANNING, FINANCING OF COUNTY AND STATE HIGHWAYS IN HAYS COUNTY, AMENDING THE TRANSPORTATION ADVISORY BOARD'S CHARGE, AND AMEND THE TRANSPORTATION ADVISORY BOARD'S PROCEDURES TO ACCESS FUNDS (\$25,000) FOR PRIME STRATEGIES [T1-1611]

Commissioner Conley spoke of need for a fundable viable transportation plan for Hays County. Financial Advisory Dan Wegmiller advised that he will meet with Mike Weaver regarding financial aspects of the plan. Mr. Wegmiller spoke of timeline for various types of funding [CO's (Certificates of Obligation), GO's (General Obligation), and revenue bonds]. Commissioner Barton spoke of various funding options. [T1-2070] Commissioner Conley spoke of Bastrop County Comprehensive Plan and other entities transportation planning. Steve Klepfer, Transportation Advisory Board Chair, spoke of information and people currently involved in the process and need for experts/consultants. He spoke of going out for RFQ for consultants. Commissioner Conley spoke of need for city representatives to be involved in the process.

Pct. 3 – Commissioner Conley spoke of Ranch Road 12 (specifically from San Marcos to the Junction) and RM 2325 (from RR12 to Fischer Store Road) safety improvements that are needed.

Pct. 4 – Commissioner Ford spoke of state roads being major thoroughfares in the county and must be addressed. She spoke of need to address situation at intersection of Nutty Brown Road and Oak Branch Drive and she spoke of FM1626 safety issues (no shoulders, turn lanes, and varying width of lanes). Commissioner Ford spoke of cut-through on CR170/Elder Hill Road and Hilliard Road/Lime Kiln Road Sink Creek area. US290 and RM1826 are major state roads that are also a concern.

Pct. 1 – Commissioner Ingalsbe spoke of no shoulders on SH21, CR150, and SH123. She spoke of McCarty Lane from CR266 to SH123. The Road Dept. will be putting symbols for bike lanes in the shoulders of Centerpoint Road. RTP Director Jerry Borchering advised that CR266 is very critical.




Pct. 2 – Commissioner Barton spoke of RM967 having a lot of new development and increased truck traffic. He would like a systemic review of all roads in the county. He feels like the court needs to narrow the focus for the transportation advisory board.


Commissioner Conley spoke of long term and short term planning. [T2-1] Ruben Garza spoke of being a member of the Transportation Advisory Board to address long term strategic planning. He suggested forming a bond committee to address immediate concerns. [T2-93] Gary Knight (member of Transportation Advisory Board) spoke of long term planning and confusion regarding their charge regarding pass through financing. He feels like the charge is inverted: #1 is immediate needs and #2 is long term planning – needs to be reversed. Commissioner Barton spoke of problems with having a bond election in May and suggested holding the election in November 2008. He spoke of issuing revenue bonds for portions of the projects presented by TxDot today. Discussion was had regarding holding a bond election in May or November. Steve Klepfer spoke of his view of why the previous bond election failed. Judge Sumter spoke of priorities with tax implications: expand the jail, new government center, and state roads. [T2-28] Lila Knight suggested a bond committee that works in conjunction with the transportation advisory board. Commissioner Ingalsbe spoke of court needing to come up with a list of roads in each area and prioritize them for a bond election. Discussion was had regarding polling citizens.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JANUARY 31, 2008.




LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5th DAY OF FEBRUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

There was a moment of silence/prayer and Commissioner Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

24941 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog spoke of change in payee from Brandon Neal to HDR for invoice in the amount of \$5,000 in the Grants Administration budget. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of County invoices in the amount of \$463,659.95 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24942 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 29, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Commissioners Court Minutes of January 29, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED.

24943 APPROVE SPECIFICATIONS FOR IFB #2008-B08 - ANNUAL ROAD STRIPING FOR HAYS COUNTY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for IFB #2008-B08 - Annual Road Striping for Hays County and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24944 AUTHORIZE COMMERCIAL OSSF PERMIT FOR THREE WAREHOUSES LOCATED AT 470 HENLY LOOP

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for three warehouses located at 470 Henly Loop. All voting "Aye". MOTION PASSED.

24945 AUTHORIZE COMMERCIAL OSSF PERMIT FOR MICHAEL TURNER FOR A MUSIC CAMP DORMITORY LOCATED AT 525 FISCHER TRAIL

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize Commercial OSSF Permit for Michael Turner for a music camp dormitory located at 525 Fischer Trail. All voting "Aye". MOTION PASSED.

24946 APPROVE UTILITY PERMIT #01935 - (Buckwheat Pass)

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Utility Permit #01935 on Buckwheat Pass issued to Time Warner Cable as submitted by the Road Department. All voting "Aye". MOTION PASSED.

24947 REAPPOINT CARL SCUDDER AND CHUCK WARE TO HAYS COUNTY ESD#4 BOARD OF DIRECTORS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to reappoint Carl Scudder and Chuck Ware to the Hays County ESD#4 Board of Directors. All voting "Aye". MOTION PASSED.



24948 REAPPOINT JAMES SPENCER AND WALT GRANER TO HAYS COUNTY ESD#1 BOARD OF DIRECTORS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to reappoint James Spencer and Walt Graner to the Hays County ESD#1 Board of Directors. All voting "Aye". MOTION PASSED.

24949 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH BYRN & ASSOCIATES TO CONDUCT A SURVEY OF CR170 (AKA ELDER HILL ROAD) FOR THE PURPOSE OF PREPARATION FOR FUTURE ROAD IMPROVEMENT, RECONSTRUCTION, AND POSSIBLE RIGHT-OF-WAY ACQUISITION

[T1-38] A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a contract with Byrn & Associates to conduct a survey of CR170 (aka Elder Hill Road) for the purpose of preparation for future road improvement, reconstruction, and possible right-of-way acquisition. All voting "Aye". MOTION PASSED.

24950 CALL FOR A PUBLIC HEARING ON FEBRUARY 19, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION PHASE 4 SECTION 1

[T1-75] Recommended traffic regulations: STOP sign on Belterra Drive at Sawyer Ranch Road, a 3-Way STOP sign at Belterra Drive and Estes Drive, and a speed limit of 30 MPH. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on February 19, 2008 to establish traffic regulations in "Belterra Subdivision Phase 4 Section 1". All voting "Aye". MOTION PASSED.

24951 CALL FOR A PUBLIC HEARING ON FEBRUARY 19, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON HUGO ROAD (CR214)

[T1-89] RPTP Director Jerry Borchering spoke of need to reduce the speed limit on Hugo Road to 35 MPH. A motion was made by Commissioner Conley, seconded by Judge Sumter to call for a public hearing on February 19, 2008 to establish traffic regulations on Hugo Road (CR214). All voting "Aye". MOTION PASSED.

24952 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN NORTHRIDGE SUBDIVISION

[T1-118] Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borchering gave staff recommendation for traffic regulations of 25MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of 25 MPH speed limit in "Northridge Subdivision". All voting "Aye". MOTION PASSED.

24953 RIM ROCK PHASE 2 SECTION 2 (90 LOTS) - APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY

[T1-129] Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat and accept construction fiscal surety for "Rim Rock Phase 2 Section 2". All voting "Aye". MOTION PASSED.

24954 APPOINT AGGIE LOPEZ AS HAYS COUNTY ASSISTANT VETERANS SERVICE OFFICER

[T1-146] This appointment will allow Ms. Lopez (Secretary in the Veterans Services Dept) to obtain continuing education paid for by the State of Texas. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to appoint Aggie Lopez as Hays County Assistant Veterans Service Officer. All voting "Aye". MOTION PASSED.

24955 AUTHORIZE COMMISSIONER INGALSBE, COMMISSIONER BARTON, AND THE DIRECTOR OF PERSONAL HEALTH TO DEVELOP AN RFQ DESIGNED TO IDENTIFY A FIRM OR PERSON TO PROVIDE PROFESSIONAL CONSULTING TO HAYS COUNTY ABOUT TRENDS IN HEALTH CARE THAT MAY AFFECT HAYS COUNTY AND TO ADVERTISE THE RFQ

[T1-161] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Commissioner Ingalsbe, Commissioner Barton, and the Director of Personal Health to develop and RFQ designed to identify a firm or person to provide professional consulting to Hays County about trends in health care that may affect Hays County and to advertise the RFQ. All voting "Aye". MOTION PASSED.



24956 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A JANITORIAL CONTRACT WITH SHARP IMAGE OFFICE SERVICES

[T1-259] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a janitorial contract with Sharp Image Office Services. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING A POLICY FOR REFUNDING SUBDIVISION AND DEVELOPMENT FEES

[T1-314] Special Counsel Mark Kennedy spoke of proposed policy covering response time, administrative completion, fees for final plat, fees in case of inactivity, and appeals. Commissioner Barton suggested several amendments. No action taken this date. Will come back to the court with revisions discussed this date.

24957 APPROVE PURCHASE OF A BACKHOE TO REPLACE BACKHOE THAT WAS STOLEN FROM A WORKSITE

[T1-505] RPTP Director Jerry Borcharding spoke of need to replace a stolen backhoe. County Auditor Bill Herzog spoke of savings from purchase of other equipment that could be utilized. Jerry Borcharding spoke of additional vehicles that are needed and funds needed for drainage study. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve purchase of a backhoe to replace backhoe that was stolen from worksite to be funded out of vehicle line item #5714. All voting "Aye". MOTION PASSED.**

Clerk's Note: Agenda Item #16 RE: AUTHORIZE STAFF/OTHERS TO NEGOTIATE WITH CHOSEN FIRM FOR PROFESSIONAL SERVICES OUTLINED IN RFQ #2008-P03: THE DEVELOPMENT OF CONTEXT SENSITIVE DESIGN/CONTEXT SENSITIVE SOLUTIONS (CSD/CSS) GUIDELINES was PULLED.

DISCUSSION REGARDING FUNDING FOR HAYS COUNTY 160TH BIRTHDAY CELEBRATION

[T1-795] Additional research is needed regarding donations. Judge Sumter spoke of meetings that have been held and proposed events: cake baking contest, music/entertainment, food – barbeque contest, large vehicle display, courthouse tour, shuttle service and parking, birthday cake and commemorative items, and employee recognition program. Judge Sumter spoke of wanting to hold an event annually to educate the public on what county government provides. Discussion was had regarding holding this event during county government week (April 6-12, 2008 – national theme is protecting our children).

24958 APPROVE ONE PART-TIME POSITION, GRADE 913, FOR THE HAYS COUNTY CIVIC CENTER

[T1-1580] Funds required: \$13,438 to be funded out of 01-413-5448 (contract management fee). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve one part-time position, Grade 913, for the Hays County Civic Center and amend the budget accordingly. All voting "Aye". MOTION PASSED.**

24959 AMEND SECTION 5.07 OF THE CURRENT EMPLOYEE HANDBOOK

[T1-1631] Discussion was had regarding proposed change to the handbook. **A motion was made by Commissioner Conley, seconded by Judge Sumter to amend Section 5.07 of the current employee handbook. All voting "Aye". MOTION PASSED.**

24960 CALL FOR AN ELECTION OF FIVE (5) EMERGENCY SERVICES COMMISSIONERS THAT WILL SERVE ON THE BOARD OF THE NEWLY CREATED CALDWELL-HAYS COUNTY EMERGENCY SERVICES DISTRICT #1; AND HAVE THE ELECTION PLACED ON THE MAY 10, 2008 BALLOT TO BE CONSIDERED BY THE RESIDENTS OF SAID EMERGENCY SERVICES DISTRICT

[T1-1696] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for an election of five (5) Emergency Services Commissioners that will serve on the Board of the newly created Caldwell-Hays County Emergency Services District #1; and have the election placed on the May 10, 2008 ballot to be considered by the residents of said emergency services district. All voting "Aye". MOTION PASSED.**



Clerk's Note: Agenda Item #22 RE: APPROVE AWARD OF RFP #2008-P01 ENGINEERING SERVICES FOR DRAINAGE STUDIES OF SELECTED HAYS COUNTY DRAINAGE BASINS AND AUTHORIZE NEGOTIATION OF CONTRACT was PULLED.

24961 APPOINT SCOTT JOHNSON TO THE HAYS COUNTY HABITAT CONSERVATION CITIZENS ADVISORY COMMITTEE TO REPLACE BRENT TUTTLE

[T1-1830] A motion was made by Commissioner Conley, seconded by Judge Sumter to appoint Scott Johnson to the Hays County Habitat Conservation Citizens Advisory Committee to replace Brent Tuttle. All voting "Aye". MOTION PASSED.

DISCUSSION REGARDING THE HAYS COUNTY COMMISSIONERS COURT'S APPROACH TO TRANSPORTATION AND TRANSPORTATION PLANNING

[T1-1878] A brief discussion was had. More information is needed before action will be taken. Judge Sumter spoke of possible workshops to be held on Tuesdays depending on information that is forthcoming.


WORKSHOP TO REVIEW PROGRESS ON THE WAGE AND SALARY PROGRAM AND FINALIZE TIMELINE

[T1-2150] Dee Dee Baen, Human Resources Director, spoke of revising market sources to be utilized; need to determine which "salary" of Hays County (minimum, midpoint, maximum, or actual average) to match to market and to which market "salary" (average of minimum, midpoint, maximum, or actual), establish salary philosophy – pay at, below, or above market; continued progression through salary analysis to establish salary structure based on new market; and establish job families and consolidated salary structure, including law enforcement. Sheri Miller spoke of potential markets: Counties (Bastrop, Caldwell, Comal, Ellis, Guadalupe, Johnson, Montgomery, Parker, Travis, and Williamson), Cities (Austin, Kyle, New Braunfels, and San Marcos), ISD's (Comal, Dripping Springs, Hays, New Braunfels, San Marcos, and Wimberley), Texas State University, State of Texas, and Central Texas Compensation and Benefits Association Salary Survey. Discussion was had regarding averaging of salaries and hiring new employees at minimum of range (regardless of work experience). Discussion was had regarding comparison of different jobs throughout the county and career paths. Discussion was had regarding county philosophy and consistency in the schedule. Human Resources will work up some more samples for consideration.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 5, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



FEBRUARY 12, 2008

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12th DAY OF FEBRUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

The invocation was given by Commissioner Conley and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

Human Resources Director Dee Dee Baen Introduced new county employees.

PUBLIC COMMENT

Lupe Carbajal made public comment regarding denial of septic permit to Florinda Martinez in Kyle. Mary Gonzales made public comment regarding use of parks bond money.

Clerk's Note: Agenda Item #15 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE WIMBERLEY VALLEY WATERSHED ASSOCIATION TO PROVIDE 2007 PARKS BOND FUNDS TO THE JACOB'S WELL PROJECT was PULLED.

Clerk's Note: Agenda Item #19 RE: AMEND THE TRANSPORTATION ADVISORY BOARDS CHARGE was PULLED.

Clerk's Note: Agenda Item #24 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT FOR COLLABORATIVE REVIEW OF GROUNDWATER AVAILABILITY STUDIES was PULLED.

24962 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$492,598.66 as presented by the County Auditor. All voting "Aye". MOTION PASSED.

24963 APPROVE COMMISSIONER COURT MINUTES OF JANUARY 31 AND FEBRUARY 5, 2008

Commissioner Ford requested a change in the minutes for January 31st: change FM1626 to FM1826 on Pct. 4 comments. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of January 31 and February 5, 2008 as presented by the County Clerk with change requested by Commissioner Ford. All voting "Aye". MOTION PASSED.

24964 AUTHORIZE COUNTY JUDGE TO SUBMIT \$21,070 GRANT APPLICATION REQUEST TO THE LCRA - CDP PROGRAM FOR THE COUNTYWIDE CERT PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize County Judge to submit \$21,070 grant application request to the LCRA - CDP Program for the Countywide CERT Program. All voting "Aye". MOTION PASSED.

24965 APPROVE THE CANCELLATION OF COMMISSIONERS COURT ON MARCH 4, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve the cancellation of Commissioners Court on March 4, 2008. All voting "Aye". MOTION PASSED.

24966 APPROVE SPECIFICATIONS FOR BID #2008-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

RPTP Director Jerry Borcharding requested that "BeeBack Inn Road" be added to his backup information. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B09 Road Improvements/Hot-Mix Overlay and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.



24967 APPROVE SPECIFICATIONS FOR BID #2008-B10 HAYS COUNTY BANK DEPOSITORY CONTRACT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B10 Hays County Bank Depository contract and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED.

24968 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR THE HAYS COUNTY RESOURCE PROTECTION TRANSPORTATION AND PLANNING (ROAD DIVISION) AND EMERGENCY RESPONSE TEAM OFFICE IN PRECINCT 3

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Institutional OSSF Permit for the Hays County Resource Protection Transportation and Planning (road division) and Emergency Response Team Office in Precinct 3. All voting "Aye". MOTION PASSED.

24969 REAPPOINT MARILYN MILLER TO THE BOARD OF DIRECTORS OF ESD #6 FOR A TERM OF TWO YEARS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to reappoint Marilyn Miller to the Board of Directors of ESD #6 for a term of two years. All voting "Aye". MOTION PASSED.

24970 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON GATLIN CREEK RD, CR 191 [T1-189]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish a traffic regulation of 35 MPH speed limit on Gatlin Creek Road (CR191) as recommended by the Road Department. All voting "Aye". MOTION PASSED.

24971 [#07-4-073, 2 LOTS] - GREEN HILLS RESUBDIVISION OF LOT 3 - APPROVE PRELIMINARY PLAN & CALL FOR A PUBLIC HEARING ON FEBRUARY 26, 2008 [T1-199]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Green Hills Resubdivision of Lot 3" and call for a public hearing on February 26, 2008. All voting "Aye". MOTION PASSED.

24972 [#07-2-072, 2 LOTS] - OAK MESA RESUBDIVISION OF LOT 2 - APPROVE PRELIMINARY PLAN & CALL FOR A PUBLIC HEARING ON FEBRUARY 26, 2008 [T1-211]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Oak Mesa Resubdivision of Lot 2" and call for a public hearing on February 26, 2008. All voting "Aye". MOTION PASSED.

24973 AUTHORIZE THE ROAD DEPARTMENT TO ACCOMPLISH MINOR DRAINAGE IMPROVEMENTS OUTSIDE COUNTY ROW [T1-225]

RPTD Director Jerry Borcharding spoke of improvements to be made throughout the county which may require that improvements be made outside of county right-of-way in order to protect county property. Property owner and respective Commissioner approval will be obtained. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the Road Department to accomplish minor drainage improvements outside of county right-of-way. All voting "Aye". MOTION PASSED.

24974 ASSIGN OFFICE SPACE TO THE COMPLIANCE DEPARTMENT PRESENTLY BEING OCCUPIED BY INFORMATION TECHNOLOGY [T1-341]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to assign office space currently being occupied by Information Technology to the Compliance Department. All voting "Aye". MOTION PASSED.



24975 ACTION REGARDING HAYS COUNTY'S PASS THROUGH FINANCING AGREEMENT WITH THE STATE OF TEXAS, WHETHER TO PROCEED, AND OPTIONS TO FINANCE THE COUNTY'S SHARE OF THE AGREEMENT [T1-368]

Commissioner Barton spoke of need to proceed with pass through financing agreement and he stated the roads that need improvements. Commissioner Barton spoke of other entities that are participating and he spoke in favor of issuing revenue bonds and putting forth a bond package to the voters in November.

[T1-653] A motion was made by Commissioner Barton, seconded by Commissioner Conley to order and declare that [A] the Commissioners Court shall issue revenue bonds this spring in an amount sufficient to meet the short-term needs of its engineers and its partners at the state and in city government, with the intent of furthering those projects known informally as the State Pass-Through Financing Partnership. The amount of these bonds is estimated not to exceed \$31 million. The exact amount will be determined in the manner outlined below, and to be formally authorized by the Court within 30 days. [B] The County shall plan a general obligation bond election for the standard election date in November 2008, with the intent of putting before voters a proposal or series of proposals to address transportation needs in the County, including but not necessarily limited to, the construction dollars and other remaining needs of the State Pass Through Financing projects, safety concerns on other state roads, and various county road and drainage projects. [C] Staff and consultants reporting to the Commissioners Court should plan to meet these goals. [D] These goals will be accomplished by the following actions, among others: 1. The County's liaisons with TxDOT, that being Judge Sumter and Commissioner Barton, having previously been instructed by the Court to confer further with TxDOT about the County's interest in partnering "in concept" are also hereby instructed to communicate to TxDOT the County's intent to issue revenue bonds sufficient to allow TxDOT to meet its proposed spring-summer 2008 contract letting schedule for the pass-through partnership roads. 2. The County's transportation planning and engineering consultant, Prime Strategies, is instructed to negotiate with TxDOT staff to determine the minimum amount of revenue bond funding necessary to meet spring and summer letting schedules for US 290 and Interstate 35, and also to keep surveying, engineering, environmental clearance work, utility planning and relocation and right-of-way preparation and negotiation moving efficiently and expeditiously between now and November 2008. 3. The County's financial adviser, First Southwest, is instructed to prepare revenue bond options for consideration by the Court within 30 days, with a goal funding initial disbursements to TxDOT in early-to-mid April, 2008. 4. The Court commits to set up a bond committee within 30 days, to be supported by professional engineering and consultant teams funded by interest from the 2001 bonds, an to develop a set of guidelines, and with a charge or goal of reporting back to the Commissioners Court by the end of June on recommendations for a November bond package.

[T1-703] Public comments were made by Horace Fletcher (Buda), Richard Schneider (Buda), James Kohler (Kyle), Lila Knight (Kyle), J.P. 2 Beth Smith (Mountain City), Clay Huckaby (Buda), Dan Ekakiadis (Kyle – member of Kyle City Council), Judy Allen (San Marcos – member of the San Marcos CISD school board), Ray Kotowski (San Marcos), Robert Kidnew (Buda), Barrie Breed (San Marcos), David Wilson (Kyle), San Marcos Mayor Susan Narvaiz, Buda Economic Development Director Warren Ketteman, and Kyle Economic Development Director Diana Blank. Commissioner Conley spoke of economic aspects. Public comment was made by Diana Woods (City of Umland), Kyle Mayor Mike Gonzalez, Adell Hurst (President of Kyle Area Senior Zone), Kevin Kriston (San Marcos), Peter Baen, Wayne Becak (San Marcos), Douglas Dear (Buda), Mary Gonzales (San Marcos), Brad Hagen, and Sandra Tenorio (Buda City Council). Petitions were submitted in support of road improvements. Commissioner Barton spoke of emails he received from citizens. Commissioner Ingalsbe spoke of progress on improvements to McCarty Lane. She spoke in support of funding improvements for FM1626 as soon as possible. [T1-2300] Commissioner Barton spoke of issuing revenue bonds. Judge Sumter spoke of moving forward without approving revenue bonds. Commissioner Ford spoke of making a commitment that the court will support the pass through financing package that TxDOT has come back with and move forward with holding a bond election in May. Commissioner Conley spoke of previous bond package that failed and need for a bond election in November. Judge Sumter spoke in support of latest package submitted by TxDOT and supports a bond election in May. [T1-3049] Commissioner Barton spoke of the courts actions having consequences and he spoke of available funding that could be used for engineering, etc. for some of the roads in question. He spoke of things that need to be done to prepare for a bond election. Judge Sumter advised that she has been holding community meetings. [T2-1] San Marcos Mayor Susan Narvaiz spoke. Commissioner Barton spoke of considering \$14.5 – 18.5 million versus \$31 in revenue bonds. Discussion was had regarding holding a bond election in May or November. Commissioner Ingalsbe suggested setting a bond limit of \$14.5 or \$17.5 million. [\$4 million for US290 West, delay funding of IH35 improvements in Buda area on FM2001, fund IH35 utility improvements and delay other projects on IH35, \$4 mil on FM1626, and \$2 million on SH21]. [T2-464] Commissioner Ingalsbe proposed a friendly amendment to set the bond limit at \$19.5 million [would include ½ of money for US290 West, I35 @ FM2001, ROW/Utilities on I35, and \$4 million for FM1626]. - replace \$31 million with \$19.5 million. [T2-584] Discussed breakdown of money by projects. Same projects with some savings to come from US290 and I35 construction - FM1626 at \$4 million. Bond Counsel Dan Wegmiller spoke of revenue tax bonds and 1 cent tax that would be needed. **Commissioner Barton and Commissioner Conley accepted the friendly amendment to replace the \$31 million figure with \$19.5 million. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter Voting "No". MOTION PASSED.**



24976 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AIA DOCUMENT B101-2007, STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT WITH PBS&J [T2-875]

Chuck Croslin, AIA VP, appeared before the court. County Auditor Bill Herzog spoke of reimbursement resolutions needed and money currently budgeted. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an AIA Document B101-2007 standard form of agreement between owner and architect with PBS&J with \$425,495 to be paid out of line item 01-414-5741/building fund. All voting "Aye". MOTION PASSED.

24977 AWARD LANDSCAPE ARCHITECTURAL CONTRACT TO LAND DESIGN PARTNERS, INC. FOR THE DESIGN OF THE 251 ACRE SPRING LAKE PROJECT IN CONJUNCTION WITH THE CITY OF SAN MARCOS AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT [T1-1270]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to award landscape architectural contract to Land Design Partners Inc. for the design of the 251 acre Spring Lake Project in conjunction with the City of San Marcos and to authorize the County Judge to execute contract. All voting "Aye". MOTION PASSED.

24978 APPROVE A MEMORANDUM OF AGREEMENT REGARDING THE CENTRAL TEXAS 8-HOUR OZONE FLEX PROGRAM AND AUTHORIZATION OF COMMISSIONER FORD, AS THE COUNTY'S REPRESENTATIVE ON THE CENTRAL TEXAS CLEAN AIR COALITION, TO SIGN MOA ON THE COUNTY'S BEHALF [T1-1303]

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve a Memorandum of Agreement regarding the Central Texas 8-Hour Ozone Flex Program and authorization for Commissioner Ford, as the county's representative on the Central Texas Clean Air Coalition, to sign MOA on the county's behalf. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley abstained. MOTION PASSED.

24979 APPROVE NEW HAYS COUNTY SHERIFFS OFFICE VEHICLE IMPOUNDMENT POLICIES AND PROCEDURES [T2-1601]

Deputy Sheriff Mark Graves spoke of proposed policies and procedures. Delete Chapter 7 involving vehicle impound unit, Hays County does not have one and does not want one it would cost more personnel. 17A – of the contract needs to read as follows: the conviction of the company or the owner, principal or operator of the company of fraud or theft defined in the Texas Penal Code as a Class B Misdemeanor or higher offense, any Penal Code Felony, or any Penal Code violation that the Sheriff or his designee and determines may be unsafe of a threat to persons or property involved in a towing company business transaction. This is set to be able to catch any DWI convictions on an operator of that type of business. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve new Hays County Sheriff's Office Vehicle Impoundment Policies and Procedures with Special Counsel adapting the application to suit legal standards. All voting "Aye". MOTION PASSED.

24980 APPROVE EXTENSION OF THE DISASTER DECLARATION [T2-1919]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve extension of the Disaster Declaration (Burn Ban) until repealed by the Commissioners Court. All voting "Aye". MOTION PASSED.

24981 AUTHORIZE COUNTY JUDGE TO EXECUTE A CONTRACT WITH PROTECH ENGINEERING TO PROVIDE SURVEYING AND ENGINEERING SERVICES TO THE ROAD DEPARTMENT ON AN AS-NEEDED BASIS [T2-1955]

Special Counsel Mark Kennedy spoke of need for a "non exclusivity" clause. RPTP Director Jerry Borcharding spoke. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a contract with ProTech Engineering to provide surveying and engineering services to the Road Department on an as-needed basis to include a "non exclusivity" clause. All voting "Aye". MOTION PASSED.

24982 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OPTION TO PURCHASE PROPERTY IN THE VILLAGE OF WIMBERLEY FOR PRECINCT 3 OFFICES [T2-2155]

This item was pulled from open session and held in Executive Session due to the detrimental effect deliberation in open court would have had on Hays County's negotiating position in this potential real property transaction. Executive Session was held pursuant to the Texas Government Code, Section 551.072, to deliberate regarding the purchase and acquisition of real property in Precinct 3. Upon completion of the closed executive session, the court reconvened into open meeting. Commissioner Conley explained the 60 day option period. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an option to purchase property in the Village of Wimberley for Precinct 3 offices. All voting "Aye". MOTION PASSED.



EXECUTIVE SESSION PURSUANT TO OPEN MEETING ACT, TEXAS GOVERNMENT CODE 551.074, TO DISCUSS PERSONNEL MATTERS INVOLVING THE BUILDING MAINTENANCE DEPARTMENT

Court convened into closed executive session at 3:25 p.m. and reconvened into open meeting at 4:05 p.m. No action was taken on this item.

24983 APPROVE MOVING THE SALARY OF ONE ASSISTANT DISTRICT ATTORNEY FELONY PROSECUTOR TO MID-POINT [T2-2225]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve moving the salary of one Assistant District Attorney Felony Prosecutor to mid-point. All voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 12, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15th DAY OF FEBRUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

WITH COUNTY JUDGE ELIZABETH "LIZ" SUMTER ABSENT, AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Presiding Officer Commissioner Ingalsbe called the meeting to order.

WORKSHOP FOR HAYS COUNTY STAFF AND MEMBERS OF COURT TO PROVIDE INPUT AND ASK QUESTIONS OF NAISMITH ENGINEERING ON THE CURRENT DRAFT OF SUBDIVISION RULES

Grant Jackson, P.E.-Naismith Engineering, gave a powerpoint presentation giving an update of the Hays County Development Standards. County goals/objectives: Standards to protect health & welfare, guidelines to ensure orderly and adequate development, financial responsibility borne by those who benefit, procedures to limit conflict with municipalities in ETJ, and effective and efficient review of applications. Stakeholder Issues: new development to demonstrate long-term water availability; process compatible, streamlined and predictable with other local governments; protect the quality/quantity of ground water and surface water; new development to practice water conservation/wastewater reuse; develop county-wide land use and transportation plan; encourage conservation development and open-space preservation, provide public notice (general public and adjacent landowners); assess long-term fiscal impact; and quality control/accountability in process. Starting point: Junkyard/Salvage Yards (06/1988), Subdivision and Development Regulations (06/1997, Am. 06/2003, Am. 05/2007), Sexually Oriented Business (06/1997), On-site Sewage Facilities (08/1997), Flood Damage Prevention Ordinance (01/1998), Infrastructure Regulations for Manufactured Home Rental Communities (10/1999), Utility Permits/Licenses for County Right-of-Way (Am. 2003), and Rainwater Harvesting (Incentive Only). Administrative Objectives: Unified Development Code (split into broad categories, consolidate similar administrative and technical requirements, chapter, subchapter, section format [similar to TAC]), clarify staff responsibilities/authority, and supplements (applications/checklists, etc., and guidance [e.g. electronic data, etc]). Proposed Structure: 701 - Development Regulations in General 705 - Subdivision and platting of property 711 - Site Development Review and Permitting 715 - Water and wastewater availability 721 - Roadways standards 725 - Storm Water Management standards 731 - Construction/Maintenance acceptance for public infrastructure 735 - Flood Damage Prevention 741 - On-Site Sewage Facilities 745 - Manufactured Home Rental Comm. 751 - Use of County Properties/Facilities 755 - Land Use/Location Restrictions 761 - Economic Incentives 765 - Conservation Development 771 - Development Agreements. Mr. Jackson went through each section of the draft regulations explaining changes that have been made.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 15, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19th DAY OF FEBRUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PRECINCT 1 DEBBIE GONZALES INGALSBE; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton asked for a moment of silence/prayer and Commissioner Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

24984 ADOPT A PROCLAMATION RECOGNIZING THE WEEK OF FEBRUARY 25-29, 2008 AS "SPAY DAY USA" IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a Proclamation recognizing the week of February 25-29, 2008 as "Spay Day USA" in Hays County. All present voting "Aye". MOTION PASSED

PUBLIC COMMENT

Charles O'Dell, President of Hays CAN, made public comment regarding bond funds used for The Village of San Marcos project. Lila Knight made public comment regarding the Martinez septic system permit.

24985 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$692,695.46 as presented by the County Auditor. All voting "Aye". MOTION PASSED

24986 APPROVE OUT OF STATE TRAVEL - SHERIFF'S OFFICE

This request is for a Sheriff's Detective to attend the Annual National Narcotics Detector Dog Association Training in Jackson Mississippi to be paid out of currently budgeted training funds. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve out-of-state travel for the Sheriff's office. All voting "Aye". MOTION PASSED

24987 APPROVE CHANGE ORDER #1 FOR THE PROJECT AT THE HAYS COUNTY JUVENILE DETENTION CENTER IN THE AMOUNT OF \$3,600.00

This change order is to remove the obstacle course and re-grade the area - sufficient funds are available in the budget. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Change Order #1 for the project at the Hays County Juvenile Detention Center in the amount of \$3,600.00. All voting "Aye". MOTION PASSED

24988 APPROVE SPECIFICATIONS FOR RFQ #2008-P08 "ARCHITECTURAL SERVICES FOR HAYS COUNTY LAW ENFORCEMENT CENTER EXPANSION AND RENOVATIONS" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve specifications for RFQ#2008-P08 "Architectural Services for Hays County Law Enforcement Center Expansion and Renovations" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

24989 APPROVE RESOLUTION AUTHORIZE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE OFFICE OF GOVERNOR - DISCRETIONARY JUSTICE ASSISTANCE GRANT PROGRAM FOR UP TO \$14,950.00

This grant will allow the Sheriff's office to efficiently and accurately capture and plot items of evidence at felony crime scenes and traffic investigations in the purchase of a "total station" crime/accident scene surveying equipment currently used by the Texas Department of Public Safety. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Resolution authorizing the County Judge to submit a grant application to the Office of Governor - Discretionary Justice Grant Program for up to \$14,950.00. All voting "Aye". MOTION PASSED



24990 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 12, 2008

Commissioner Barton requested amendment to item #24975 (change word "would" to "may" on seventh line from the bottom of the page and County Clerk Linda Fritsche advised that amendment has been made to item #24982 to reflect the executive session that was held. Charles O'Dell made public comment regarding amendment to the minutes. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of February 12, 2008 with amendments requested. All present voting "Aye". MOTION PASSED.**

24991 APPROVE TO ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY CIVIC CENTER

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve and accept the delivery of the internal examination report for the Hays County Civic Center. All present voting "Aye". MOTION PASSED.

24992 ACCEPT CONSTRUCTION FOR THE PRESERVE AT LA VENTANA SECTION 2 [T1-450]

RPTP Director Jerry Borcharding gave staff recommendation for acceptance of construction – the roads are private. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept construction for the "Preserve at La Ventana Section 2" subdivision. All present voting "Aye". MOTION PASSED**

24993 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN BELTERRA SUBDIVISION PHASE 4, SECTION 1 [T1-503]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for traffic regulations. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulations of a STOP sign on Belterra Drive at Sawyer Ranch Road, a 3-Way STOP at Belterra Drive and Estes Drive, and a speed limit of 30 MPH in Belterra Subdivision Phase 4 Section 1. All present voting "Aye". MOTION PASSED**

24994 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON HUGO ROAD/CR 214 [T1-518]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for traffic regulations. **A motion was made by Commissioner Conley, seconded by Judge Sumter to establish traffic regulations of a speed limit of 35 MPH for a ¼ mile section centered on the third crossing of Sink Creek (3rd crossing from Ranch Road 12) on Hugo Road/CR214. All present voting "Aye". MOTION PASSED**

24995 PUBLIC HEARING TO CONSIDER (1) THE PROPOSED IMPROVEMENTS TO OAK BRANCH DRIVE WITHIN THE OAK RUN WEST SUBDIVISION IN HAYS COUNTY TO CAUSE THE ROADWAY TO COMPLY WITH HAYS COUNTY ROAD STANDARDS, AND (2) THE ASSESSMENT OF ALL OR PART OF THE COSTS OF THE IMPROVEMENT PRO RATA, AGAINST THE RECORD OWNERS OF THE REAL PROPERTY OF THE OAK RUN WEST SUBDIVISION AND ACTION [T1-543]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Keith Conner and Orlando Baños made public comment in support of improvements. Commissioner Ford spoke of assessment for improvements. Special Counsel Mark Kennedy spoke of ballot language. Commissioner Conley spoke of private financing for improvements. Orlando Baños spoke of HOA being unable to obtain private financing – their fees go strictly to road repairs. Discussion was had regarding lots that are all or partly in Travis County. Commissioner Barton spoke of need for an interlocal agreement with Travis County. **A motion was made by Commissioner Ford, seconded by Judge Sumter that the improvements to Oak Ranch Drive are necessary for health and safety and welfare of residents of Hays County and to Order an election by mail out ballots to lot owner in Oak Run West Subdivision and that if the majority of those residents vote to go forward with improvements proposed that Hays County proceed under Chapter 253 to make those improvements and instruct Special Counsel and Jerry Borcharding to work with Travis County for an Interlocal Agreement to accept and maintain a portion of the roadway that might be in Travis County. Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

24996 ACCEPT OLD RED RANCH ROAD (1.5 MILE) INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-1497]

Commissioner Ford advised that the road has been brought up to county standards. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept Old Red Ranch Road (1.5 miles) into the county road maintenance system. All present voting "Aye". MOTION PASSED**



24997 [#08-4-04, 2 LOTS] **CHRISTAL MOUNTAIN SUBDIVISION - APPROVE PRELIMINARY PLAN AND GRANT VARIANCE FOR SHARED ACCESS DRIVE LENGTH** [T1-1535]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. The variance is for the shared access driveway length which is 483 feet longer than what county rules allow. RPTP Director Jerry Borcharding spoke of this being a 60 foot SAD which could eventually be established as a roadway. Erin Banks spoke of property division. **A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan for "Christal Mountain Subdivision" and grant a variance to the shared access drive length. All present voting "Aye". MOTION PASSED**

24998 **APPROVE BUDGET AMENDMENT 08-08** [T1-1624]

Kate Johnson (HCHC Chair) spoke of need for continuing education in the Historical Commission budget. **A motion was made by Judge Sumter, seconded by Commissioner Barton to approve Budget Amendment #08-08. All present voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #15 RE: LIFT THE BURN BAN AND LOCAL DISASTER DECLARATION was PULLED.

24999 **ADVERTISE FOR AN RFQ FOR DESIGN OF A BRIDGE OVER WILSON CREEK ON GREEN ACRES ROAD NEAR WIMBERLEY, TEXAS** [T1-1690]

RPTP Director Jerry Borcharding spoke of need for bridge replacement over Wilson Creek on Green Acres Road. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to advertise for an RFQ for design of a bridge over Wilson Creek on Green Acres Road near Wimberley, Texas. All present voting "Aye". MOTION PASSED**

25000 **ACTION TO PROMOTE AND FUND (WHOLE OR PART) PARTICIPATION IN CENTRAL TEXAS MEDICAL CENTER'S HEALTHCHECK 2008** [T1-1795]

Fee has increased from \$25 to \$30 per person - \$5 to be paid by employee - additional testing fee of \$15 for PSA and \$15 for thyroid hormone tests will be available to the employee. **A motion was made by Judge Sumter, seconded by Commissioner Barton to fund \$25 per employee - with employee contributing \$5 - for participation in Central Texas Medical Center's Healthcheck 2008. All present voting "Aye". MOTION PASSED**

25001 **APPROVE SPONSORING THE AQUARENA EARTHDAY CELEBRATION ON APRIL 20, 2008** [T1-1890]

A motion was made by Judge Sumter, seconded by Commissioner Conley to approve sponsoring the Aquarena Earthday Celebration on April 20, 2008 in the amount of \$500 out of contingency funds. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING A CONTRACT WITH BARECKY CONSTRUCTION CO. TO BEGIN CONSTRUCTION OF THE NEW PCT. 4 BUILDING [T1-1942]

Commissioner Ford gave history of this project and provided drawings of the building (6,040 sf) and site location. Estimated cost is \$1.6 million for the project. She spoke of rainwater collection system that has been added for irrigation and makeup water for septic system. Commissioner Ford spoke of native plantings for landscape and wastewater system (sand filtering). Discussion was had regarding cost per square foot and maintenance of specialized systems. Special Counsel Mark Kennedy spoke of need for more documents referred to in Sections 9.1.4 & 9.1.5 of the contract. No action taken this date.

WORKSHOP: HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT PRESENTATION ON THEIR 2008 BUDGET, SPENDING PRIORITIES AND GOALS FOR THE NEXT 12 MONTHS, AND POSSIBLY BEYOND [T2-157]

Andrew Backus (Hays Trinity Groundwater Conservation District Board President) gave a powerpoint presentation on use of funds allocated by Hays County for Fiscal 2008. He spoke of the districts funding dilemma and proposed use of funding being to set aside \$25,000 for review of 10 water availability investigations (\$2,000 each); installation of dedicated monitoring wells (\$9,000-14,000 each); installation of P&T transducers in volunteers wells (\$2,500 each x 4 systems), Public Education - web site graphics improvements allowing participation in water IQ program, 3D animation of geologic system, drought management plan - stakeholder process for input related to final drought trigger and management plan (\$2,000-\$20,000); Water Quality Studies - basic water chemistry from widely dispersed middle and lower Trinity wells (\$175 each x 10), isotope study to age date water from upper, middle and lower Trinity (\$1,500 x 3), bacterial water samples from widely dispersed wells in areas with a variety of waste water system (\$4,000); Water Use Studies - give away 20 household water meters for folks using well to improve estimated water use of households, participants will report use over time (\$200 each); Revised GAM - Consultants Review (\$10,000), and fund graduate students to work on model development (\$10,000).

HAYS COUNTY COMMISSIONERS' COURT MINUTES



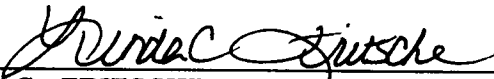
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Court was adjourned this the 15th day of February, 2008.

I, LINDA C. FRITSCHER, 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 19, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26th DAY OF FEBRUARY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Jerry Borcherding gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25002 PROCLAMATION RECOGNIZING THE WEEK OF MARCH 2ND AS "SPEAK UP FOR KIDS" WEEK

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Proclamation recognizing the week of March 2nd as "Speak Up For Kids" week. All present voting "Aye". MOTION PASSED

PUBLIC COMMENT

Charles O'Dell made public comment regarding open meeting/open records act. San Marcos Mayor Susan Narvaiz gave public comment regarding McCarty Lane project.

25003 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 366,390.63 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25004 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 15 & 19, 2008.

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioners' Court Minutes of February 15 & 19, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25005 APPROVE UTILITY PERMIT #01931

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Utility Permit #01931 on CR191/Gatlin Creek Road issued to Pedernales Electric Cooperative as submitted by the Road Department. All voting "Aye". MOTION PASSED

25006 REAPPOINT ROBERT HAYDEN TO THE HAYS COUNTY ESD #6 BOARD OF DIRECTORS FOR A TERM OF TWO YEARS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to reappoint Robert Hayden to the Hays County ESD#6 Board of Directors for a term of two years. All voting "Aye". MOTION PASSED

25007 APPROVE PAYMENT OF \$30 PER EMPLOYEE FEE FOR HEALTHCHECK RATHER THAN ALLOW PAYROLL DEDUCTIONS

Judge Sumter suggested having the employees make a \$5 payment at time of taking blood (county to pay \$25) and not allow payroll deductions. Human Resources Director Dee Dee Baen and County Treasurer Michele Tuttle gave their support for payroll deduction. Commissioner Ford suggested that the county pay the entire \$30 fee per employee. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve payment of the \$30 fee per employee to participate in 2008 Healthcheck. All voting "Aye". MOTION PASSED



25008 APPROVE SPECIFICATION AND DIRECT PURCHASING TO ADVERTISE FOR BID FOR MCCARTY LANE (EAST) WIDENING PROJECT [T1-320]

This project will widen McCarty Lane from CR266 east for approximately 1800 feet, providing access to the proposed loop. Public comment: Maria Gonzales and Charles O'Dell (Hays CAN) asked questions of the court. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve specifications and direct Purchasing to advertise for bid for McCarty Lane (East) widening project with funding to come from the interest income from the previous bond package not to exceed \$1 million. All voting "Aye". MOTION PASSED

25009 [#08-4-08, 2 LOTS] BURKE SUBDIVISION RESUBSUBDIVISION OF LOT 1 - APPROVE PRELIMINARY PLAN

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Burke Subdivision Replat of Lot 1". All voting "Aye". MOTION PASSED

25010 [#07-2-072, 2 LOTS] OAK MESA RESUBDIVISION OF LOT 2 - PUBLIC HEARING & FINAL PLAT APPROVAL [T1-587]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of "Oak Mesa Resubdivision of Lot 2". All voting "Aye". MOTION PASSED

25011 [#07-2-064, 2 LOTS] SUNRISE ACRES RESUBDIVISION OF LOT 4 - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON MARCH 11, 2008 [T1-617]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve preliminary plan for "Sunrise Acres Resubdivision of Lot 4" and call for a public hearing on March 11, 2008. All voting "Aye". MOTION PASSED

25012 [#07-4-073, 2 LOTS] GREEN HILLS RESUBDIVISION OF LOT 3 - PUBLIC HEARING & FINAL PLAT APPROVAL [T1-625]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Green Hills Resubdivision of Lot 3". All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #12 RE: ACTION TO LIFT THE BURN BAN was PULLED.

25013 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE WIMBERLEY VALLEY WATERSHED ASSOCIATION TO PROVIDE 2007 PARKS FUNDS TO THE JACOB'S WELL PROJECT [T1-666]

Steve Klepfer, David Baker, and Andrew Sansom made public comment in support of the project. Craig Payne made public comment regarding property owners easement to the well and request for representation on the new Association. A.A. Bubba Ross made public comment regarding safety issues. Patrick Cox, President of the Wimberley Valley Watershed Association, spoke. Commissioner Conley spoke of support from Texas State University, GBRA, Village of Wimberley, and others. Proposed funding, after contingencies are met, is a total of \$3,000,000 (\$2.6 million directly to the Wimberley Valley Watershed Association and \$400,000 paid to a new non-profit entity charged with managing the property and the project). A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute a Memorandum of Understanding with the Wimberley Valley Watershed Association to provide 2007 Parks Funds to the Jacob's Well Project in the amount of \$3 million. All voting "Aye". MOTION PASSED

25014 ACCEPT THE FY 2007 FINANCIAL AUDIT FOR HAYS COUNTY AS PREPARED BY THE ACCOUNTING FIRM OF HOLTMAN, WAGNER, & COMPANY LLP [T1-1314]

A brief explanation of the audit was given by the firm of Holtman, Wagner & Company. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept the FY2007 Financial Audit for Hays County as prepared by the Accounting Firm of Holtman, Wagner, & Company LLP. All voting "Aye". MOTION PASSED



CONSIDERATION OF RECOMMENDATION FROM THE PRE-COMPREHENSIVE PLAN COMMITTEE AND STAFF FOR A PLANNING CONSULTANT FOR THE HAYS COUNTY CONNECTIONS 2035 STRATEGIC PLAN AND AUTHORIZE THE COUNTY JUDGE AND APPROPRIATE STAFF TO NEGOTIATE A CONTRACT [T1-1744]

Marilee Wood spoke of four firms that were interviewed. Commissioner Barton spoke of his concerns. \$150,000 has been budgeted for the comprehensive plan. Commissioner Conley requested more time to review proposal. Court would like to meet with the recommended firm before taking action. Action was postponed until March 11, 2008 meeting.

25015 ACCEPT ANNUAL REPORT AND AUDIT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 3 [T1-2582]

Sharon O'Brien presented the annual report and audit from the Hays County Emergency Services District #3. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept annual report and audit from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE COUNTY'S MEETING WITH THE EXECUTIVE DIRECTOR OF TXDOT ON THE COUNTY'S PASS THROUGH FINANCING AGREEMENT AND THE UPCOMING FEBRUARY TRANSPORTATION COMMISSION MEETING [T1-2790]

Judge Sumter spoke of meeting that was held and advised that Hays County is on the schedule for the February 28th Transportation Commission meeting. Court discussed members of the court that might attend that meeting.

25016 APPOINT MARY GIBERSON TO THE HAYS COUNTY HISTORICAL COMMISSION

[T1-3070] A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint Mary Giberson to the Hays County Historical Commission. All voting "Aye". MOTION PASSED

25017 APPOINT RANDY VAN CAMP TO THE HAYS COUNTY ESD #1 BOARD OF DIRECTORS [T1-3089]

Mr. Van Camp will replace Vernon Jordan and serve as Treasurer for the remainder of the current term. A motion was made by Commissioner Ford, seconded by Commissioner Conley to appoint Randy Van Camp to replace Vernon Jordan and serve remaining term of office on the Hays County ESD#1 Board of Directors. All voting "Aye". MOTION PASSED

25018 ACTION TO TEMPORARILY ALLOW GREG TVRDIK TO ACCRUE MORE THAN 60 HOURS OF COMPENSATORY TIME [T1-3141]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to temporarily allow Greg Tvrdik to accrue more than 60 hours of compensatory time. All voting "Aye". MOTION PASSED

25019 ACCEPT DONATIONS OF \$200.00 AND AUTHORIZE AN EXPENDITURE OF \$175.00 TO PURCHASE A USED PALLET JACK AND BALE WRAPPER [T1-3191]

Total purchase price is \$375 (\$200 to be donated and \$175 expenditure from the Recycling and Solid Waste Department budget). A motion was made by Judge Sumter, seconded by Commissioner Barton to accept donations of \$200.00 and authorize an expenditure of \$175.00 to purchase a used pallet jack and bale wrapper. All voting "Aye". MOTION PASSED

25020 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY TO SHARE EXPENSES PAID FOR COMMERCIAL INSPECTION, ENVIRONMENTAL ASSESSMENT, APPRAISAL, AND RENDERINGS PRODUCTION RELATED TO THE PROPOSED PURCHASE OF PROPERTY FOR THE HAYS COUNTY PRECINCT 3 OFFICES, SUCH EXPENSES NOT TO EXCEED \$10,000 [T2-1]

Commissioner Conley spoke of partnership with the Village of Wimberley – funding to come out of line item # 01-414-5742. A motion was made by Commissioner Barton, seconded by Commissioner Barton to authorize the County Judge to execute an interlocal agreement with the Village of Wimberley to share expenses paid for commercial inspection, environmental assessment, appraisal and renderings production related to the proposed purchase of property for the Hays County Precinct 3 offices, such expenses not to exceed \$10,000. All voting "Aye". MOTION PASSED



25021 AUTHORIZE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT TO UTILIZE TWO COUNTY-OWNED GROUNDWATER WELLS AS MONITORING WELLS FOR RESEARCH PURPOSES AND TO PERMIT THOSE WELLS IN ACCORDANCE WITH HTGCD RULES [T2-82]

The two county-owned wells are located at the Precinct 3 and Precinct 4 road maintenance yards and would remain functional for their current use. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize Hays Trinity Groundwater Conservation District to utilize two county-owned groundwater wells as monitoring wells for research purposes and to permit those wells in accordance with HTGCD rules. All voting "Aye". MOTION PASSED

25022 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT FOR COLLABORATIVE REVIEW OF GROUNDWATER AVAILABILITY STUDIES [T2-130]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a Memorandum of Understanding with Hays Trinity Groundwater Conservation District for collaborative review of groundwater availability studies. All voting "Aye". MOTION PASSED

25023 DIRECT STAFF TO DEVELOP AN AGREEMENT WITH SETON FAMILY OF HOSPITALS TO PARTICIPATE AND PARTIALLY FUND A HAYS ENVIRONMENTAL HEALTH ASSESSMENT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FINAL AGREEMENT [T2-335]

As part of the County's overall negotiations with Seton during last year's site selection process and incentive negotiations, Seton agreed to partially fund and to cooperate with the County on a study of the existing state of public health care in Hays County. During the budget process the Court approve \$25,000 in matching funds for this effort (now referred to as a "Health Scan" or "Health Assessment"). This health scan is basically an analysis of all of the factors that contribute to the health of the community directly or indirectly. The \$25,000 in the budget [line item #01-414-5514] is not for general health care consultants, but for the "Seton" health assessment. No funds have been dedicated or obligated to the RFP for health care consultants. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to direct staff to develop an agreement with Seton Family of Hospitals, and possible participation from Central Texas Medical Center, to participate and partially fund a Hays Environmental Health Assessment and authorize the County Judge to execute the final agreement for an expenditure not to exceed county match of \$25,000. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING CAPITAL EXPENDITURES IN THE COMING YEAR'S BUDGET [T2-1090]

Judge Sumter spoke of capital expenditures anticipated for the county in the next couple of years and the possibility of a recession or at least a slowing of the economy. Capital expenditures include but are not limited to the Precinct 1, 2 & 3 offices, government center, jail, pass through finance package, 19.5 million revenue bonds for pass through finance package, county roads, commitment to changing the market for salary comparisons for county employees and commitment to increase hot mix usage on county roads. Need to look at the possible tax implications, prioritize expenditures and commitments. Discussion was had regarding government center, jail, precinct offices, etc. Numbers are needed for various projects to determine funds needed.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO [T2-1625]

The court convened into closed executive session at 2:55 p.m. and reconvened into open court at 5:00 p.m. No action was taken. Commissioner Barton left the meeting during the executive session.

WORKSHOP REGARDING BIOLOGICAL FINDINGS AND OTHER STATUS OF HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T2-1675]


Clif Ladd (Loomis Austin) introduced his team and they proceeded to go through the Hays County Habitat Conservation Plan. Timelines were discussed. Clif Ladd spoke of grant application and recommendations for species inclusion. The Biological Advisory Team (BAT) of the Hays County Habitat Conservation Plan (Hays County HCP) was asked to propose a list of species to include in the plan and provide recommendations for the most appropriate type of coverage for included species. BAT assembled a comprehensive list of rare or sensitive species known to occur in Hays County and the list included 112 species, including a number of plants, invertebrates, fish, amphibians, reptiles, and mammals. The BAT further reviewed the comprehensive and filtered lists of species of concern to arrive at the recommended list of species of concern to address in the Hays County HCP. The recommended list of species of concern includes 58 species. The covered species of concern were the golden-cheeked warbler and the black-capped vireo and the remaining species of concern are listed as evaluation species. Hays County has 430,000 acres and 40% of the county is golden cheek warbler habitat. Black-capped vireo are generally over Edwards limestone areas. Discussed Karst and Aquatic/Karst features (caves, etc.) and Aquatic resources in the county. Maps are available on the county website indicating areas of concern. Three alternatives were discussed for a preserve system based on preserve sizes of 3,500 acres, 16,000 acres, and 32,000 acres. Funding options were discussed.




Court was adjourned this the 26th day of February, 2008.

I, LINDA C. FRITSCHER, 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 26, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11th DAY OF MARCH A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley was not present at beginning of the meeting.

Nick Icosipentarhos gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Kate Johnson (Kyle resident) made public comment in opposition to proposed ordinance to restrict guns. Abel Velasquez (Human Resources Dept.) introduced two new employees at the Juvenile Detention Center. Charles O'Dell made public comment regarding open records violation complaint.

25024 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog spoke of membership and dues overage in countywide operations – he suggested paying overage out of contingencies. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$254,470 for 3/4/08 and \$433,190.56 for 3/11/08 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25025 APPROVE COMMISSIONER COURT MINUTES OF FEBRUARY 26, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioners Court Minutes of February 26, 2008. All present voting "Aye". MOTION PASSED

25026 APPROVE CHANGE ORDER #2 FOR THE PROJECT AT THE HAYS COUNTY JUVENILE DETENTION CENTER IN THE AMOUNT OF \$8,800.00

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Change Order #2 for the project at the Hays County Juvenile Detention Center in the amount of \$8,800.00. All present voting "Aye". MOTION PASSED

25027 AUTHORIZE THE COUNTY JUDGE TO APPROVE RESOLUTION AND TO SUBMIT GRANT APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN WIMBERLEY ISD FOR UP TO \$20,278.00

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to approve resolution and to submit grant application to the Governor's Office Criminal Justice Division for the Sheriff's School Resource Officer in Wimberley ISD for up to \$20,278.00. All present voting "Aye". MOTION PASSED

25028 ACCEPT DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY SHERIFF'S JAIL COMMISSARY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept delivery of the Internal Examination Report for the Hays County Sheriff's Jail Commissary. All present voting "Aye". MOTION PASSED



**25029 AUTHORIZE OUT-OF-STATE TRAVEL FOR SO-FONG WONG, RN FNP TO ATTEND
A CONFERENCE ON DIABETES IN MILPITAS, CALIFORNIA**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize out-of-state travel for So-Fong Wong, RN FNP, to attend a conference on diabetes in Milpitas, California. All present voting "Aye". MOTION PASSED

**25030 APPROVE SPECIFICATIONS FOR BID #2008-B07 VENDING MACHINE SERVICES
AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2008-B07 vending machine services and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

**25031 APPROVE SPECIFICATIONS FOR BID #2008-B06 BOTTLED WATER SERVICES
AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2008-B06 Bottled Water Services and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

**25032 APPROVE AWARD OF RFB #2008-B08 ROAD STRIPING FOR ROAD DEPARTMENT
TO HIGHWAY TECHNOLOGIES LP.**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve award of RFB #2008-B08 Road Striping for Road Department to Highway Technologies LP. All present voting "Aye". MOTION PASSED

**25033 APPROVE RENEWAL OF BID #2005-B04 CEMETERY MAINTENANCE WITH
MAINTENANCE MANAGEMENT FOR ONE ADDITIONAL YEAR AS PROVIDED IN
THE ORIGINAL BID**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve renewal of Bid #2005-B04 Cemetery Maintenance with Maintenance Management for one additional year as provided in the original bid. All present voting "Aye". MOTION PASSED

**25034 APPROVE INSTITUTIONAL OSSF PERMIT FOR THE TRATTORIA LISINA
RESTAURANT AT 13304 FM 150 WEST IN PRECINCT 4 [T1-145]**

Charles O'Dell made public comment. RPTP Director Jerry Borcharding spoke of issues regarding increase in flow. Chief Sanitarian Tom Pope spoke of increase. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Institutional OSSF Permit for the Trattoria Lisina Restaurant at 13304 FM150 West in Precinct 4. All present voting "Aye". MOTION PASSED

25035 ADOPT A POLICY FOR REFUNDING SUBDIVISION AND DEVELOPMENT FEES

[T1-379] Special Counsel Mark Kennedy spoke of changes that have been made. Commissioner Conley came to the meeting at this time. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt a Policy for Refunding Subdivision and Development Fees effective immediately. All voting "Aye". MOTION PASSED

**25036 AUTHORIZE ADVERTISING FOR AN RFQ FOR AN ENGINEERING FIRM TO BEGIN
REDESIGNING THE APPROACH TO THE BLANCO RIVER BRIDGE ON FISHER
STORE ROAD [T1-483]**

RPTP Director Jerry Borcharding spoke. A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize advertising for an RFQ for an engineering firm to begin redesigning the approach to the Blanco River Bridge on Fisher Store Road. All voting "Aye". MOTION PASSED



25037 CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON QUAIL RUN ROAD/CR 272 [T1-512]

Recommended speed limit is 40 MPH for approximately 500 feet west of Trails End to approximately 3,000 feet west of Trails End. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on March 25, 2008 to establish traffic regulations on Quail Run Road (CR272). All voting "Aye". MOTION PASSED

25038 CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON PLANT LADY LANE [T1-521]

Recommended traffic regulation is to establish a STOP sign on Plant Lady Lane at its intersection with Martin Road/CR2188. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 25, 2008 to establish traffic regulations on Plant Lady Lane. All voting "Aye". MOTION PASSED

25039 GRANT A DRIVEWAY VARIANCE AT 845 BELL SPRINGS ROAD [T1-527]

Commissioner Ford spoke of variance request. RTP Director Jerry Borcharding spoke of request and gave staff recommendation for approval. Discussion was had regarding platting requirements. A motion was made by Commissioner Ford, seconded by Commissioner Conley to grant a driveway variance at 845 Bell Springs Road. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED

25040 [#08-4-08, 2 LOTS] BURKE SUBDIVISION RESUB OF LOT 1 - APPROVE FINAL PLAT

[T1-764] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. Sharon Darley owner of property in the Burke Subdivision spoke of need to plat the Burke Subdivision properly. Commissioner Ford spoke of this being an unrecorded subdivision and she is working towards getting this plat recorded. Jeff Howard (representing Austin Equine - current owners of the property) spoke of access to these lots on FM150 and he spoke of access easement for all property owners in the subdivision. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Burke Subdivision Resubdivision of Lot 1". All voting "Aye". MOTION PASSED

25041 [#07-4-66, 2 LOTS] STAGECOACH RANCH SECTION 4 RESUB OF LOT 7 - CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 AND APPROVE PRELIMINARY PLAN

[T1-1210] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on March 25, 2008 and approve preliminary plan for "Stagecoach Ranch Section 4 Resubdivision of Lot 7". All voting "Aye". MOTION PASSED

25042 [#08-3-03, 2 LOTS] RANCH AT WIMBERLEY RESUB OF LOT 1-H - CALL FOR A PUBLIC HEARING ON MARCH 25, 2008 AND APPROVE PRELIMINARY PLAN

[T1-1223] Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on March 25, 2008 and approve preliminary plan for "Ranch at Wimberley Resubdivision of Lot 1-H". All voting "Aye". MOTION PASSED

25043 [#07-2-64, 2 LOTS] SUNRISE ACRES RESUB OF LOT 4 - HOLD A PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1234]

Judge Sumter declared the public hearing open. Chris Avalos made public comment. Judge Sumter closed the public hearing. Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. Discussion was had regarding rental homes (18 homes on 1/2 acre each) being constructed on property next to this lot. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve final plat of "Sunrise Acres Resubdivision of Lot 4". All voting "Aye". MOTION PASSED



25044 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH BARECKY CONSTRUCTION CO. TO BEGIN CONSTRUCTION OF THE NEW PCT 4 BUILDING

[T1-1514] Constable Pct. 4 Debbie Brown spoke of need for this building as quickly as possible. Commissioner Ford spoke of revisions that have been made – a savings of \$88,500. A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a contract with Barecky Construction Company to begin construction of the new Precinct 4 building in the amount of \$1,577,750 [\$1,646,250 less savings of \$88,500]. All voting "Aye". MOTION PASSED

25045 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A SPECIAL WARRANTY DEED CONVEYING SOUTH BUDA WCID NUMBER 1'S PART OF RELOCATED CR 132 TO HAYS COUNTY AND A SPECIAL WARRANTY DEED CONVEYING THE CITY OF BUDA'S PORTION OF RELOCATED CR 132 TO HAYS COUNTY AND TO AUTHORIZE THE COUNTY JUDGE TO SIGN AN ORDER CLOSING, ABANDONING AND VACATING A PART OF CR 132 [T1-2135]

Commissioner Barton spoke of truck bypass. Warren Ketteman (Buda Economic Development Director) and Sarah Mangham (Buda City Finance Director and Interim Buda City Manager) spoke. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to accept a special warranty deed conveying South Buda WCID Number 1's part of relocated CR132 to Hays County and a special warranty deed conveying the City of Buda's portion of relocated CR132 to Hays County and to furthermore authorize the County Judge to sign an Order closing, abandoning and vacating a part of CR132. All voting "Aye". MOTION PASSED

25046 AUTHORIZE THE COUNTY JUDGE TO ACCEPT SURPLUS LAND CONSISTING OF APPROXIMATELY ONE-HALF MILE OF FM 2001 EAST OF IH35, TO BE TRANSFERRED UNDER THE AUTHORITY OF THE TEXAS TRANSPORTATION COMMISSION

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to accept surplus land consisting of approximately one-half mile of FM2001 east of IH35 to be transferred under the authority of the Texas Transportation Commission. All voting "Aye". MOTION PASSED

25047 APPOINT COMMISSIONER BARTON TO CONVEY THE PORTION OF FM 2001 THAT THE COUNTY WILL BE RECEIVING FROM THE STATE TO BUDA SUNFIELD, LLC; TO APPOINT THE STATE'S APPRAISER AS THE COUNTY'S APPRAISER FOR SALES PURPOSES; TO FIND THAT A CONVEYANCE TO BUDA SUNFIELD LLC IN RETURN FOR THE REALIGNMENT OF FM2001 IS REASONABLE AND EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY BEING CONVEYED BY HAYS COUNTY; TO AUTHORIZE SPECIAL COUNSEL TO DRAFT OR APPROVE THE DEED FOR CONVEYANCE OF THE PORTION OF FM2001 BEING CONVEYED BY HAYS COUNTY; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THAT DEED, ONCE IT IS APPROVED OR DRAFTED BY SPECIAL COUNSEL [T1-2450]

Commissioner Barton spoke. A motion was made by Commissioner Barton, seconded by Judge Sumter to appoint Commissioner Barton to convey the portion of FM 2001 that the County will be receiving from the State to Buda Sunfield, LLC; to appoint the State's appraiser as the County's appraiser for sales purposes; to find that a conveyance to Buda Sunfield LLC in return for the realignment of FM2001 is reasonable and exceeds the fair market value of the property being conveyed by Hays County; to authorize Special Counsel to draft or approve the deed for conveyance of the portion of FM2001 being conveyed by Hays County; and to authorize the County Judge to execute that deed, once it is approved or drafted by Special Counsel. All voting "Aye". MOTION PASSED

25048 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS REGARDING CONSTRUCTION OF PARK FACILITIES AND NECESSARY IMPROVEMENTS FOR "THE VILLAGE" PROJECT LOCATED TO THE EAST OF HUNTER ROAD AT REIMER ROAD [T1-2661]

Charles O'Dell (Hays CAN) made public comment. Special Counsel Mark Kennedy responded to complaints and he spoke of interlocal agreement and easement. Penny Dunn spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement between Hays County and the City of San Marcos regarding construction of park facilities and necessary improvements for "The Village" project located to the east of Hunter Road at Reimer Road. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford voting "No". MOTION PASSED



25049 PRESENTATION BY KNUDSON AND ASSOCIATES, THE FIRM RECOMMENDED BY THE RFQ REVIEW COMMITTEE AND ACCEPT RECOMMENDATION FROM THE PRE-COMPREHENSIVE PLAN COMMITTEE AND STAFF FOR A PLANNING CONSULTANT FOR HAYS COUNTY CONNECTIONS 2035 STRATEGIC PLAN AND AUTHORIZE THE COUNTY JUDGE AND APPROPRIATE STAFF TO NEGOTIATE A CONTRACT [T1-3106]

Patti Knudson Joiner, Tom Northrup, and Joseph Lessard were present. Planning Focus: Manage orderly growth of Hays County, facilitate sustainable development, preserve individuality and character of diverse communities, including natural resources, and institutionalize collaborative processes and linkages within county agencies, cities and other stakeholders. Joe Lessard explained the flow of information and the process. Consultant Tasks: (1) Analysis of available data, (2) issues assessment, (3) Hays County office/presence, (4) public involvement plan, (5) strategic planning, (6) preliminary Hays County Connections 2035, and (7) draft Hays County Connections 2035. Funding sources: TCEQ, TxDOT/FHWA, Texas Water Development Board, CAMCOG, CAMPO, River Authorities, Utility Providers, and other local jurisdictions. Discussed breaking the process down in phases. **A motion was made by Judge Sumter, seconded by Commissioner Ford to accept recommendation from the pre-comprehensive plan committee and staff for Knudson and Associates Firm as planning consultant for Hays County Connections 2035 Strategic Plan and authorize the County Judge and appropriate staff to negotiate a contract. Commissioner Ford, Commissioner Barton, Commissioner Ingalsbe, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

25050 ACCEPT RECOMMENDATIONS AND PROPOSAL FROM THE TRUST OF PUBLIC LAND [T2-1350]

Commissioner Ford spoke of proposal from the Trust of Public Land. Scope of work and process: TPL will assist Hays County in creating an effective conservation preservation program by bringing recommendations of best practices drawn from studies of successful local government acquisition programs around the country, providing objective assessment of community protection priorities, engaging stakeholders in the development of specific protection priorities which can guide future decision making, developing clear credible project selection categories and criteria based on community priorities, creating a process for identifying and initiating the best projects, evaluating the most appropriate roles for CPAT, staff, elected officials and partners, assisting in the development of policies, procedures and documents to implement recommendations. Commissioner Barton spoke of adding language that would require Commissioner Court approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to accept the Trust of Public Land proposal and enter into a professional services contract based on its content and begin its implementation immediately. All voting "Aye". MOTION PASSED**

25051 ACTION REGARDING FOLLOW-THROUGH ON THE HAYS COUNTY PASS THROUGH FINANCING ORDER ADOPTED BY COMMISSIONERS COURT FEBRUARY 12, INCLUDING BUT NOT LIMITED TO THE CREATION OF A BOND COMMITTEE FOR HAYS COUNTY, THE EMPLOYMENT OF PROFESSIONAL ENGINEERS AND/OR PLANNERS TO ASSIST THE COMMITTEE, PROJECT PLANNING, COSTS , SCHEDULING AND FINANCE OPTIONS [T2-1642]

Charles O'Dell, Hays CAN, made public comment. Commissioner Barton provided some preliminary cash flow requirements that could be used to determine the timing of issuing the \$19.5 million in revenue bonds. He spoke of appointing a bond committee and begin holding public hearings and meetings. Commissioner Conley spoke of need to create a committee and move forward with an RFP. [T2-2422] **A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for an RFP to be reviewed and scored by Cindy Maiorka, Jerry Borcharding and Mike Weaver of Prime Strategies, with top three firms to come back to commissioners court for consideration, not to consider firms that are currently under contract with county for pass through financing, to form a nine member bond committee with chair to be appointed by the County Judge, and accept the preliminary time schedule. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #21 RE: LIFT THE BURN BAN AND LOCAL DISASTER DECLARATION was PULLED.

DISCUSSION REGARDING REPLACING RODNEY COBB ON THE CPAT COMMITTEE WITH RICHARD SALMON [T2-2573]

Commissioner Conley advised that Rodney Cobb (San Marcos Parks & Rec Director) can no longer serve on the CPAT and he recommended replacing him with Richard Salmon who is knowledgeable of the committee and now works for the City of San Marcos. Judge Sumter requested a letter of resignation from Rodney Cobb and she spoke of CPAT by-laws that require that members reside in Hays County (Richard Salmon does not live in Hays County).



25052 APPROVE FUNDING FOR ACTIVITIES DURING COUNTY EMPLOYEE APPRECIATION WEEK [T2-2806]

Judge Sumter spoke of county's 160th birthday. She spoke of various events to be held during the week for employee appreciation. Appreciation Luncheon bids were obtained from Gary Job Corp and Fuschak Bar-B-Que. Funding needed would not exceed \$10,000. Court agreed to use Gary Job Corp for luncheon. **A motion was made by Judge Sumter, seconded by Commissioner Ford to fund an amount not to exceed \$10,000 for activities during county employee appreciation week from contingencies. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING DEVELOPMENT OF A HAYS COUNTY GOVERNMENT INFORMATIONAL BROCHURE [T2-3200]

Commissioner Ford spoke of plans for a county government information brochure. No action taken this date.

DISCUSSION REGARDING PARTICIPATION IN CAMPO'S CONGESTION MONITORING PROGRAM

[T2-3421] Judge Sumter spoke of request for FY2008 match in the amount of \$3,000. Congestion Monitoring Program: The 2008-2009 Congestion Monitoring and Analysis Report will include collecting and analyzing travel time and delay data on approximately 860 miles of roadways in the CAMPO region. Project deliverables include a project report and a GIS based mapping tool for analysis. Model Improvements (Reporting, Mapping, Toll Traffic, TOD Assessment, Modeling/GIS Software Updates: Improve the reporting capability of the travel demand model to improve the efficiency of the modeling department. This will also assist with an off-model assessment for TOD locations and covers upgrades/maintenance of modeling software. **No action taken.**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT [T3-6]

Court convened into closed executive session at 4:30 p.m. and reconvened into open session at 4:45 p.m. **No action was taken.**

Court was adjourned this the 11th day of MARCH, 2008.

I, LINDA C. FRITSCHKE, 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 MARCH 11, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18th DAY OF MARCH A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PRESENTATION BY JIM WALKER, DIRECTOR OF THE CENTRAL SUSTAINABLE INDICATORS PROJECT

Jim Walker, Director of Central Sustainable Indicators Project, gave a powerpoint presentation. The CTSIIP promotes sustainability by providing data and analysis on the interdependent nature of social, environmental, and economic health in our region. Focus areas: Indicators – integration of data and values: public safety, education and children, social equity, engagement, economy, health, environment, and land use/mobility. Evolution of the CTSIP focus areas – public awareness, collaborations, data management, and organization. Discussion was had regarding survey. www.centex-indicators.org

25053 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$885,192.49 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25054 APPROVE COMMISSIONER COURT MINUTES OF MARCH 11, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the Commissioners Court Minutes of March 11, 2008 as submitted by the County Clerk. All voting "Aye". MOTION PASSED

25055 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$64,700 GRANT FROM CAPITAL AREA COUNCIL OF GOVERNMENTS, (CAPCOG) SOLID WASTE & RECYCLING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to accept \$64,700 Grant from Capital Area Council of Governments (CAPCOG) Solid Waste & Recycling. All voting "Aye". MOTION PASSED

25056 ACCEPT THE 2007-2008 FINANCIAL REVIEW OF THE HAYS COUNTY EMERGENCY SERVICE DISTRICT #5

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to accept the 2007-2008 Financial Review of the Hays County Emergency Service District #5. All voting "Aye". MOTION PASSED

25057 RE-APPOINT COMMISSIONER CONLEY TO THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT BOARD

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to reappoint Commissioner Conley to the Austin-San Antonio Commuter Rail District Board. All voting "Aye". MOTION PASSED

25058 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR DENNIS GREEN FOR A GOLF DRIVING RANGE LOCATED AT 3000 US HWY 290 WEST, DRIPPING SPRINGS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize Institutional OSSF Permit for Dennis Green for a golf driving range located at 3000 U.S. Hwy. 290 West in Dripping Springs. All voting "Aye". MOTION PASSED



25059 APPROVE AWARD OF BID #2008-B09 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO RAMMING PAVING

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve award of Bid #2008-B09 Road Improvements/Hot-Mix Overlay to Ramming Paving. All voting "Aye". MOTION PASSED

25060 APPROVE UTILITY PERMIT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve utility permit #01941 on CR 205 issued to PEC, and #01937 on CR 266 issued to Crystal Clear. All voting "Aye". MOTION PASSED

25061 FLYING C RANCH SUBDIVISION [#08-3-11, 1 LOT] - APPROVE PRELIMINARY PLAN

[T1-510] Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve preliminary plan for "Flying C Ranch" subdivision. All voting "Aye". MOTION PASSED

25062 STARR SUBDIVISION RESUB OF LOT 1 [#07-3-67, 2 LOTS] - CALL FOR A PUBLIC HEARING ON APRIL 1, 2008 AND APPROVE PRELIMINARY PLAN [T1-518]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on April 1, 2008 and approve preliminary plan for "Star Subdivision Resub of Lot 1". All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE BURN BAN AND LOCAL DISASTER DECLARATION [T1-528]

Commissioner Conley spoke of his concern regarding discharge of fireworks being allowed during a burn ban. He feels like this issue needs to be addressed. Special Counsel Mark Kennedy spoke of possibly amending the burn ordinance/burn ban. No action was taken.

25063 ACCEPT DONATION OF A STEEL GATE AND \$2,300 FROM CHARLES NAGEL TO BE UTILIZED AT THE HAYS COUNTY CIVIC CENTER [T1-587]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept donation of a steel gate and \$2,300 from Charles Nagel to be utilized at the Hays County Civic Center. All voting "Aye". MOTION PASSED

25064 AUTHORIZE THE COUNTY JUDGE TO SIGN A RENEWAL IMMUNIZATION GRANT AGREEMENT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$201,600 [T1-657]

Health Department Director Nick Icosipentarios explained the immunization program. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a renewal immunization grant agreement for the Hays County Personal Health Department with the Texas Department of State Health Services for \$201,600. All voting "Aye". MOTION PASSED

25065 ACTION TO LEASE OR BUILD OFFICE AND STORAGE SPACE FOR THE BUILDING MAINTENANCE DEPARTMENT [T1-736]

Discussion was had regarding options presented. [T1-853] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to request legal counsel to draw up a lease agreement with SM Leasing Inc. for office/warehouse space for the Building Maintenance Department to be brought back to the court for approval. All voting "Aye". MOTION PASSED



25066 ACCEPT RESULTS OF BALLOTS RECEIVED FROM RECORD OWNERS OF PROPERTY ON OAK BRANCH DRIVE IN THE OAK RUN WEST SUBDIVISION REGARDING IMPROVEMENTS AND ASSESSMENT OF THE COST PURSUANT TO TEXAS TRANSPORTATION CODE CHAPTER 253 WITH ACTION ORDERING THE IMPROVEMENTS AND ASSESSING THE COST OF THE IMPROVEMENTS [T1-922]

Donna Rice (resident on Oak Branch Drive) made public comment and asked questions regarding improvements to be made to the road. RPTP Director Jerry Borchering responded to questions raised. Special Counsel Mark Kennedy spoke of ballots that were sent out, lots that were not in Hays County or in the subdivision and agreement with Travis County. Commissioner Conley voiced his opposition to this action. County Clerk Linda Fritsche provided the court with results of ballots received: 26 in favor of improvements, 3 not in favor of improvements, and 1 undecided. 52 ballots were mailed out. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept results of ballots received from record owners of property on Oak Branch Drive in the Oak Run West Subdivision regarding improvements and assessment of the cost pursuant to Texas Transportation Code Chapter 253 and action to order the improvements and assess the cost of the improvements. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED**

DISCUSSION REGARDING A CITIZEN BOND COMMITTEE FOR TRANSPORTATION, ITS CHARGE, GOVERNING CHARTER, BUDGET, AND A RELATED CALL FOR PROJECTS BY THE COMMISSIONERS COURT [T1-1418]

Commissioner Barton spoke of establishing a nine-member citizen's bond committee to be called the Mobility and Safety Bond Committee (MAS for short). He spoke of using money from the 2001 bond issue for this effort. He went through a list of six possible charges to the committee. He submitted a proposed letter that would be sent out to invite cities and school districts to submit projects for the bond package – private citizens may also make submissions. The deadline for project submission would be the end of business day May 2, 2008 in the County Judge's office. Discussion was had regarding limiting number of projects submitted per entity. No action taken this date.

25067 APPOINT FRANK CHEATHAM TO REPLACE RICHARD SALMON ON THE SAN MARCOS ANIMAL SHELTER ADVISORY COMMITTEE [T1-2001]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to appoint Frank Cheatham to replace Richard Salmon on the San Marcos Animal Shelter Advisory Committee. All voting "Aye". MOTION PASSED

25068 APPROVE TIMELINE FOR TRUST FOR PUBLIC LAND (TPL) WORK AND CONTINUE THE MORATORIUM ON ACCEPTANCE OF PARK/OPEN SPACE PROJECTS UNTIL COURT FINALIZES THE WORK WITH TPL [T1-2009]

Discussion was had regarding proposed timeline and continuation of moratorium on acceptance of new projects. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve timeline for Trust for Public Land (TPL) work and continue the moratorium on acceptance of park/open space projects until the Court finalizes the work with TPL. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING FINAL APPROPRIATIONS FOR ROADWAY PROJECTS UTILIZING AN AMOUNT NOT TO EXCEED \$19.5 MILLION AS AGREED UPON AT THE FEBRUARY 12, 2008 COURT MEETING

[T1-2293] Commissioner Ford spoke of SH290 (\$8 million), FM1626 (\$2 million), IH35 @ CR210 (\$8 million), IH35 @ FM150 (\$1 million), and \$500,000 for program management. She suggested transferring the \$1 million for IH35 @ FM150 and the \$500,000 for program management to State Highway 21. Discussion was had regarding administrative costs. Commissioner Conley voiced his concern about including SH21 in the revenue bond funds being discussed. Discussion was had regarding revenue bonds and projects being considered. Commissioner Barton suggested no action at this time until a discussion can be had with Mike Weaver.

Court convened into closed executive session regarding three pending/contemplated litigations at 12:15 p.m. and reconvened into open meeting at 1:55 p.m. [T1-3417] Those items are listed as follows:

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO – NO ACTION TAKEN.



EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO - NO ACTION TAKEN.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CONTEMPLATED LITIGATION ASSOCIATED WITH ALLEGED POLLUTION OF LONGBRANCH CREEK, IN HAYS COUNTY, TEXAS - NO ACTION TAKEN

25069 APPROVE \$581,000 OF THE PARK BOND FUNDS TO THE NORTH HAYS OPTIMIST CLUB FOUNDATION FOR THEIR SPORTSPLEX FACILITY EAST OF I-35 ON GOFORTH ROAD

[T1-3468] Representative from the North Hays Optimist Club Foundation gave a powerpoint presentation. Discussion was had as to what the funds would be spent on. Discussion was had regarding a Memorandum of Understanding. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve \$581,000 of the Park Bond funds to the North Hays Optimist Club Foundation for their Sportsplex Facility east of I-35 on Goforth Road and to ask Special Counsel to draft an Interlocal Agreement that will clarify the issues that were discussed today in court. All voting "Aye". MOTION PASSED

WORKSHOP FOR HAYS COUNTY STAFF AND MEMBERS OF COURT TO PROVIDE INPUT AND ASK QUESTIONS ON NAISMITH ENGINEERING ON THE CURRENT DRAFT OF SUBDIVISION RULES

[T2-466] Grant Jackson of Naismith Engineering spoke of proposed changes. A lengthy discussion was had regarding Chapter 721 - Roadway Standards and Chapter 725 - Storm water Management Standards. Another workshop will be needed to continue with remaining chapters.

Clerk's Note: Agenda Item #22 RE: AUTHORIZE PURCHASING TO PREPARE AN RFP FOR THE PURCHASE OF NEW FINANCIAL ACCOUNTING SOFTWARE was PULLED. No action taken.

Court was adjourned this the 18th day of MARCH, 2008.

I, LINDA C. FRITSCH, 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 MARCH 18, 2008.



Linda C. Fritsche
LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





MARCH 25, 2008

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 25th DAY OF MARCH A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25070 APPROVE PAYMENTS OF COUNTY INVOICES

Commissioner Conley asked about the utility bill for the Civic Center. County Auditor Bill Herzog advised that he will look into the charges. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$295,458.68 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25071 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 18, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of March 18, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25072 APPROVE PURCHASE OF A STORAGE SHED FOR THE STORAGE OF OIL DRUMS FOR THE ROAD DEPARTMENT'S PRECINCT 1 MAINTENANCE YARD IN THE AMOUNT OF \$1,229.00 FROM THE HOME DEPOT

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve purchase of a storage shed for the storage of oil drums for the Road Department's Precinct 1 maintenance yard in the amount of \$1,229.00 from the Home Depot. All voting "Aye". MOTION PASSED

25073 ACCEPT THE CERTIFICATE OF COMPLETION AND MAINTENANCE BOND AND AUTHORIZE FINAL PAYMENT FOR KYLE CROSSING, FORMERLY KNOWN AS DRY HOLE ROAD [T1-54]

RPTP Director Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept Certificate of Completion and Maintenance Bond and authorize final payment for Kyle Crossing, formerly known as Dry Hole Road. All voting "Aye". MOTION PASSED

25074 CALL FOR A PUBLIC HEARING ON APRIL 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON ASPEN DRIVE IN BELTERRA SUBDIVISION [T1-70]

Recommended speed limit is 20 MPH. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on April 8, 2008 to establish traffic regulations on Aspen Drive in Belterra Subdivision. All voting "Aye". MOTION PASSED

25075 CALL FOR A PUBLIC HEARING ON APRIL 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON SAWYER RANCH ROAD (CR 164) [T1-86]

Recommending a 40 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on April 8, 2008 to establish traffic regulations on Sawyer Ranch Road (CR164) in Meadow Creek Phases 1 & 2. All voting "Aye". MOTION PASSED

25076 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON PLANT LADY LANE [T1-108]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulation of a STOP sign on Plant Lady Lane at the intersection of Martin Road (CR288). All voting "Aye". MOTION PASSED



25077 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR SHADOW CREEK SUBDIVISION PHASE 2 SECTIONS 1,2 AND 3 [T1-118]

RPTP Director Jerry Borcharding gave staff recommendation for release of maintenance bond and accept the roads/drainage for county maintenance. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to release the maintenance bond and accept for maintenance all roads and drainage improvements within county right-of-way for "Shadow Creek Subdivision Phase 2 Sections 1, 2 & 3". All voting "Aye". MOTION PASSED

25078 RANCH AT WIMBERLEY RESUBDIVISION OF LOT 1H [#08-3-08, 2 LOTS] - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-138]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Ranch at Wimberley Resubdivision of Lot 1-H". All voting "Aye". MOTION PASSED

25079 RIVER MOUNTAIN RANCH SECTION 1 RESUBDIVISION OF LOTS 74A & 74B [#07-3-71, 4 LOTS] - CALL FOR A PUBLIC HEARING ON APRIL 8, 2008 AND APPROVE PRELIMINARY PLAN [T1-155]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on April 8, 2008 and approve preliminary plan for "River Mountain Ranch Section 1 Resubdivision of Lots 74A & 74B". All voting "Aye". MOTION PASSED

25080 STAGECOACH RANCH SECTION 4 RESUB LOT 7 [#07-4-66, 2 LOTS] - PUBLIC HEARING AND FINAL PLAT APPROVAL [T1-167]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Stagecoach Ranch Section 4 Resubdivision of Lot 7". All voting "Aye". MOTION PASSED

25081 FLYING C RANCH SUBDIVISION [#08-3-11, 1 LOT] - APPROVE FINAL PLAT [T1-179]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "Flying C Ranch Subdivision". All voting "Aye". MOTION PASSED

25082 AUTHORIZE EXPENDITURE OF RECORDS PRESERVATION FUNDS FOR THE CONVERSION OF [DISTRICT COURT] JUDICIAL CASE FILES TO A DIGITAL FORMAT [T1-190]

District Clerk Cecelia Adair spoke of work to be done to convert judicial case files to a digital format. A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the expenditure of Records Preservation Funds for the conversion of District Court judicial case files to a digital format with \$94,000 budgeted this year and the remainder to be funded next fiscal year pending approval by special counsel of the contract. All voting "Aye". MOTION PASSED

25083 ACTION TO LIFT THE BURN BAN AND LOCAL DISASTER DECLARATION [T1-518]

Fire Marshal Carroll Czichos spoke of weather conditions. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to lift the burn ban and local disaster declaration under Chapter 418 Government Code and burn ban under Chapter 352 Local Government Code. All voting "Aye". MOTION PASSED

25084 ACTION FAILED TO ADOPT REGULATION OF THE DISCHARGE OF FIREARMS IN THE UNINCORPORATED AREA OF HAYS COUNTY, AS PROVIDED FOR IN CHAPTER 235 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-628]

Commissioner Barton spoke of work by citizens committee to create regulations regarding the discharge of firearms and explained the proposed rules and existing laws. [T1-987] Mark Alan Pickett (Kyle resident), Gary Connor (Dripping Springs resident), Craig Young (Kyle resident), and Paul Velte made public comment in opposition to adopting regulation at this time. [T1-1198] Commissioner Barton advised that Constable Kohler wanted to go on record in support of the regulation. He suggested naming this "Daniel's Law". Commissioner Ingalsbe, Judge Sumter, Commissioner Ford and Commissioner Conley spoke. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt Regulation of the Discharge of Firearms in the Unincorporated area of Hays County, as provided for in Chapter 235 of the Texas Local Government Code to be effective April 1, 2008 to be known as "Daniel's Law". Commissioner Ingalsbe and Commissioner Barton voting "Aye". Commissioner Conley, Commissioner Ford and Judge Sumter voting "No". MOTION FAILED



25085 ACCEPT CONSTABLE LUPE CRUZ RESIGNATION AT THE END OF THE MONTH OF MARCH 2008 [T1-2473]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept resignation of Constable Lupe Cruz effective March 31, 2008. All voting "Aye". MOTION PASSED

25086 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COMMERCIAL LEASE WITH SM LEASING, INC. FOR THE OFFICE OF THE MAINTENANCE DEPARTMENT AT 2019 CLOVIS BARKER [T1-2598]

Special Counsel Mark Kennedy proposed a revision to Section 15.C(10) regarding HVAC system as shown on page 13 special provisions #35 of the lease. County Auditor Bill Herzog requested amendment to the budget in the amount of \$18,135.00 from contingencies. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a commercial lease with SM Leasing Inc. for office space for the Maintenance Department at 2019 Clovis Barker Drive in San Marcos, Texas with proposed revision. All voting "Aye". MOTION PASSED

25087 APPROVE BUDGET AMENDMENT 08-09 [T1-2671]

County Auditor Bill Herzog requested addition of Sheriffs Dept. amendment of \$13,000 to add insurance payment to vehicles line item towards a replacement vehicle. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-09 as presented. All voting "Aye". MOTION PASSED

25088 ACTION TO PARTICIPATE IN CAMPO'S CONGESTION MONITORING PROGRAM

[T1-2712] A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve participation in CAMPO's Congestion Monitoring Program in the amount of \$3,000 from Road & Bridge Budget consultant line item and additional roads that may be suggested by Commissioners to RTP Director. All voting "Aye". MOTION PASSED

PRESENTATION BY DAN WEGMILLER REGARDING PROPOSED CAPITAL IMPROVEMENT PROGRAMS AND DEBT STRUCTURE [T1-2938]

Dan Wegmiller, First Southwest Company, provided a powerpoint presentation regarding debt structure. Discussion was had regarding current debt profile and a draft capital improvement program 2008-2010 which includes \$19,500,000 Pass-Through Revenue & Limited Tax Bonds, \$10,000,000 Parks, \$25,000,000 Government Center, and \$20,000,000 Jail.

25089 ACTION REGARDING PREPARATION FOR A POSSIBLE NOVEMBER BOND ELECTION RELATED TO TRANSPORTATION, INCLUDING CONSIDERATION OF A CALL FOR PROJECTS, A REQUEST FOR PROPOSALS FROM PROFESSIONAL CONSULTANTS, A "SCOPE OF WORK" CHARGE FOR A CITIZEN BOND COMMITTEE, AND RELATED ISSUES [T2-868]

Commissioner Barton spoke of Bond Transportation Committee and proposed charge to the committee. Discussion was had regarding invitation letter from the Court to cities, school districts, etc. - some revisions were made. Discussion was had regarding proposed charge to the committee - revisions were made. A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt the call for projects as amended, with final copy to be provided to the Clerk by the County Judge's office, and the charge for the citizen bond committee with final copy to be provided to the Clerk by Commissioner Barton's office. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize RTP Director, working with Prime Strategies and Purchasing Agent, to finalize and advertise for request for proposals to provide professional services to the Bond Transportation Committee. The firms to be considered should not be ones involved in the pass through financing projects. All voting "Aye". MOTION PASSED.

25090 DISCUSSION OF BUDGET AND PHILOSOPHY AND BUDGET CALENDAR WITH ACTION ON BUDGET CALENDAR [T2-1671]


Judge Sumter provided a proposed budget calendar. Budget worksheets due back from departments on April 25th, County Judge prepares budget proposal and meets with department heads from June 2nd - July 25th, and presents proposed budget to Commissioners Court and files with County Clerk on July 29th. Budget workshops to be held from July 29th - August 14th with a vote on proposed tax rate and schedule public hearings on the tax rate and budget on August 14th. Public hearings on the rate to be held August 27th and September 3rd. Public hearing on the budget, adopt the budget and set salaries of elected officials on September 10th and set tax rate and levy taxes. Changed public hearing on tax rate from August 27th to August 26th. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve the FY2009 Budget Calendar with one revision. All voting "Aye". MOTION PASSED




Court was adjourned this the 25th day of MARCH, 2008.

I, LINDA C. FRITSCHER, 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 MARCH 25, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





APRIL 1, 2008

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 1ST DAY OF APRIL A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Terry Colley of the First Baptist Church of Driftwood gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Joe Castillo made public comment on waiving or reducing the fees for the use of the Civic Center for LULAC Council #654

25091 ADOPT PROCLAMATION RECOGNIZING SEXUAL ASSAULT AWARENESS MONTH & NATIONAL CRIME VICTIM'S WEEK

A motion was made by Judge Sumter seconded by Commissioner Conley to adopt Proclamation recognizing "Sexual Assault Awareness Month & National Crime Victim's Week". All voting "Aye". MOTION PASSED

25092 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to approve payments of County Invoices in the amount of \$400,929.74. All voting "Aye". MOTION PASSED

25093 APPROVE COMMISSIONER COURT MINUTES OF MARCH 25, 2008

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe approve Commissioner Court Minutes of March 25, 2008. All voting "Aye". MOTION PASSED

25094 AUTHORIZE THE COUNTY JUDGE TO RENEW MOU'S BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THREE OF THE FOUR HAYS COUNTY SCHOOL DISTRICTS FOR EMERGENCY MANAGEMENT PURPOSES

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize the County Judge to renew MOU's between the Hays County personal Health Department and three of the four Hays County School District's for emergency management purposes. All voting "Aye". MOTION PASSED

25095 AUTHORIZE A MULTI-UNIT RESIDENTIAL OSSF PERMIT FOR ASael & VANESSA VILLARREAL FOR A FOUR-PLEX (FOUR - TWO BEDROOM UNITS) LOCATED AT 2431 BEBEE ROAD, KYLE, IN PRECINCT 2

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to authorize a Multi-Unit Residential OSSF Permit for Asael & Vanessa Villarreal for a four-plex (four - two bedroom units) located at 2431 Bebee Road, Kyle, In Precinct 2. All voting "Aye". MOTION PASSED

25096 APPROVE THE OCTOBER 2007 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe approve the October 2007 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

25097 ACCEPT VESPER LANE INTO THE COUNTY ROAD MAINTENANCE SYSTEM

[T1-142] Vance Wright made public comment. Jan Thomason made public comment. RTP Director Jerry Borcharding gave recommendation for acceptance. A motion was made by Commissioner Conley seconded by Commissioner Ford to accept Vesper Lane into the County Road Maintenance System. All voting "Aye". MOTION PASSED



25098 APPOINT DAVID PETERSON TO FILL THE REMAINDER OF THE CONSTABLE PRECINCT 1 TERM

[T1-263] A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to appoint David Peterson to fill the remainder of the Constable Precinct 1 term. All voting "Aye". MOTION PASSED [T2-1999] A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to approve Official Bond of David Peterson as Constable Precinct 1. All voting "Aye". MOTION PASSED

25099 APPROVE AND CONFIRM THE APPOINTMENTS OF BILL KUYKENDALL, MITCH JOHNSON AND MARCUS GONZALES AS DEPUTY CONSTABLES FOR CONSTABLE PCT 1 EFFECTIVE APRIL 1, 2008

[T1-297] A motion was made by Commissioner Ingalsbe seconded by Commissioner Judge Sumter to approve and confirm the appointments of Bill Kuykendall, Mitch Johnson, and Marcus Gonzales as Deputy Constables for Constable Precinct 1 effective April 1, 2008. All voting "Aye". MOTION PASSED

25100 APPROVE AND CONFIRM THE APPOINTMENT OF CLEMENTE VERASTEGUI AS DEPUTY CONSTABLE FOR CONSTABLE PCT. 5 MATT MANCILLAS EFFECTIVE APRIL 1, 2008

[T1-316] A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to approve and confirm the appointment of Clemente Verastegui as Deputy Constable for Constable Pct. 5 Matt Mancillas effective April 1, 2008. All voting "Aye". MOTION PASSED

25101 CALL FOR A PUBLIC HEARING ON APRIL 15, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION

[T1-338] Recommendation is to remove a STOP sign on Rabbit Road at Lakeside Drive and establish a STOP sign on Lakeside Drive at Rabbit Road. A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to call for a public hearing on April 15, 2008 to establish traffic regulations in "Hill Country Ranches" subdivision. All voting "Aye". MOTION PASSED

25102 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND FOR PINNACLE RIDGE SUBDIVISION

[T1-350] Pinnacle Ridge is a private subdivision – no maintenance bond is required. RTP Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to accept road construction and drainage improvements and release construction bond for "Pinnacle Ridge Subdivision". All voting "Aye". MOTION PASSED

25103 ACCEPT ROAD CONSTRUCTION, DRAINAGE IMPROVEMENTS AND RELEASE OF THE CONSTRUCTION BOND, AND APPROVAL OF REVISED PLAT FOR CHAMA TRACE SUBDIVISION

[T1-350] Chama Trace is a private subdivision – no maintenance bond is required. A motion was made by Commissioner Ford seconded by Commissioner Conley to accept road construction and drainage improvements, release construction bond, and approve Revised Plat for "Chama Trace" subdivision. All voting "Aye". MOTION PASSED

25104 ALLOW COUNTY JUDGE TO APPROVE AN EASEMENT DEDICATION FOR PEDERNALES ELECTRIC COOPERATIVE FOR THE PRECINCT 4 ROAD DEPARTMENT YARD

[T1-375] This action will allow PEC to install a utility line on the Precinct 4 yard property. RTP Director Jerry Borcharding gave staff recommendation for acceptance. A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to execute an easement dedication for Pedernales Electric Cooperative at the Precinct 4 Road Department Yard. All voting "Aye". MOTION PASSED

25105 STARR SUBDIVISION [#07-3-67, 2 LOTS] – PUBLIC HEARING AND APPROVAL OF FINAL PLAT

[T1-387] Judge Sumter declared the public hearing. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley seconded by Commissioner Ford to approve final plat for "Starr Subdivision". All voting "Aye". MOTION PASSED



DISCUSSION TO ADOPT AND MODIFY THE HAYS COUNTY SHERIFFS OFFICE AND HAYS COUNTY DEPUTY CONSTABLE BASE PAY, MODIFY OUR OPEN RANGE POLICY AND REPLACE WITH STEP PROCESS, AND INITIATE A PACKAGE TO PAY FOR UNIFORMS FOR HAYS COUNTY SHERIFF'S OFFICERS

[T1-402] Officer Mike Davenport gave a power point presentation. Sheriff Bridges, Constable Pct 3 Darrell Ayres and Constable Pct 2 James Kohler spoke. No Action taken.

25106 APPROVE POSITION CHANGES IN THE HAYS COUNTY SHERIFF'S OFFICE

[T1-1628] Proposed changes: delete position of one Captain (Grade 329) and one Sergeant (Grade 327) and add two Lieutenants (Grade 328). Sheriff Bridges spoke. **A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to approve position changes in the Hays County Sheriff's office as follows: delete one Captain and one Sergeant and add two Lieutenants. All present voting "Aye". MOTION PASSED – Commissioner Conley not present for vote.**

CLERKS NOTE: Agenda Item No. 14 RE: DISCUSSION AND POSSIBLE ACTION TO ALLOW COURT MEMBERS TO INDIVIDUALLY AND OR COLLECTIVELY HELP SPONSOR THE 2ND ANNUAL AQUARENA EARTH DAY FESTIVAL TO BE HELD ON APRIL 20, 2008 was PULLED. [T1-1662] Court previously approved a \$500 sponsorship. No action taken.

25107 APPOINT W. LEIGHTON STALLONES TO THE HAYS COUNTY EMERGENCY SERVICE DISTRICT #3

[T1-1702] A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to appoint W. Leighton Stallones to the Hays County Emergency Service District #3. All present voting "Aye". **MOTION PASSED – Commissioner Conley not present for vote.**

25108 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT WITH CAPCOG FOR GEOMAP 2008 WORK ORDER 3222008056-HAY-01

[T1-1714] Mapping and GIS Coordinator, Steve Floyd spoke. A motion was made by Judge Sumter seconded by Commissioner Conley to authorize the County Judge to execute an interlocal contract with CAPCOG for Geomap 2008 Work Order #322208056-Hay-01 and subject to Special Counsel Approval. All voting "Aye". **MOTION PASSED**

25109 APPROVE PURCHASE OF A COURTROOM MICROPHONE SYSTEM FOR USE IN THE DISTRICT COURTROOM

[T1-1827] County Auditor Bill Herzog recommended amending the budget for \$10,838 from line item #01-437-5305 (Pre-trial/Trial Expense) to 01-436-5711 (Office Equipment). Judge Robison spoke. **A motion was made by Commissioner Conley seconded by Commissioner Barton to approve purchase of a courtroom microphone system for use in the District Courtroom with an amount NTE \$10,838 and amend the budget accordingly. All voting "Aye". MOTION PASSED**

25110 ADOPT AN OPEN SPACE POLICY FOR HAYS COUNTY

[T1-2037] Thomas Hall of Braun & Associates and Hays County Tax Assessor/Collector Luanne Caraway spoke. **A motion was made by Commissioner Ford seconded by Commissioner Ingalsbe to adopt an Open Space Policy for Hays County. All voting "Aye". MOTION PASSED**

DISCUSSION TO CHALLENGE EACH COURT MEMBER TO MOUNT A TEAM TO COMPETE IN THE BIG BROTHERS BIG SISTERS BOWL FOR KIDS SAKE OF HAYS COUNTY ON SATURDAY, APRIL 12, 2008

[T1-2892] Meghan Jones with Big Brothers Big Sister Bowl spoke of event to be held at Sunset Bowling Lanes on April 12, 2008 at 3:30 P.M. No action taken.

DISCUSSION WITH NAISMITH ENGINEERING AND PRESENTATION ON THE CURRENT DRAFT OF SUBDIVISION RULES

[T1-3053] Grant Jackson of Naismith Engineering gave overview of Chapters 731 – Construction and Acceptance of Maintenance, 735 – Floodplain Management, 751 – Use of County Facilities and 771 – Development Agreements.



25111 APPROVE BUDGET AMENDMENT 08-10

[T2-2020] A motion was made by Judge Sumter seconded by Commissioner Ford to approve Budget Amendment 08-10. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING POSSIBLE ACTION TO GUIDE SANDRA TASSELL, TP: AND ECT AS THEY PREPARE FOR THE GOALS & CRITERIA WORKSHOP TO BE HELD IN MAY, AS WELL AS ANY OTHER INFORMATIONAL NEEDS THEY MAY HAVE IN THE INTERIM

[T2-2037] Discussion was had of names needed for the Stakeholder list. Dates and times were tentatively set for a workshop meeting. No action taken.

25112 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE VILLAGE OF WIMBERLEY REGARDING APPLICATION OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE VILLAGE OF WIMBERLEY

[T2-3469] A motion was made by Commissioner Conley seconded by Judge Sumter to authorize the County Judge to execute an interlocal agreement between Hays County and the Village of Wimberley regarding application of subdivision regulations in the extra-territorial jurisdiction of the Village of Wimberley. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item No. 27 RE: DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION RATIFYING THE COUNTY'S PARTICIPATION IN AUSTIN URBAN AREA SECURITY INITIATIVE, A FEDERAL GRANT PROGRAM FOR HOMELAND SECURITY was PULLED. No action taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD. AND RODMAN EXCAVATION, INC., ET AL AND PENDING LITIGATION RELATED THERETO [T2-3555]

Court convened into closed executive session at 6:00 p.m. and reconvened into open session at 6:40 p.m. No action taken.

Court was adjourned this the 1ST day of APRIL, 2008.

I, LINDA C. FRITSCH, 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 APRIL 1, 2008.



Linda C. Fritsch
LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 3RD DAY OF APRIL A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN EMERGENCY MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 DEBBIE GONZALES INGALSE
 JEFFERSON W. BARTON
 KAREN FORD
 LIZ GONZALEZ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 4
 DEPUTY COUNTY CLERK

WITH COMMISSIONER PRECINCT 3 WILL CONLEY BEING ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

25113 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LETTER THAT DRAWS UNDER " PLAINS CAPITAL BANK - AUSTIN, TEXAS" LETTER OF CREDIT #3020**

Special Counsel Mark Kennedy gave an overview of subdivision rules that would be used in today's action. A motion was made by Judge Sumter seconded by Commissioner Ford to authorize the County Judge to execute a letter that draws under "Plains Capital Bank - Austin, Texas" Letter of Credit #3020 unless developer comes forward with an offer to extend Letter of Credit beyond April 6, 2008 for an additional year. Judge Sumter amended the motion and it was seconded by Commissioner Ford to say that the draw down on the Letter of Credit is in the amount of \$640,161.00. All Present voting "Aye". MOTION PASSED

Court was adjourned this the 3RD day of APRIL, 2008.

I, LINDA C. FRITSCH, 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 APRIL 3, 2008.



Linda C. Fritsche

 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8TH DAY OF APRIL A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Human Resources Director Dee Dee Baen introduced new employees to the county.

Carl Clark, Pastor of the Driftwood United Methodist Church gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25114 ADOPT PROCLAMATION SUPPORTING THE BUILDING OF THE "SETON MEDICAL CENTER" IN HAYS COUNTY

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Proclamation supporting the building of the Seton Medical Center in Hays County. All voting "Aye". MOTION PASSED

25115 ADOPT PROCLAMATION RECOGNIZING "COUNTY GOVERNMENT" WEEK APRIL 6TH THROUGH THE 12TH

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt Proclamation recognizing "County Government Week" April 6th through the 12th. All voting "Aye". MOTION PASSED

25116 ADOPT PROCLAMATION RECOGNIZING THE WEEK OF APRIL 7TH THROUGH 11TH AS "WIMBERLEY EDUCATION FOUNDATION" WEEK

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt Proclamation recognizing the week of April 7th through 11th as "Wimberley Education Foundation" week. All voting "Aye". MOTION PASSED

25117 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$333,565.99 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25118 APPROVE COMMISSIONERS COURT MINUTES OF APRIL 1, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioners Court Minutes of April 1, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25119 AUTHORZE AN OFFICE/RENTAL COMPLEX OSSF PERMIT FOR JOHN STARK LOCATED AT 13500 RR12, WIMBERLEY, IN PRECINCT 3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize and office/rental complex OSSF Permit for John Stark located at 13500 RR12, Wimberley in Precinct 3. All voting "Aye". MOTION PASSED



25120 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Utility Permit #01946 on Bear Creek Pass to LCRA; Permit #01947 on Nutty Brown Road to Texas Gas Service; Permit #01940 on Bunton Lane to Verizon Wimberley. All voting "Aye". MOTION PASSED

25121 APPROVE RENEWAL OF BID #2006-B17 "FURNISH AND INSTALL GUARDRAILS" FOR ONE ADDITIONAL YEAR AS IN ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of Bid #2006-B17 "Furnish and Install Guardrails" for one additional year as provided in the original bid. All voting "Aye". MOTION PASSED

25122 APPROVE AWARD OF BID #2008-B10 "HAYS COUNTY BANK DEPOSITORY" TO AMERICAN NATIONAL BANK

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of Bid #2008-B10 "Hays County Bank Depository" to American National Bank. All voting "Aye". MOTION PASSED

25123 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON "SAWYER RANCH ROAD (CR164)" [T1-178]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for a 40 MPH speed limit. Previously posted speed limit was 45 MPH. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulation of 40 MPH speed limit on Sawyer Ranch Road (CR164). All voting "Aye". MOTION PASSED

25124 CALL FOR A PUBLIC HEARING ON APRIL 22, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON MCGREGOR LANE (CR187) [T1-199]

Recommended speed limit is 40 MPH on McGregor Lane (CR187) between Hwy 290 and Barton Creek where the current posted speed limit is 45 MPH. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on April 22, 2008 to establish traffic regulations on McGregor Lane (CR187). All voting "Aye". MOTION PASSED

25125 RIVER MOUNTAIN RANCH SECTION 1 RESUBDIVISION OF LOTS 74A & 74B [#07-3-71, 4 LOTS] - PUBLIC HEARING AND FINAL PLAT APPROVAL [T1-215]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of "River Mountain Ranch Section 1 Resubdivision of Lots 74A & 74B". All voting "Aye". MOTION PASSED

25126 ALLOW RPTP (ROAD DEPARTMENT) TO HIRE A CONSTRUCTION INSPECTOR UP TO MID-RANGE OF GRADE 917 [T1-259]

RPTP Director Jerry Borcharding spoke of duties of the inspector. The Road Department has not been able to hire qualified inspectors at the beginning salary rate and request that they be allowed to hire at mid range of Grade 917 = \$39,107.82. A motion was made by Commissioner Ford, seconded by Commissioner Barton to allow RPTP (Road Department) to hire a Construction Inspector up to mid-range of Grade 917. All voting "Aye". MOTION PASSED

25127 AUTHORIZE PAYMENT UP TO \$3,000.00 TO CINTA'S DOCUMENT MANAGEMENT FOR SHREDDING [T1-310]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize and amount not to exceed \$3,000.00 expenditure from contingencies line item #01-414-5399 to Cinta's Document Management for shredding documents that meet the record retention shredding policy. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED



25128 APPROVE BUDGET AMENDMENT 08-11 [T1-363]

Budget amendment proposed for the Emergency Management Officer budget: transfer \$1,360 for conference/training classes (\$590) and for emergency mobile lighting system (\$770). A motion was made by Judge Sumter, seconded by Commissioner Barton to approve Budget Amendment 08-11 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

25129 AUTHORIZE THE PURCHASE OF VIDEO EQUIPMENT FOR CONSTABLE PRECINCT 2 PATROL CAR [T1-387]

Constable Pct. 2 James Kohler spoke. A motion was made by Commissioner Barton, seconded by Commissioner Ford, to authorize the purchase of video equipment for Constable Precinct 2 patrol car in the amount of \$4,969 to be paid out of contingencies line item #01-414-5399. All voting "Aye". MOTION PASSED

25130 AUTHORIZE THE CREATION OF A TAX ASSESSOR COLLECTOR SUBSTATION IN THE PRECINCT 2 BUILDING IN KYLE [T1-412]

Tax Assessor-Collector Luanne Caraway suggested placing a member of her staff in the Precinct 2 building in Kyle for vehicle title and registration and payment of property taxes to serve the citizens of that area. She will need to add an employee in the next fiscal year. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the creation of a Tax Assessor Collector substation in the Precinct 2 building in Kyle. All voting "Aye". MOTION PASSED

25131 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN MOU WITH THE BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT FOR ONGOING REVIEW OF GROUNDWATER AVAILABILITY STUDIES SUBMITTED TO THE COUNTY FOR DEVELOPMENTS WITHIN THE JURISDICTION OF THAT DISTRICT

[T1-577] A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute an MOU with the Barton Springs Edwards Aquifer Conservation District for ongoing review of groundwater availability studies submitted to the County for developments within the jurisdiction of that district. All voting "Aye". MOTION PASSED

25132 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MAINTENANCE AGREEMENT WITH D&T SERVICES FOR MAINTENANCE OF THE PRECINCT 4 SEPTIC SYSTEM

[T1-599] Contract is for \$1200 per year. Court requested that quotes be obtained and then bring this item back to the court. [T1-1677] Commissioner Ford spoke of calls that were made by Purchasing Agent Cindy Maiorka regarding this issue and no one called was interested in submitting a bid. A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to execute a maintenance agreement with D&T Services for maintenance of the Precinct 4 septic system. All present voting "Aye". MOTION PASSED. Commissioner Barton and Commissioner Conley were not present to vote.

25133 APPROVE RENTAL FEE REDUCTION AT THE HAYS COUNTY CIVIC CENTER FOR "VIVA CINCO DE MAYO" AND THE "HAYS COUNTY FAIR" [T1-673]

Civic Center Manager Barry Nelson spoke of fees being charged for use of the civic center. Commissioner Ingalsbe suggested a discount of \$1500 to Cinco De Mayo and \$750 discount for the Hays County Fair. Mr. Nelson spoke of other events that may benefit the county and receive reduced rates. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve rental fee reduction at the Hays County Civic Center in the amount of \$1500 for "Viva Cinco De Mayo" and \$750 for the "Hays County Fair". All voting "Aye". MOTION PASSED

25134 APPROVE TEMPLATES FOR LEASE OF THE HAYS COUNTY CIVIC CENTER AND AUTHORIZE THE CIVIC CENTER MANAGER TO EXECUTE THE LEASES, AS APPROPRIATE, FOR THE USE OF THE CIVIC CENTER BY THIRD PARTIES [T1-872]

This group of contract templates is meant to address the normal use of the Civic Center. It would be burdensome for the CC Manager to acquire the County Judge's signature on each and every lease, therefore, it is suggested that the manager be authorized to execute these templates on behalf of the county unless a material change is requested by the leasing party, in which case the modified agreement would come to Commissioners' Court for consideration. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve templates for lease of the Hays County Civic Center and authorize the Civic Center Manager to execute the leases, as appropriate, for the use of the Civic Center by third parties. All voting "Aye". MOTION PASSED



**25135 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EXTENSION OF THE OPTION
FOR THE PURCHASE OF THE BAPTIST CHURCH PROPERTY IN WIMBERLEY**

[T1-991]

Commissioner Conley advised that the fee of \$50 will be paid as consideration for this extension (out of line item #01-414-5742). A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an extension of the option for the purchase of the Baptist Church property in Wimberley, Texas. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING BOND ISSUES RELATED TO TRANSPORTATION, INCLUDING A REQUEST FOR PROPOSALS FOR PROFESSIONAL PLANNING AND ENGINEERING ASSISTANCE; A REPORT FROM FINANCIAL ADVISORS AND THE COUNTY'S TRANSPORTATION CONSULTANT ON THE PASS THROUGH FINANCING PARTNERSHIP WITH THE STATE; A PROPOSED NOVEMBER BOND ELECTION, AND \$19.5 MILLION IN PROPOSED REVENUE BONDS; CONSIDERATION OF APPOINTMENTS TO A CITIZEN BOND COMMITTEE; ISSUES CONCERNING POSSIBLE PRIVATE SECTOR PARTNERSHIPS ON PASS THROUGH ROADS OR OTHER ROAD PROJECTS; RECOMMENDED TRANSPORTATION PROJECTS FROM CITIES OR OTHER SOURCES; GENERAL CONSIDERATION OF THE COUNTY'S PLAN, DEBT STRUCTURE AND TIMELINE; AND RELATED TOPICS [T1-1017]

Mike Weaver provided figures for the Pass Through Program, construction schedule, and timelines. Court needs to finalize agreement with TxDot; develop and approve advance funding agreement for US290 West, FM2001 bridge, and IH35/CR210 bridge, frontage roads and ramps (Phase1); negotiate and execute interlocal agreements with the City of Kyle (financial participation of \$11 million for IH35 improvements) and City of San Marcos (financing and development of FM110); retain right-of-way agents and appraisers for IH35 phase 1 right-of-way acquisition; work with TxDot to adjust utilities on IH35 phase 1 projects; process request for qualifications for design firms to develop environmental documents, schematics, PS&E and right-of-way maps for IH35 phase 2 improvements and re-alignment of FM150; adopt cash flow budget and sell some or all of the \$19.5 million of proposed revenue bonds; and work with Zachry American Infrastructure on FM1626 milestone reviews. Mr. Weaver explained the reimbursement schedule spreadsheet. Financial Advisor Dan Wegmiller spoke. No action taken this date.

Court convened into closed executive session at 1:00 p.m. for the following items:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 TEXAS GOVERNMENT CODE TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT AND SALARY OF A GRANTS ADMINISTRATOR

EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE - DELIBERATION REGARDING THE VALUE AND POSSIBLE ACQUISITION OF REAL PROPERTY

Court ended the closed executive session at 5:05 p.m. No discussion and no action taken.

Court was adjourned this the 8TH day of APRIL, 2008.

I, LINDA C. FRITSCHÉ, 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 APRIL 8, 2008.



Linda C. Fritsche
LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15TH DAY OF APRIL A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Brad Highum of New Life Lutheran Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25136 PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS CHILD ABUSE AWARENESS MONTH

Melissa Rodriguez of The Roxanne House spoke. A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to adopt Proclamation recognizing the month of April as "Child Abuse Awareness" month. All voting "Aye". MOTION PASSED

25137 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payment of County Invoices in the amount of \$847,570.70 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25138 APPROVE COMMISSIONER COURT MINUTES OF APRIL 3 & 8, 2008

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioners Court Minutes of April 3 & 8, 2008. All voting "Aye". MOTION PASSED

25139 AUTHORIZE THE COUNTY JUDGE TO SIGN A CONTRACT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE LABORATORY CORPORATION OF AMERICA A MEDICAL LABORATORY FOR MEDICAL TEST

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to sign a contract between Hays County Personal Health Department and the Laboratory Corporation of America, a medical laboratory for medical test. All voting "Aye". MOTION PASSED

25140 APPROVE ON-LINE AUCTION WITH RENE BATES AUCTIONEERS AND AUTHORIZE PURCHASING TO ADVERTISE

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve on-line auction with Rene Bates Auctioneers and authorize Purchasing to advertise. All voting "Aye". MOTION PASSED

25141 APPROVE RENEWAL OF BID #2006-B02 "UNIFORM RENTAL" ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID WITH UNIFIRST CORPORATION

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve renewal of Bid #2006-B02 "Uniform Rental" for one additional year as provided for in the original bid with Unifirst Corporation. All voting "Aye". MOTION PASSED

25142 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Utility Permit #01942 on Cole Springs Road (CR 148) and Old Black Colony Road (CR 147) to PEC Inc., and #01949 on CR 118 to Rodman LLC. All voting "Aye". MOTION PASSED



25143 APPROVE SERVICE AWARDS AND RECOGNITION AWARDS

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Service Awards and Recognition Awards as follows: Service Awards; Susan Schramm 20 years; Andrew Cable 15 years; Steve Floyd 10 years; Robert Pratt 20 years; Joe Garza 30 years; Sylvia Flores 25 years; LaMarr Petersen 15 years; Dora Esquivel 5 years; Jamie Alvizo 5 years; Cory Fennell 5 years: Retirees; Diane Cliett - Tax Office; Charles Gordon - District Judge: Above and Beyond Awards: Tomas Medina - Bldg Maintenance; Kharley Smith - Sheriff's Office; Jerry Borcharding - RPTP; Olga Martinez - County Clerk; Sylvia Flores - JP2. All voting "Aye". MOTION PASSED

25144 AUTHORIZE THE COUNTY JUDGE TO SUBMIT APPLICATION TO THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR UP TO \$45,195

A motion was made by Commissioner Ford seconded by Commissioner Conley to authorize the County Judge to submit application to the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for up to \$45,195. All voting "Aye". MOTION PASSED

25145 APPROVE COMMERCIAL OSSF PERMIT FOR WAREHOUSE/OFFICE LOCATED AT 31840 RR12 DRIPPING SPRINGS (WILDWOOD HILLS, LOTS 18 & 19)

A motion was made by Commissioner Ford seconded by Commissioner Barton to approve Commercial OSSF Permit for warehouse/office located at 31840 RR12 Dripping Springs (Wildwood Hills, Lots 18 & 19). All voting "Aye". MOTION PASSED

25146 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS IN HILL COUNTRY RANCHES SUBDIVISION

[T1-249] Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding recommended removal of a STOP sign on Rabbit Road at Lakeside Drive and to establish a STOP sign on Lakeside Drive at Rabbit Road. This action will allow two-way traffic on the straight-away section and for traffic to stop at the "T" section. A motion was made by Commissioner Conley seconded by Commissioner Ford to remove a STOP sign on Rabbit Road at Lakeside Drive and establish a STOP sign on Lakeside Drive at Rabbit Road. All voting "Aye". MOTION PASSED

25147 AWARD THE DESIGN OF A BRIDGE OVER WILSON CREEK ON GREEN ACRES ROAD TO BAKER-AICKLEN

[T1-280] RPTP Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to award the design of a bridge over Wilson Creek on Green Acres Road to Baker-Aicklen. All voting "Aye". MOTION PASSED

25148 FALCONWOOD REPLAT OF LOTS 14 & 15 (#08-3-15, 1 LOT) - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT

[T1-303] Property owners propose to combine two lots into one, creating a six acre lot. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley seconded by Commissioner Ford to waive preliminary plan approval and approve final plat of "Falconwood Replat of Lots 14 & 15". All voting "Aye". MOTION PASSED

25149 AUTHORIZE RPTP TO PURCHASE TWO VEHICLES

[T1-315] Request is for 2 Colorado pickups that will be used in conjunction with the addition of new employees filling the positions of Environmental Compliance Specialist and Inspector. Cost = \$32,000 out of line item 01-414-5714. A motion was made by Judge Sumter seconded by Commissioner Barton to authorize the Resource Protection and Transportation Planning (RPTP) Department to purchase two vehicles out of line item 01-414-5714 not to exceed \$32,000. All voting "Aye". MOTION PASSED.

25150 AWARD TO KLOTZ ENGINEERING THE DRAINAGE STUDY PROJECTS FOR LEISUREWOODS SUBDIVISION AND E. SUMMIT DRIVE AREA

[T1-350] A motion was made by Commissioner Conley seconded by Commissioner Ford to award to Klotz Engineering the drainage study projects for Leisurewoods Subdivision and E. Summit Drive area and to come out of budget line item #01-414-5443. All voting "Aye". MOTION PASSED



25151 APPOINT MARGARET BUENTELLO AS INTERIM GRANTS ADMINISTRATOR AND TO ADJUST SALARY AT 25% BELOW THE MINIMUM OF GRADE 617 EFFECTIVE APRIL 16, 2008

[T1-442] A motion was made by Judge Sumter seconded by Commissioner Conley to appoint Margaret Buentello as Interim Grants Administrator and to adjust salary at 25% below the minimum of Grade 617 effective April 16, 2008. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #14 RE: AUTHORIZE MOVING THE OFFICES OF ENVIRONMENTAL HEALTH AND GIS/911 TO THE ROAD DEPARTMENTS SITE ON YARRINGTON ROAD – was PULLED no discussion and no action taken.

25152 RATIFY HAYS COUNTY'S INVOLVEMENT WITH THE CITY OF AUSTIN IN THE AUSTIN URBAN AREA SECURITY INITIATIVE, A FEDERAL GRANT PROGRAM FOR HOMELAND SECURITY AND APPOINT COMMISSIONER WILL CONLEY AS THE POINT OF CONTACT

[T1-470] Emergency Management Coordinator Jeff Turner spoke. A motion was made by Judge Sumter seconded by Commissioner Conley to ratify Hays County's involvement with the City of Austin in the Austin Urban Area Security Initiative, a federal grant program for Homeland Security and appoint Commissioner Pct. 3 Will Conley as the point of contact. All voting "Aye". MOTION PASSED

CONSIDERATION TO ALLOW THE EMILY ANN THEATRE TO DISPOSE OF WASTE AT THE HAYS COUNTY TRANSFER STATION WITHOUT CHARGE

[T1-632] Commissioner Conley requested authorization for the Emily Ann Theatre in Wimberley (a 501(c)3 organization) to dispose of their waste at no charge. A motion was made by Commissioner Conley to allow the Emily Ann Theatre to dispose of waste at the Hays County Transfer Station without charge. MOTION DIED FOR LACK OF A SECOND

25153 APPROVE AN AGREEMENT WITH ACS STATE & LOCAL SOLUTIONS INC. TO PROVIDE ELECTRONIC RECORDING AND TRANSMISSION CAPABILITIES AND SERVICES TO THE COUNTY CLERK'S OFFICE

[T1-699] This agreement is needed so the County Clerk's office can provide e-filing of documents in the Records Division. A motion was made by Judge Sumter seconded by Commissioner Barton to approve an agreement with ACS State & Local Solutions Inc. to provide electronic recording and transmission capabilities and services to the County Clerk's office. All voting "Aye". MOTION PASSED

25154 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR THE DEVELOPMENT OF PARK FACILITIES WITH THE NORTH HAYS COUNTY OPTIMISTS FOUNDATION, INC.

[T1-740] This agreement identifies the terms and conditions of the county's participation in funding the project. Special Counsel Mark Kennedy gave an overview. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to authorize the County Judge to execute an agreement for the development of park facilities with the North Hays County Optimists Foundations Inc and to add the time limit of two years. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 TEXAS GOVERNMENT CODE TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT AND SALARY OF A GRANTS ADMINISTRATOR. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

[T1-906] Court convened into closed executive session at 10:20 pm and ended the session at 11:20 pm. No discussion and no action taken in open court.

DISCUSSION REGARDING HAYS COUNTY TRANSPORTATION BONDS FOLLOW-UP FROM LAST WEEK'S COURT SESSION WITH THE COUNTY'S FINANCIAL ADVISOR

[T1-913] Dan Wegmiller (First Southwest Company) presented the court with a preliminary pass-through finance program analysis which included estimated tax impact assumptions, estimated pass-through finance program assumptions, draft pass-through finance program sources and uses, current debt profile, draft tax impact analysis (2008 issue only), draft tax impact analysis (complete pass-through finance program), and draft tax impact analysis (complete pass-through finance program with modified TAV growth scenario). Discussion was had regarding financing options.



APRIL 15, 2008

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WORKSHOP FOR HAYS COUNTY STAFF AND MEMBERS OF COURT TO PROVIDE INPUT AND ASK QUESTIONS OF NAISMITH ENGINEERING ON THE CURRENT DRAFT OF SUBDIVISION RULES [T1-2800]

Grant Jackson (Naismith Engineering) spoke of TCEQ publication of draft rules regarding rainwater harvesting systems that may affect the county rules regarding these systems. Would prohibit the integration of rainwater harvesting systems with public water systems. He spoke of commercial OSSF permits and prohibition of spray application. Discussion was had regarding Chapter 761 – Economic Incentives for Development Activities.

Court was adjourned this the 15TH day of APRIL, 2008.

I, LINDA C. FRITSCHÉ, 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 APRIL 15, 2008.




LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22nd DAY OF APRIL A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
LINDA C. FRITSCHÉ	COUNTY CLERK

COMMISSIONER PCT. 4 KAREN FORD WAS ABSENT, AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Lonny Poe, Sunset Canyon Baptist Church gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25155 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve payment of county invoices in the amount of \$681,796.95. As presented by the County Auditor. All present voting "Aye". MOTION PASSED

25156 APPROVE COMMISSIONER COURT MINUTES OF APRIL 15, 2008

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Commissioners Court Minutes of April 15, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25157 ACCEPT LETTER OF CREDIT NUMBER 3299 AS A SUBSTITUTE FOR LETTER OF CREDIT NUMBER 3020 FROM PLAINSCAPITAL BANK FOR GRAY MOUNTAIN, LTD. FOR "RANCHES AT HAMILTON POOL PHASE 2"

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to accept Letter of Credit Number 3299 as a substitute for letter of credit number 3020 from PlainsCapital Bank for Gray Mountain Ltd. for "Ranches at Hamilton Pool Phase 2". All present voting "Aye". MOTION PASSED

25158 APPROVE RENEWAL OF THE R-05 SERVICE AGREEMENT FOR THE HAYS COUNTY VINE SERVICE

This contract renewal is related to the agreement with the Texas Attorney General's office for monitoring incarceration of convicts and notifying appropriate parties (including victims) of transfers and release dates. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve renewal of the R-05 Service Agreement for the Hays County VINE Service. All present voting "Aye". MOTION PASSED

25159 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE FISCAL YEAR 2009 TEXAS SAVNS MAINTENANCE GRANT CONTRACT

This contract represents the agreement between Hays County and the Office of the Attorney General of Texas that parallels the contract between Hays County and the Appriss for the provision of VINE software (the vehicle for a statewide system that will provide relevant offender release information to victims of crime). A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute the Fiscal Year 2009 Texas SAVNS Maintenance Grant Contract. All present voting "Aye". MOTION PASSED

25160 APPROVE AND CONFIRM THE APPOINTMENT OF NATHAN TODD WATKINS AS DEPUTY CONSTABLE FOR HAYS COUNTY CONSTABLE PCT 1 EFFECTIVE APRIL 16, 2008

[T1-42] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve and confirm the appointment of Nathan Todd Watkins as Deputy Constable for Precinct 1 effective April 16, 2008. All present voting "Aye". MOTION PASSED



25161 APPROVE DEDICATION OF \$2,000,000 TO THE BLUE HOLE PROJECT IN A PARTNERSHIP WITH THE VILLAGE OF WIMBERLEY TO MOVE FORWARD WITH THE BLUE HOLE REGIONAL PARK [T1-83]

Village of Wimberley City Manager Don Ferguson gave a power point presentation regarding the history of Blue Hole in Wimberley and the proposed project including funding sources. [T1-470] Steve Klepfer and Marilee Wood (representing the Friends of Blue Hole) spoke in support of this project. Commissioner Conley spoke in support of the project. Judge Sumter requested that an interlocal agreement be a part of the consideration. Commissioner Barton spoke of projects already approved, those coming forward, and available funding. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve dedication of \$2,000,000 to the Blue Hole Project in a partnership with the Village of Wimberley, to move forward with the Blue Hole Regional Park and to furthermore require that an interlocal agreement with the Village of Wimberley be brought back to the court for approval. All present voting "Aye". MOTION PASSED

25162 ACCEPT STEVE KLEPFER, CHAIR OF TAB RESIGNATION AND APPOINT BERT RAY TO THE TRANSPORTATION ADVISORY BOARD [T1-805]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to accept resignation of Steve Klepfer, Chair of TAB (Transportation Advisory Board) and appoint Bert Ray to the Transportation Advisory Board. All present voting "Aye". MOTION PASSED

25163 APPROVE REQUEST MADE BY THE CITY OF SAN MARCOS FOR HAYS COUNTY TO BE A CO-SPONSOR ON A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE—JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM [T1-820]

Richard Salmon, City of San Marcos, explained the grant. Deputy Sheriff Skip Casteel spoke of need for an additional Deputy (Crisis Intervention Officer) in this program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve request made by the City of San Marcos for Hays County to be a co-sponsor on a grant application to the U.S. Department of Justice – Justice and Mental Health collaboration program with county's share of \$25,000 to be funded in FY09 budget. All present voting "Aye". MOTION PASSED

25164 APPROVE REQUEST BY THE CITY OF SAN MARCOS TO UTILIZE EXISTING COUNTY FUNDS ALLOCATED TO THE 5-MILE DAM PROJECT AS MATCHING FUNDS FOR AN APPLICATION TO THE TPWD RECREATIONAL TRAILS GRANT PROGRAM FOR UP TO \$200,000 [T1-1079]

Richard Salmon, City of San Marcos, explained the grant. Interim Grants Administrator Margaret Buentello spoke. Grant funds will be used to construct the entire hike and bike trail system detailed in park drawings. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve request by the City of San Marcos to utilize existing county funds allocated to the 5-Mile Dam Project as matching funds for an application to the TPWD (Texas Parks & Wildlife Dept) Recreational Trails Grant Program for up to \$200,000. All present voting "Aye". MOTION PASSED

25165 ACCEPT RESIGNATION OF RODNEY COBB FROM THE CPAT COMMITTEE [T1-1144]

A motion was made by Commissioner Conley, seconded by Judge Sumter to accept resignation of Rodney Cobb from the CPAT committee. All present voting "Aye". MOTION PASSED

25166 APPROVE THE ACQUISITION OF A SIDDONS FIRE APPARATUS 2005 FORD CROWN VICTORIA POLICE PACKAGE PATROL UNIT IN TRADE FOR A CURRENT HAYS COUNTY CONSTABLE PCT 1 2006 FORD CROWN VICTORIA PATROL UNIT AND ACTION TO APPROVE SIDDONS FIRE APPARATUS TO USE A CONSTABLE PCT 1 2007 PATROL UNIT AS A DEMONSTRATION VEHICLE [T1-1180]

Constable Pct. 1 David Peterson spoke. Chief Deputy Constable Bill Kuykendall gave a power point presentation outlining and describing the proposal from Siddons Fire Apparatus. Special Counsel Mark Kennedy spoke in support of this proposal – he will work on getting a contract in writing. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve the acquisition of a Siddons Fire Apparatus 2005 Ford Crown Victoria Police Package Patrol Unit in trade for a current Hays County Constable Pct. 1 2006 Ford Crown Victoria Patrol Unit and a to approve Siddons Fire Apparatus to use a Constable Pct. 1 2007 Patrol Unit as a demonstration vehicle and to furthermore authorize the County Judge to execute a contract. All present voting "Aye". MOTION PASSED



DISCUSSION REGARDING COMMISSIONERS AND JUDGE APPOINTMENTS TO THE CITIZENS BOND ADVISORY COMMITTEE [T1-1620]

Commissioner Barton advised that he plans to appoint Sam Cooper and James P. Havis. Commissioner Ingalsbe advised that she plans to appoint Ruben Garza and David Peterson. Commissioner Conley advised that he plans to appoint Mike Miller and Donna Hill. Judge Sumter advised that she plans to appoint Sundra Spitzer. Confirmation from nominees will need to be made before action is taken.

25167 APPROVE FUNDING TO THOSE DEPARTMENTS WITH INADEQUATE FUNDING TO MEET THE REQUIREMENTS OF SECTION 2.16 OF THE COUNTY PERSONNEL POLICY MANUAL [T1-1728]

County Auditor Bill Herzog suggested using the salary adjustment line item to allow smaller departments to have two employees to occupy a single position during a two week training period whenever a new employee is hired when there are not sufficient funds available. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve funding to those departments with inadequate funding to meet the requirements of Section 2.16 of the County Personnel Policy Manual to be funded out of 01-414-5091. All voting "Aye". MOTION PASSED

25168 APPROVE THE APPOINTMENT OF JOE C. MORALES TO REPLACE LUPE CRUZ ON THE TRANSPORTATION ADVISORY BOARD [T1-1797]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the appointment of Joe C. Morales to replace Lupe Cruz on the Transportation Advisory Board. All voting "Aye". MOTION PASSED

25169 APPROVE POSTING A HIRING RANGE FOR AN INTERNAL AUDITOR POSITION OF MINIMUM TO THE 25TH PERCENTILE, \$47,345.34 TO \$53,263.38 [T1-1856]

County Auditor Bill Herzog spoke of difficulty in getting qualified applicants. Discussion was had regarding hiring at a lower salary and allowing increase. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve posting a hiring range for an Internal Auditor position of minimum to the 25th percentile, \$47,345.34 to \$53,263.38. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item # 18RE: OFFICIALLY ACCEPT AN ADDITIONAL .988 MILE STRETCH OF OAK GROVE ROAD INTO THE COUNTY MAINTENANCE SYSTEM was PULLED. No discussion/no action taken.

WORKSHOP TO DISCUSS THE FIRE MARSHAL OFFICE [T1-2092]

Fire Marshal Carroll Czichos spoke of need for a fulltime fire marshal position. He suggested bringing someone in possibly part-time to help develop the budget and then hire them fulltime beginning next fiscal year. He would like to continue part-time to the end of this fiscal year to finish up on some arson investigations. Discussion was had regarding adoption of a fire code, inspections, and enforcement issues. Emergency Management Director Jeff Turner spoke of some counties having an emergency services department which would include different emergency service programs (homeland security, fire marshal, EMS, EMC, 911, etc.). Carroll Czichos spoke of need for office space.

25170 APPROVE BUDGET AMENDMENT NO. 08-12 TRANSFERRING THE REMAINING FUNDS IN THE CONTRACT MANAGEMENT FEE TO THE ARENA SUPPLIES AND MISC. CAPITAL IMPROVEMENTS LINE ITEMS IN THE CIVIC CENTER BUDGET

[T1-1804 & 3350] Commissioner Barton was not present. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve budget amendment no. 08-12 transferring the remaining funds in the contract management fee to the arena supplies (\$3,202), misc. contract maintenance (\$116), capital improvement-roof (\$130), and capital improvement-stalls (\$3,447). All present voting "Aye". MOTION PASSED

WORKSHOP TO DISCUSS FUNDING OF THE HAYS COUNTY/SAN MARCOS EMS [T1-3365]

A discussion was had regarding emergency services districts and fire districts throughout the county, their taxing authority, and funding of \$275,000 to the Hays County/San Marcos EMS. Commissioner Conley suggested that he and Commissioner Ingalsbe bring the Wimberley and San Marcos EMS together in a meeting.



Court convened into closed execution session at 2:15 p.m. for the following items:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT AND SALARY OF GRANTS ADMINISTRATOR. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT


EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS PERFORMANCE REVIEW OF RPTP DIRECTOR


Closed executive session ended at 3:00 p.m. No action was taken on executive sessions and court was adjourned.

Court was adjourned this the 22nd day of APRIL, 2008.

I, LINDA C. FRITSCHER, 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 APRIL 22, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29th DAY OF APRIL A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

A.D. Dillard from the First Baptist Church of San Marcos gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

RPTP Director Jerry Borcharding introduced new employee Betty Lambright, EH Compliance Specialist.

25171 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$469,459.34. As presented by the County Auditor. All voting "Aye". MOTION PASSED

25172 APPROVE COMMISSIONERS' COURT MINUTES OF APRIL 22, 2008

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the Commissioners Court Minutes of April 22, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25173 APPROVE THE NOVEMBER 2007 AND DECEMBER 2007 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the November 2007 and December 2007 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

25174 APPROVE PLANS AND SPECIFICATIONS FOR PHASE I OF THE 5-MILE DAM PARK EXPANSION AND AUTHORIZE COUNTY PURCHASING AGENT TO ADVERTISE AND SOLICIT FOR BIDS

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve plans and specifications for Phase I of the 5-Mile Dam Park Expansion and authorize County Purchasing Agent to advertise and solicit for bids. All voting "Aye". MOTION PASSED

25175 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SELECT PAYMENT APPLICATION AND ACCOMPANYING DOCUMENTS FOR USE IN RELATION TO THE "GOV PAY" CONTRACT ALREADY AUTHORIZED BY COMMISSIONERS COURT

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute select payment application and accompanying documents for use in relation to the "Gov Pay" contract already authorized by Commissioners Court. All voting "Aye". MOTION PASSED

25176 APPROVE COMMERCIAL OSSF PERMIT FOR CRAGG'S DO IT BEST LUMBER AND HOME CENTER STORE LOCATED AT 16965 RR-12, WIMBERLEY, MILAM PARK SUBDIVISION LOT 3

A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve Commercial OSSF Permit for Cragg's Do It Best Lumber and Home Center Store located at 16965 RR12, Wimberley, Milam Park Subdivision Lot 3. All voting "Aye". MOTION PASSED



25177 TORRES SUBDIVISION [#08-1-18, 7 LOTS] -ACCEPT REDUCED FEES, APPROVE SHARED ACCESS VARIANCE, AND APPROVE PRELIMINARY PLAN [T1-120]

Subdivision Coordinator Sandy Irvin gave staff recommendation for approval. Commissioner Ingalsbe spoke of efforts to bring this subdivision into compliance. \$1,500 fee is being requested. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept reduced fee of \$1,500, approve the shared access variance, and approve preliminary plan for the "Torres Subdivision". All voting "Aye". MOTION PASSED

25178 APPROVE SEPTIC PERMIT FOR FLORINDA MARTINEZ, LOT 5 OF THE PROPOSED TORRES SUBDIVISION [T1-240]

Attorney Dominic Audino spoke on behalf of property owner Mario Torres. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve septic permit for Florinda Martinez, Lot 5 of the proposed Torres Subdivision. Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED

25179 OFFICIALLY ACCEPT AN ADDITIONAL .988 MILE STRETCH OF OAK GROVE ROAD IN TO THE COUNTY MAINTENANCE SYSTEM [T1-389]

Kathleen Whetstone and Shea Cockrell made public comment. Commissioner Ford spoke of health and safety issue of property owners on the road. Discussion was had regarding the platting of this unrecorded subdivision. GIS Manager Steve Floyd spoke of county maintained roads. RPTP Director Jerry Borcharding spoke. Discussion was had regarding proposed work to the road - would be a three year phased project. Discussion was had regarding dedication of land for roadway and cul-de-sac (turn-around) and building the road to country lane standard (50 ft of ROW). Jerry Borcharding spoke of improving the road as it geographically lies - funds are limited in his budget for surveying. [T1-1310] A motion was made by Commissioner Ford, seconded by Commissioner Conley to officially accept an additional .988 mile stretch of Oak Grove Road into the county maintenance system with improvements to be phased in over the next three years to address health and safety issues, subject to dedication of right-of-way and turn-around at the end of the road, with the understanding that it will be improved to country lane standards (50 ft. ROW) as it currently geographically lies on the ground. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED Commissioner Ingalsbe spoke of need to address platting situations.

25180 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE AMENDMENT TO PASS-THROUGH AGREEMENT FOR PAYMENT OF PASS-THROUGH TOLLS BY THE DEPARTMENT [T1-1490]

Mike Weaver spoke. Special Counsel Mark Kennedy spoke of changes made to the agreement. Discussion was had regarding reimbursement for FM110 project. [T1-2180] A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute the amendment to Pass-Through Agreement for payment of Pass-Through Tolls by the Department including amending Schedule C-1 breaking out FM 110 into Phase 1 and Phase 2, with the appropriate maximum total reimbursement by segment also broken out, and FM 1626 A & B broken out in two segments with the appropriate maximum total reimbursement by segment, to be negotiated between Commissioner Barton, Mike Weaver and Mark Kennedy for FM 1626 to get those numbers correct, and between Commissioner Ingalsbe, Mike Weaver and Mark Kennedy for FM110 to get those numbers correct with changes made this date. All voting "Aye". MOTION PASSED

[T3-1] Special Counsel Mark Kennedy advised that TxDot had been contacted while the court was in executive session and they indicated that they are not willing to break out the FM110 project but they are willing to break out the FM1626 project. Phase 1 of the FM110 project was not in the original agreement. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to modify the original action to remove statement that schedule C1 needs to have a division of Phase 1 and Phase 2 for FM110 and for the numbers to correspond with those two phases instead should stay as presented as a whole project and one refundable number and FM1626 can remain as 16A & 16B with those corresponding numbers. All voting "Aye". MOTION PASSED



- 25181 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS, TEXAS AND HAYS COUNTY, TEXAS FOR THE COMPLETION OF THE MCCARTY LANE AND FM110 (SAN MARCOS LOOP) ROADWAY IMPROVEMENT PROJECTS [T1-2428]**

San Marcos Mayor Susan Narvaiz, Interim City Manager Collette Jamison, City Council Member Pam Couch, and Laurie Anderson spoke in support of this project. Judge Sumter spoke of various sections of the agreement that may need to be made. Court agreed to the following changes: Section 3.6 need to add action taken today "on or about April 29, 2008; Section 6.2 – deleted "or other current funds as determined by County"; and Sections 8.2 & 8.3 remove "b) funds otherwise duly authorized and appropriated by action of the Hays County Commissioner Court". A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement between the City of San Marcos, Texas and Hays County, Texas for the completion of the McCarty Lane and FM110 (San Marcos Loop) Roadway Improvement Projects and asked Mark Kennedy to move forward on a advanced funding agreement. All voting "Aye". MOTION PASSED

- 25182 AUTHORIZE \$900.00 EXPENDITURE FOR DISTRICT CLERK STAFF TO ATTEND WORKSHOP HOSTED BY TYLER TECHNOLOGIES IN DALLAS TEXAS [T2-679]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize \$900.00 expenditure from the health insurance line item for District Clerk staff to attend workshop hosted by Tyler Technologies in Dallas, Texas. All present voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

WORKSHOP – DISCUSSION OF DEBT STRUCTURE – PRESENTATION BY DAN WEGMILLER

[T2-711] Dan Wegmiller, First Southwest Company, presented a Preliminary Capital Improvement Program Analysis which included a Ten-Year History of Tax-Exempt Interest Rates, estimated tax impact assumptions on county capital projects, estimated Pass-Through Finance Program Assumptions, Pass-Through Finance Program Sources & Uses, and Tax Impact Analysis to complete the Pass-Through Finance Program

- 25183 APPROVE A RESOLUTION RELATING TO ESTABLISHING THE COUNTY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE COUNTY FOR AUTHORIZED PURPOSES, AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO, AND PROVIDING AN EFFECTIVE DATE [T2-1266]**

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a resolution relating to establishing the County's intention to reimburse itself in an amount not to exceed \$19,500,000 for the prior lawful expenditure of funds from the proceeds of Tax-Exempt Obligations to be issued by the County for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date of April 29, 2008. All voting "Aye". MOTION PASSED

- 25184 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN ADVANCED FUNDING AGREEMENT WITH TXDOT FOR US HIGHWAY 290 WEST FOR 8 MILLION DOLLARS AND IMMEDIATELY ISSUE 4 MILLION DOLLARS TOWARD THE PROJECT [T2-1307]**

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute an Advanced Funding Agreement with TxDot for US Highway 290 West for 8 million dollars and immediately issue 4 million dollars toward the project. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #13 RE: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE EXPENDITURE AND AUTHORIZE COUNTY JUDGE TO EXECUTE AN AGREEMENT FOR THE NEW PCT 4 OFFICE TO CONNECT TO THE DRIPPING SPRINGS WATER SUPPLY CORPORATION'S PUBLIC WATER SUPPLY SYSTEM was PULLED.

- 25185 APPOINT WENDELL PAYTON TO REPLACE RODNEY COBB ON CPAT [T2-1690]**

A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Wendell Payton to replace Rodney Cobb on CPAT. All voting "Aye". MOTION PASSED



25186 APPROVE AN EXPENDITURE OF UP TO \$32,065 FOR THE DACY LANE SCHEMATIC ALTERNATIVE ANALYSIS [T2-1700]

This study will give us a better understanding of ROW widths, drainage, parameters for vertical and horizontal elevations, utility challenges and more and the information is needed to help all involved determine the ultimate design of the roadway. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve an expenditure of up to \$32,065 for the Dacy Lane schematic alternative analysis and instruct Special Counsel to draft a one page notice provision for adherence to bidding and purchasing procedures. All voting "Aye". MOTION PASSED

25187 AUTHORIZE COMMISSIONERS, ACTING IN THEIR CAPACITY AS EX OFFICIO ROAD COMMISSIONERS, TO EXECUTE, FROM TIME TO TIME, TEMPORARY LICENSE AGREEMENTS FOR USE OF HAYS COUNTY RIGHT OF WAY [T2-1984]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize Commissioners, acting in their capacity as Ex Officio Road Commissioners, to execute from time to time, temporary license agreements for use of Hays County Right of Way. All voting "Aye". MOTION PASSED

25188 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH THE TRUST FOR PUBLIC LAND FOR ONGOING CONSULTING RELATED TO THE MAY 2007 PARKS BOND FUND [T2-2017]

Special Counsel Mark Kennedy spoke of adding a "Task Six" to exhibit A - Scope of Services. A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute a professional service agreement with the Trust for Public Land for ongoing consulting related to the May 2007 Parks Bond Fund with addition of Task Six - Scope of Services. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING DIRECTING STAFF TO PREPARE A CONTRACT WITH CENTRAL TEXAS SUSTAINABILITY INDICATORS PROJECT FOR DATA AND MATERIALS RELATED TO HAYS COUNTY TRENDS AND BUDGET PLANNING, AND TO PROVIDE INFORMATION ON ECONOMIC, ENVIRONMENTAL, EQUITY, AND GROWTH BENCHMARKS IN CENTRAL TEXAS

[T2-2140] Commissioner Barton spoke of possible participation in a telephone survey on issues related to planning in Hays County at a cost of \$10,000 - 15,000. He will bring this back to the court for consideration.

25189 AUTHORIZE MARK KENNEDY, SPECIAL COUNSEL, TO COORDINATE DUE DILIGENCE ON THE JACOBS WELL PARKS PROJECT NOT TO EXCEED \$25,000

[T2-2471] A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize Mark Kennedy, Special Counsel, to coordinate due diligence on the Jacobs Well Parks Project not to exceed \$25,000 to be paid out of park bond funds. All voting "Aye". MOTION PASSED

25190 APPROVE A ROW LICENSE AGREEMENT FOR RIM ROCK COMMUNITY INC.

[T2-2570] Discussion was had and minor changes made to the purpose of license agreement to allow the installation of native landscaping, dark-sky or shielded lighting, fencing, entryway monuments, and irrigation into the right-of-way. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a Right-of-Way Agreement for Rim Rock Community Inc. All voting "Aye". MOTION PASSED

25191 APPROVE BUDGET AMENDMENT 08-13 [T2-2718]

County Auditor Bill Herzog advised that the action taken today (#25182) regarding the District Clerk's budget request will be added to this budget amendment. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Budget Amendment #08-13. All voting "Aye". MOTION PASSED

25192 APPOINT SAM COOPER AND JIM HAVIS FROM PCT. 2 AND RUBEN GARZA FROM PCT. 1 TO THE CITIZENS BOND ADVISORY COMMITTEE [T2-2735]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to appoint Sam Cooper and Jim Havis from Precinct 2 to the Citizens Bond Advisory Committee. All voting "Aye". MOTION PASSED. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to appoint Ruben Garza from Precinct 1 to the Citizens Bond Advisory Committee. All voting "Aye". MOTION PASSED.



EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS PERFORMANCE REVIEW OF RPTP DIRECTOR


Court convened into closed execution session to discuss performance review of the RPTP Director at 3:15 P.M. and reconvened into open meeting at 5:50 p.m. No action was taken.

Special Counsel Mark Kennedy requested that the court revisit agenda item #10 – Resolution #25180. See that item for additional action taken.

Court was adjourned this the 29th day of APRIL, 2008.

I, LINDA C. FRITSCHER, 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 APRIL 29, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





MAY 6, 2008

VOLUME T PAGE 779

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 6th DAY OF MAY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Santiago Heredia, El Buen United Methodist Church in San Marcos, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PRESENTATION OF RETIREMENT PLAQUE TO SAMUEL GOMEZ. SUMTER/BAEN

RPTP Director Jerry Borcharding presented a retirement plaque to Samuel "Sammy" Gomez (23 year county employee).

25193 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$575,717.21 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25194 APPROVE COMMISSIONER COURT MINUTES OF APRIL 29, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of April 29, 2008 as presented by the County Clerk. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25195 APPROVE SPECIFICATIONS FOR BID #2008-B13 ROAD IMPROVEMENTS/HOT-MIX OVERLAY AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B13 Road Improvements/Hot-Mix Overlay and authorize Purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25196 APPROVE UTILITY PERMIT #01953

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Utility Permit #01953 on Purgatory Road issued to Pedernales Electric Cooperative. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Clerk's Note: Agenda Item #6 RE: DIRECT PURCHASING TO ADVERTISE FOR AN ENGINEERING SERVICES RFQ FOR SAFETY IMPROVEMENTS ON QUAIL RUN IN SAN MARCOS was PULLED.

25197 CALL FOR A PUBLIC HEARING ON MAY 6, 2008 TO ESTABLISH STOP SIGNS AT THE ENTRANCE OF DUDLEY JOHNSON PARK AND RANDALL VETTER PARK

[T1-97] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to call for a public hearing on May 6, 2008 to establish traffic regulations (stop signs) at the entrance of Dudley Johnson Park and Randall Vetter Park. All voting "Aye". MOTION PASSED



25198 CALL FOR A PUBLIC HEARING ON MAY 20, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH SUBDIVISION [T1-107]

Proposed traffic regulation: a Yield sign on Old Mill Drive at Huck Finn Trail and two STOP signs on Huck Finn Trail at Tom Sawyer Road (creating a 4-way STOP at this intersection). **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on May 20, 2008 to establish traffic regulations in Sawyer Ranch Subdivision. All voting "Aye". MOTION PASSED**

25199 07-4-074 KEY RANCH SUBDIVISION (156 LOTS) - APPROVE PRELIMINARY PLAN

[T1-112] Hays County Subdivision Coordinator, Sandy Irvin, gave staff recommendation. Bob Richardson, Architect, appeared. Commissioner Barton advised that he will abstain because he did some consultation services in the past regarding this subdivision. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan for Key Ranch Subdivision. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Barton abstained. MOTION PASSED**

25200 ADOPT AND MODIFY THE HAYS COUNTY SHERIFFS OFFICE AND HAYS COUNTY DEPUTY CONSTABLE BASE PAY, MODIFY OUR OPEN RANGE POLICY AND REPLACE WITH STEP PROCESS, AND INITIATE A PACKAGE TO PAY FOR UNIFORMS FOR HAYS COUNTY SHERIFFS OFFICERS TO BE PROPOSED FOR THE 2009 BUDGET [T1-197]

Constable Pct. 2 James Kohler, Bill Bradfield, James Shirley, Dale Dugger, Glenda Wilcox, Antonio Carducci, Lee Taylor, Linda Kinney, Sherri Bilson, Janelle Delaney, Bill Southworth, Ken Strange, District Clerk Cecelia Adair, Daniel Arredondo, and Gary Raesz made public comment. Commissioner Conley spoke of survey that was done by the Sheriff's Department. He advised that they will give up any merit increases the court gives to other county employees. Sheriff Allen Bridges spoke of recruitment problems. Commissioner Barton spoke of step system that is needed and changes in the benchmark that needs to be addressed for other county employees. He advised that this will impact taxes and the budget. Commissioner Ingalsbe spoke in support of the resolution. Judge Sumter spoke of issues across the county for all county employees, the market that the court adopted and those that were considered – she requested that the resolution be reworded to "will consider adopting". Commissioner Ford spoke in support of the procedure for the budget – she was not aware that there was a recruitment problem before this was brought to the court. She suggested that the resolution read: will "consider" a "workable" step program. Human Resources Director Dee Dee Baen will make a presentation on June 17th regarding all county employee salaries. Commissioner Ford asked for a uniform policy. Deputy Davenport spoke of importance of the step program in recruiting new officers. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to adopt a Resolution of Support for Law Enforcement Officers at the Sheriff's Office and Constables Deputy Officers. All voting "Aye". MOTION PASSED**

25201 FUND A FULL TIME FIRE MARSHAL POSITION BEGINNING JUNE 1, 2008 [T1-2267]

Human Resources Director Dee Dee Baen presented a job description. Commissioner Barton spoke of having the Fire Marshal monitor the government board for fire districts to make sure they file financial reports and make appointments timely. Fire Marshal Carroll Czichos spoke of duties of emergency management versus fire marshal. Discussion was had regarding enforcement of the fire code. **A motion was made by Judge Sumter, seconded by Commissioner Ford to fund a full time Fire Marshal position to begin June 1, 2008, post the job description presented today by Human Resources, for an amount not to exceed \$14,176 from salary savings. All voting "Aye". MOTION PASSED**

25202 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT HIRING A TITLE ATTORNEY FOR THE SPECIFIC AND LIMITED PURPOSE OF REAL ESTATE SERVICES [T1-2862]

Assistant District Attorney David Mendoza spoke of need for title insurance policies and deeds of trust for properties held by the Bail Bond Board to protect the county's interest. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute a Professional Services Agreement hiring Gene Majors, of Independence Title, a Title Attorney, for the specific and limited purpose of Real Estate Services for the Bail Bond Board NTE \$25,000. All voting "Aye". MOTION PASSED**



25203 HIRE A COLLECTION AGENCY TO HANDLE ACCOUNTS FROM JUNE 2003 THAT HAVE OUTSTANDING JUDGMENTS OWED TO THE COUNTY [T1-3114]

Collections Administrator Judy Seim spoke of hiring a collection agency to collect on delinquent accounts at no cost to the county. Special Counsel Mark Kennedy advised that this is a discretionary decision of the court – would qualify as professional services exempt from bidding procedures. Commissioner Barton felt like we should go out for RFP's for this service. **A motion was made by Judge Sumter, seconded by Commissioner Conley to hire MSB Collection Agency to handle accounts from June 2003 that have outstanding judgments owed to the County, finding exception to the purchasing requirement 262.024 for professional services. Commissioner Ingalsbe, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED**

WORKSHOP REGARDING UPDATED SUBDIVISION RULES [T2-148]

Grant Jackson (Naismith Engineering) spoke of Chapter 765 - Conservation and Preferred Development. Special Counsel Mark Kennedy spoke of Tax Code 11.32 that addresses incentives for developers. He spoke of "conservation space" (Page 196 - § 5.01), Scenic and Historic Preservation Buffers, Ecological Assets Management Plan, Impervious Cover, Conservation Roadway and Driveway Design Standards, and Requirements for Property Owners. Also covered was Sub-Chapter 6 – Resource Conservation, Sub-Chapter 7 – Preferred Development Areas, Sub-Chapter 8 – Conservation Development Agreement, and Sub-Chapter 9 – Off-site Transfer for Conservation Development. Discussion was had regarding density issues and cluster developments. Hays Trinity Groundwater Conservation District Representative Andrew Backus spoke. [T2-2274] Top four items per commissioner were: Commissioner Ford: (1) 50% open space allowance - contiguous if possible, (2) conservation easement and ecological assessment management plan, (3) water conservation plan for the development and that can be a number of things, and (4) impervious coverage. Commissioner Ingalsbe: (1) water conservation, (2) impervious cover, (3) buffer, (4) 50% total acreage for open space. Commissioner Barton (1) impervious cover, (2) water conservation, (3) sense of place, and (4) affordable housing – not particular that open space be contiguous. Judge Sumter: (1) open space, (2) water conservation, (3) affordable housing, and (4) conservation easement and ecological assets management plan. Commissioner Conley: (1) water conservation - quantity and quality, and (2) scenic preservation. Discussion was had regarding incentives to be considered. Need to revise Chapter 765.

Commissioner Ford presented a proposal from Naismith Engineering Inc. for additional professional services regarding update of the Hays County Development Standards.

25204 AMEND EXISTING NAISMITH CONTRACT FOR ADDITIONAL COSTS FOR SITE ENGINEERING SERVICES AT PCT 4 OFFICE BUILDING [T2-3049]

Additional cost is for re-engineering the waste water system in order to save money. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to amend existing Naismith contract for additional costs for site engineering services at Pct 4 office building as reflected in letter dated April 28, 2009 in the amount of \$6,013.02 and coming out of the building fund 01-414-5741. All voting "Aye". MOTION PASSED**

25205 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EXTENSION OF THE OPTION FOR THE PURCHASE OF THE BAPTIST CHURCH PROPERTY IN WIMBERLEY, TEXAS [T2-3197]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to execute an extension of the option for the purchase of the Baptist Church property in Wimberley, Texas at a cost of \$50.00. All voting "Aye". MOTION PASSED

WORKSHOP REGARDING UPDATE AND ACTIVITIES FOR THE GOALS AND CRITERIA WORKSHOP SCHEDULED FOR MAY 7TH BY ENVISION CENTRAL TEXAS AS PART OF THE TPL GREENPRINTING PROCESS – INCLUDING A SCHEDULING DISCUSSION FOR OTHER ECT/TPL PROPOSED EVENTS [T2-3454]

Representative from CAPCOG (Counsel of Government), Envision Central Texas, and Trust for Public Land appeared before the court. They spoke of being pro-active and green printing. May 7th will be the kickoff for green printing Hays County. They will try to collect a broad list of objectives for the county - 45 people have been confirmed to appear at the May 7th workshop. The input gathered in the workshop will help shape the decision-making process for future appropriations from the 2007 bond funds and will be the basis for the Hays County portion of the Envision Central Texas (ECT) Greenprint. Court will continue this workshop on Wednesday May 7th at 6:00 p.m.

Agenda Item # 11 RE: ACTION REGARDING THE GOALS AND CRITERIA WORKSHOP AS BEING SCHEDULED BY ENVISION CENTRAL TEXAS AS PART OF THE GREENPRINTING PROCESS – Considered with workshop above - no action taken. [T3-376]

**25206 HIRE GRANTS ADMINISTRATOR ABOVE MINIMUM OF PAY GRADE [T3-466]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to hire Grants Administrator above minimum of pay grade. All voting "Aye". MOTION PASSED

25207 INSTALL A FAX LINE AND PAY MONTHLY CHARGES AT JUDGE RODRIGUEZ RESIDENCE TO SUPPORT THE HAYS COUNTY MENTAL HEALTH CRISIS TEAM

[T3-472] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to install a fax line and pay monthly charges at Judge Rodriguez's residence to support the Hays County Mental Health Crisis Team. All voting "Aye". MOTION PASSED

25208 ACCEPT APPOINTMENTS FROM COMMISSIONERS AND COUNTY JUDGE FOR THE CITIZENS BOND ADVISORY COMMITTEE [T3-489]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept appointments from Commissioners and County Judge for the Citizens Bond Advisory Committee as follows: Precinct 1 appointment is David Peterson, Precinct 3 appointment is Mike Moeller and Donna Hill, Precinct 4 appointment is Deborah Graham, and Judge Sumter appointment for Chair is Chuck Nash. All voting "Aye". MOTION PASSED

25209 AUTHORIZE EXPENDITURE FOR NEW PCT 4 OFFICE TO CONNECT TO THE DRIPPING SPRINGS WATER SUPPLY CORPORATION'S PUBLIC WATER SUPPLY SYSTEM [T3-581]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize expenditure for new Pct 4 office to connect to the Dripping Springs Water Supply Corporation's public water supply system in the amount of \$18,550.00. All voting "Aye". MOTION PASSED

25210 AUTHORIZE COUNTY JUDGE TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH FUGRO CONSULTING FOR CONSTRUCTION TESTING SERVICES AT PCT 4 NEW OFFICE SITE [T3-644]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize County Judge to sign a Professional Services Agreement with Fugro Consulting for construction testing services at Pct 4 new office site in an amount not to exceed \$15,000.00. All voting "Aye". MOTION PASSED

25211 AUTHORIZE THE PURCHASE OF 3 FIVE DRAWER LATERAL FILING CABINETS TO REPLACE EXISTING CABINETS AND AMEND THE BUDGET ACCORDINGLY

[T3-754] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the purchase of 3 five drawer lateral filing cabinets to replace existing cabinets and amend the budget accordingly. All voting "Aye". MOTION PASSED

25212 AMEND THE COUNTY TRAVEL POLICY TO INCREASE THE MEAL ALLOWANCE FOR EMPLOYEES WHILE TRAVELING ON COUNTY BUSINESS [T3-773]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend the County Travel Policy to increase the meal allowance for employees while traveling on County business to \$36.00 per day [\$7 breakfast \$13 lunch \$16 dinner]. All voting "Aye". MOTION PASSED

25213 AUTHORIZE PURCHASING TO ISSUE AN RFP FOR THE PURCHASE OF NEW FINANCIAL ACCOUNTING SOFTWARE [T3-844]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize purchasing to issue an RFP for the purchase of new financial accounting software. All voting "Aye". MOTION PASSED



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25214 AUTHORIZE A TEMPORARY, PART-TIME POSITION FOR PRECINCT 2 COMMISSIONER'S OFFICE TO FACILITATE THE CONTINUATION OF THE FM1626 PROJECT PREVIOUSLY APPROVED BY COMMISSIONER'S COURT ON OCTOBER 30, 2007 [T3-870]

Discussion was had regarding work required for project management. Discussed having a position at the Road Department to deal with road projects. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize a temporary, part-time position for Precinct 2 Commissioner's Office to facilitate the continuation of the FM 1626 project and other pass through finance projects previously approved by Commissioner's Court on October 30, 2007 to be paid out of line item 42-458-5399 not to exceed \$5,000.00 for the remainder of this budget year. All voting "Aye". MOTION PASSED

25215 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO HAYS COUNTY PURCHASE CONTRACTS TO ROBERT TIJERINA JR. AND ELIAS F. SALINAS FOR ROW ACQUISITION ON MCCARTY LANE [T3-1744]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute two Hays County purchase contract to Robert Tijerina, Jr. and Elias F. Salinas for ROW Acquisition on McCarty Lane. All voting "Aye". MOTION PASSED

Court recessed until 6:00 p.m. on Wednesday May 7, 2008 to continue Goals and Criteria Workshop scheduled by Envision Central Texas as part of the green printing process.

GOALS AND CRITERIA WORKSHOP BY ENVISION CENTRAL TEXAS

Judge Sumter reconvened the meeting at 6:00 p.m. and all members of the court were present. Introduction to greenprinting was given by Bob Heuer (Trust for Public Land), and an overview of Hays County's natural resources was given by Sandra Tassel (Look at the Land Inc.). The people in attendance split up into six groups to discuss goals and criteria. Everyone then met as a group to review and organize categories of goals and criteria with the assistance of facilitator Caryn Ernst (Trust for Public Land).

Court was adjourned at 9:05 p.m this the 6th day of MAY, 2008.

I, LINDA C. FRITSCHER, 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 6, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13th DAY OF MAY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Robin Steele, Pastor of the Promiseland Church gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PUBLIC COMMENT

Human Resources Director Dee Dee Baen had new county employees introduced themselves. Dan Ekakiadis made public comment regarding the pass through road financing.

25215 APPROVE PAYMENTS OF COUNTY INVOICE

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$452,317.62 as presented by the County Auditor. All voting "Aye".
MOTION PASSED

[T2-530]A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of invoice in the amount of \$127,000 to the North Hays County Optimist Club. All voting "Aye".

25216 APPROVE COMMISSIONER COURT MINUTES OF MAY 6, 2008

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Commissioner's Court Minutes for May 6, 2008 as presented by the County Clerk. All voting "Aye".
MOTION PASSED

25217 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A REVISED RLSS/LPHS TRIPLE O GRANT TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to submit a revised RLSS/LPHS Triple O Grant to the Texas Department of State Health Services for the Hays County Personal Health Department. All voting "Aye". **MOTION PASSED**

25218 APPROVE EXTENSION OF CONTRACT WITH PBS&J TO JUNE 30, 2009 FOR PROFESSIONAL SERVICES TO THE ENVIRONMENTAL ASSESSMENT DOCUMENT IN SUPPORT OF A FINDING OF NO SIGNIFICANT IMPACT (FONS) FOR FM 110

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve extension of contract with PBS&J to June 30, 2009 for professional services to the environmental assessment document in support of a finding of no significant impact (FONS) for FM110. All voting "Aye". **MOTION PASSED**

25219 APPROVE UTILITY PERMITS #01948 and #01940

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve Utility Permit #01948 on CR118 issued to Texas Gas Company, and #01940 on Bunton Lane issued to Verizon as submitted by the Road Department. All voting "Aye". **MOTION PASSED**

25220 APPROVE SPECIFICATIONS FOR BID #2008-B14 ANNUAL CONTRACT FOR ELECTRICAL SERVICES AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve specifications for Bid #2008-B14 annual contract for electrical services and authorize Purchasing to solicit for bid and advertise. All voting "Aye". **MOTION PASSED**



25221 APPROVE THE JANUARY 2008 AND FEBRUARY 2008 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve the January 2008 and February 2008 Treasurer's Report and Investment Report. All voting "Aye". MOTION PASSED

25222 CALL FOR A PUBLIC HEARING ON MAY 27, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN DUDLEY JOHNSON PARK AND RANDALL VETTER PARK [T1-122]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to call for a public hearing on May 27, 2008 to establish traffic regulations in Dudley Johnson Park and Randall Vetter Park. All voting "Aye". MOTION PASSED

25223 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PREMIUM FINANCE AGREEMENT TO PROVIDE LIABILITY COVERAGE FOR A NURSE PRACTITIONER AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT [T1-145]

Nick Iccosipentarhos, Director of Personal Health, and Special Counsel Mark Kennedy spoke of liability coverage for the new nurse practitioner. Mark Kennedy spoke of additional charge for tail-in coverage (\$5,000) plus base premium of \$2,798.45. There are funds in the budget to pay the premium and tail-in coverage. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a Premium Finance Agreement to provide liability coverage for a Nurse Practitioner at the Hays County Personal Health Department for an amount not to exceed \$7,179.22 and further authorize an additional 15% expenditure to cover liability insurance for the county and authorize staff committee to report back with recommendation for future policy along these lines and to be paid out of line item #10-469-5448. All voting "Aye". MOTION PASSED

25224 DEDICATE \$775,000 TO THE BUDA STAGECOACH PARK PROJECT IN A PARTNERSHIP WITH THE CITY OF BUDA [T1-348]

City of Buda Interim City Manager Sarah Mangham spoke in support of this project. Buda Parks Director Danny Zinke gave a powerpoint presentation. Special Counsel Mark Kennedy spoke of need for an interlocal agreement that would identify where funding will be used. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to dedicate \$775,000 to the Buda Stagecoach Park Project in a partnership with the City of Buda and to ask special counsel and parks director to work on details of an interlocal agreement with the City of Buda to ensure public access. All voting "Aye". MOTION PASSED

25225 DEDICATE \$2,479,000 TO THE NORTH EAST KYLE REGIONAL PARK PROJECT IN A PARTNERSHIP WITH THE CITY OF KYLE [T1-828]

Kyle Parks Director Kerry Urbanowicz gave a powerpoint presentation. [T1-1733] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to dedicate, or reserve, an amount, not to exceed, \$2,479,000 to the North East Kyle Regional Park Project in partnership with the City of Kyle and ask special counsel, parks director, and bond counsel to work with City of Kyle on details of an interlocal agreement to ensure the park will be publicly dedicated and to meet our other criteria. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley, and Judge Sumter voting "Aye". Commissioner Ford voting "No". MOTION PASSED

25226 DIRECT STAFF TO PREPARE A CONTRACT WITH CENTRAL TEXAS SUSTAINABILITY INDICATORS PROJECT FOR DATA AND MATERIALS RELATED TO HAYS COUNTY TRENDS AND BUDGET PLANNING, AND TO PROVIDE INFORMATION ON ECONOMIC, ENVIRONMENTAL, EQUITY, AND GROWTH BENCHMARKS IN CENTRAL TEXAS [T1-2082]

A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize and direct staff to prepare a contract with Central Texas Sustainability Indicators Project for Data and materials related to Hays County Trends and Budget Planning, and to provide information on Economic, Environmental, Equity, and Growth Benchmarks in Central Texas and for Hays County to participate at a \$10,000 sponsorship and funding will come out of 414-5443. All voting "Aye". MOTION PASSED



25227 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES & USE AGREEMENT WITH SIDDON'S FIRE APPARATUS, INC. TO MAINTAIN AND EQUIP TWO (2) FORD CROWN VICTORIA POLICE INTERCEPTORS [T1-2777]

County Auditor Bill Herzog suggested funding \$390 from the Constable Pct. 1 insurance line item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a professional services & use agreement with Siddons Fire Apparatus Inc. to maintain and equip two (2) Ford Crown Victoria Police Interceptors and amend budget accordingly. All voting "Aye". MOTION PASSED

25228 AUTHORIZE THE COUNTY JUDGE TO AMEND THE CONTRACT WITH NAISMITH ENGINEERING FOR ADDITIONAL PROFESSIONAL SERVICES RELATING TO PUBLIC ROLLOUT OF HAYS COUNTY DEVELOPMENT STANDARDS [T1-2931]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to amend the contract with Naismith Engineering for additional professional services relating to public rollout of Hays County Development Standards in the amount of \$47,230 to be paid out of contingency line item. All voting "Aye". MOTION PASSED

25229 APPROVE HOLDING A HAYS COUNTY CAR CARE FOR CLEAN AIR DAY EVENT THIS SUMMER [T2-25]

Deanna Altenhoff, ED of Clean Air Force, explained the event which offers citizens the opportunity to find out if their vehicle would pass a similar emissions test for free and to learn simple car care tips that save money and improve air quality. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve holding a Hays County Car Care for Clean Air Day event this summer on August 16, 2008 at a location to be determined. All voting "Aye". MOTION PASSED

25230 AUTHORIZE COUNTY JUDGE TO SIGN PEC RELOCATE FACILITIES CONTRACT AND MAKE PAYMENT TO PEC FOR THE RELOCATION OF POWER POLE AT PCT 4 BUILDING SITE [T2-175]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize County Judge to sign PEC relocate facilities contract and make payment to PEC for the relocation of power pole at Precinct 4 building site in an amount NTE \$2,752. All voting "Aye". MOTION PASSED

25231 CANCEL THE ELECTION OF EMERGENCY SERVICES COMMISSIONERS TO THE CALDWELL-HAYS EMERGENCY SERVICES DISTRICT #1 PURSUANT TO §2.053 OF THE TEXAS ELECTIONS CODE

[T2-199] Judge Sumter advised that only one person applied for the five positions vacant and there was no reason to hold the election. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to cancel the election of Emergency Services Commissioners to the Caldwell-Hays Emergency Services District #1 pursuant to §2.053 of the Texas Elections Code. All voting "Aye". MOTION PASSED

25232 APPROVE PURCHASE OF A BAND SAW FOR THE MAINTENANCE DEPARTMENT

[T2-214] A motion was made by Commissioner Barton, seconded by Judge Sumter to approve purchase of a band saw for the Maintenance Department. All voting "Aye". MOTION PASSED

25233 AWARD A BID TO HUNTER INDUSTRIES FOR THE MCCARTY LANE CONSTRUCTION AND IMPROVEMENTS [T2-236]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to award a bid to Hunter Industries for the McCarty Lane construction and improvements. All voting "Aye". MOTION PASSED

25234 APPROVE THE ROAD & BRIDGE DEPARTMENT TO PURCHASE TWO NEW CELLULAR PHONE/2-WAY RADIO SERVICES FOR TWO NEW HIRE POSITIONS

[T2-279] A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the Road & Bridge Department to purchase two new cellular phone/2-way radio services for two new hire positions. All voting "Aye". MOTION PASSED

25235 SELECT A CONSULTANT FOR THE CITIZENS ADVISORY BOND COMMITTEE

[T2-300] A motion was made by Commissioner Barton, seconded by Commissioner Ford to ask the Citizens Transportation Bond Committee to make a recommendation to Commissioners Court for a professional consultant that would work with the committee and further that if that recommendation is 2/3 or greater that we would only interview the recommended firm but if the committee is split and recommends that by less than a 2/3 majority would come to Commissioners Court and ask RTP Director and Prime Strategies be a part of the deliberations. All voting "Aye". MOTION PASSED



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25236 ACCEPT APPOINTMENTS FROM COMMISSIONERS AND COUNTY JUDGE FOR THE CITIZENS ADVISORY COMMITTEE

[T2-479] A motion was made by Commissioner Ford, seconded by Judge Sumter to accept appointment of Commissioner Pct. 4 of Michael Marcin to the Citizens Advisory Committee. All voting "Aye". MOTION PASSED

25237 APPROVE BUDGET AMENDMENT 08-14 [T2-499]


County Auditor Bill Herzog suggested adding Naismith, and Siddons Equipment to the budget amendment. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Budget Amendment #08-14 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

Court was adjourned this the 13th day of MAY, 2008.

I, LINDA C. FRITSCHER, 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 13, 2008.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 20th DAY OF MAY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor John McComb, San Marcos Community Church gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25238 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve payment of county invoices in the amount \$714,040.76 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25239 APPROVE COMMISSIONER COURT MINUTES OF MAY 13, 2008

Clerk's note: Changes were made to minutes that were initially placed in the agenda packet – final draft was provided by email after packet was prepared. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of May 13, 2008 as presented by the County Clerk this date. All voting "Aye". MOTION PASSED

25240 APPROVE A WOODWORKING SHOP OSSF PERMIT FOR DAVID RAKOWITZ LOCATED AT 1850 OAKWOOD LOOP, SAN MARCOS, IN PRECINCT 3

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve a woodworking shop OSSF permit for David Rakowitz located at 1850 Oakwood Loop, San Marcos, in Precinct 3. All voting "Aye". MOTION PASSED

25241 APPROVE INSTITUTIONAL OSSF PERMIT FOR THE HAYS CISD IMPACT CENTER LOCATED AT 4126 FM 927, BUDA.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve institutional OSSF permit for the Hays CISD Impact Center located at 4126 FM 927, Buda. All voting "Aye". MOTION PASSED

25242 APPROVE PURCHASE OF TWO MAG DRAWER VAULTS FOR SHERIFF'S DEPT AT THE COST OF \$1950 EACH FOR A TOTAL OF \$3,900

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve purchase of two Mag Drawer Vaults for Sheriff's Dept. at the cost of \$1950 each for a total of \$3,900. All voting "Aye". MOTION PASSED

25243 AUTHORIZE THE COUNTY JUDGE TO SIGN A RENEWAL BIOTERRORISM/EMERGENCY PREPAREDNESS GRANT AGREEMENT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$120,794

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to sign a renewal Bioterrorism/Emergency Preparedness Grant Agreement for the Hays County Personal Health Department with the Texas Department of State Health Services for \$120,794. All voting "Aye". MOTION PASSED



25244 AUTHORIZE THE COUNTY JUDGE TO RENEW THE IMMUNIZATION CONTRACT FOR HAYS COUNTY PERSONAL HEALTH DEPARTMENT, WITH TEXAS DEPARTMENT OF HEALTH SERVICES FOR \$192,341

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to renew the immunization contract for Hays County Personal Health Department with Texas Department of Health Services for \$192,341. All voting "Aye". MOTION PASSED

25245 ACCEPT THE CERTIFICATE OF COMPLETION AND TO ACCEPT THE MAINTENANCE BOND FOR REDWOOD ROAD [T1-45]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept the Certificate of Completion and to accept the Maintenance Bond for "Redwood Road". All voting "Aye". MOTION PASSED

25246 ACCEPT THE CERTIFICATE OF COMPLETION AND TO ACCEPT THE MAINTENANCE BOND FOR NUTTY BROWN ROAD [T1-62]

RPTP Director Jerry Borchering gave staff recommendation for acceptance. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept the Certificate of Completion and to accept the Maintenance Bond for "Nutty Brown Road". All voting "Aye". MOTION PASSED

25247 SUBSTITUTE FISCAL SURETY FOR ROAD MAINTENANCE AND CONSTRUCTION IN THE PARKLANDS SUBDIVISION IN PRECINCT 2 [T1-75]

Special Counsel Mark Kennedy spoke of new developer on this project and a new letter of credit has been submitted effective last Wednesday. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to substitute fiscal surety - Letter of Credit effective May 15, 2008 - for Road Maintenance and Construction in the "Parklands Subdivision" in Precinct 2. All voting "Aye". MOTION PASSED

25248 HOLD A PUBLIC HEARING AND ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH SUBDIVISION [T1-113]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borchering gave staff recommendation for traffic regulations in Sawyer Ranch Subdivision. A motion was made by Commissioner Ford, seconded by Judge Sumter to establish traffic regulations of YIELD sign on Old Mill Drive at Huck Finn Trail and two STOP signs on Huck Finn Trail at Tom Sawyer Road (creating a 4-way stop at this intersection) in "Sawyer Ranch Subdivision". All voting "Aye". MOTION PASSED

25249 [#08-4-26, 2 LOTS] RAINBOW RANCH RESUBDIVISION OF LOT 102 - APPROVE PRELIMINARY PLAN [T1-127]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan for "Rainbow Ranch Resubdivision of Lot 102". All voting "Aye". MOTION PASSED

25250 [#08-4-24, 2 LOTS] SYCAMORE CREEK RESUBDIVISION OF LOT 21-B - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON JUNE 3, 2008 [T1-139]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan for "Sycamore Creek Resubdivision of Lot 21-B" and call for a public hearing on June 3, 2008. All voting "Aye". MOTION PASSED

25251 [#08-4-05, 4 LOTS] TUSCANY VILLA SUBDIVISION - APPROVE PRELIMINARY PLAN

[T1-165] Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan for "Tuscany Villa Subdivision". All voting "Aye". MOTION PASSED

25252 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH TRAVIS COUNTY, OFFICE OF MEDICAL EXAMINER [T1-188]

A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement with Travis County Office of Medical Examiner. All voting "Aye". MOTION PASSED



25253 AUTHORIZE AN ADDITIONAL \$1363.88 TO CINTA'S DOCUMENT MANAGEMENT FOR SHREDDING [T1-234]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize an additional \$1363.88 to Cinta's Document Management for shredding out of contingency funds. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25254 APPROVE APPOINTMENT OF JON ENGEL TO CPAT [T1-273]

Parks Director Jerry Pinnix recommended appointment of Jon Engel. A motion was made by Commissioner Ford, seconded by Judge Sumter to appoint Jon Engel to CPAT (Citizen Parks Advisory Team) to replace staff appointee Sterling Harris. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item # 19 RE: ADOPT A RESOLUTION IN SUPPORT OF TEXAS PARKS AND WILDLIFE WITHHOLDING CERTAIN FUNDS FROM ITS ANNUAL LICENSE RENEWAL FEES FOR PREDATORY CONTROL was PULLED.

25255 APPROVE EXPENDITURES RELATED TO RIGHT OF WAY ACQUISITION ON MCCARTY LANE [T1-365]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve expenditure of \$44,372.00 related to right of way acquisition on McCarty Lane with funds to be taken out of 2001 bond funds and authorize the County Judge to execute the relocation agreement for the two properties. All voting "Aye". MOTION PASSED

25256 APPROVE A RESOLUTION TO IMPLEMENT AND ENFORCE THE STATE RULE ON MOTOR VEHICLE IDLING AS PART OF THE HAYS COUNTY COMMITMENT TO THE AUSTIN/ROUND ROCK MSA 8-HOUR OZONE FLEX PROGRAM [T1-551]

Commissioner Ford spoke of other counties that are implementing and enforcing the state rule. Commissioner Conley voiced his concern regarding enforcement. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve a resolution to implement and enforce the State Rule on motor vehicle idling as part of the Hays County Commitment to the Austin/Round Rock MSA 8-Hour Ozone Flex Program. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

CONSIDER AUTHORIZING THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH KNUDSON AND ASSOCIATES FOR HAYS COUNTY CONNECTIONS 2035

[T1-691] Sherri Bilson made public comment. Patty Knudson Joiner (Knudson & Associates) spoke of scope of services, schedule, and deliverables. The proposed plan is a strategic policy plan rather than the comprehensive plan which is a pre-requisite for municipal zoning. A strategic policy plan is a planning tool that is used to evaluate all factors which affect the development of regulations, guidelines, policies, finance and management of county resources. Judge Sumter spoke of water and wastewater facilities planning in addition to the strategic policy plan. Brandon Neal (HDR) spoke of commitment by various entities. Discussion was had regarding cost of contract and plans that are currently being worked on by various citizen groups (ie habitat conservation plan, transportation plan, parks and open space, etc.). A workshop will be held next week .

25257 SELECT A CONSULTANT FOR THE TRANSPORTATION BOND COMMITTEE [T1-2147]

Dan Ekakiadis made public comment. Minutes were submitted from the Transportation Bond Committee meeting held on May 15, 2008 which indicated that the committee recommends selection of Alliance Transportation Group Inc. A brief presentation was made by Alliance Transportation Group Inc. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to negotiate a contract, to be brought back to the court for approval, with Alliance Transportation Group Inc. as recommended by the Transportation Bond Committee and staff, and furthermore authorize an amount not to exceed \$10,000 that can be expended by the consultants until that contract comes back to the court - if the negotiated settlement falls through, we would pay based on their standard hourly rate sheets in existence today - to be funded from interest accrued from the 2001 road bond. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #16 RE: ORDER IMMEDIATE SUBMISSION OF PAST DUE DEPARTMENTAL BUDGETS BY END OF BUSINESS DAY, WEDNESDAY, MAY 21, 2008 was PULLED.



MAY 20, 2008

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Court convened into closed executive session at 11:45 a.m. for the following items:

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING KRUEGER VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO


EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

and reconvened into open meeting and adjourned at 12:35 with no action taken.

Court was adjourned this the 20th day of MAY, 2008.

I, LINDA C. FRITSCHER, 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 20, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 27th DAY OF MAY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Ryan Jenson, First Methodist Church, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

Commissioner Conley was not present at beginning of the meeting.

25258 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 552,046.30 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25259 APPROVE COMMISSIONERS COURT MINUTES OF MAY 20, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of May 20, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25260 APPROVE SPECIFICATIONS FOR RFP #2008-P06 "AUDIT FOR HAYS COUNTY" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for RFP #2008-P06 "Audit for Hays County" and authorize Purchasing to solicit for proposal and advertise. All present voting "Aye". MOTION PASSED

25261 APPROVE THE MARCH AND APRIL 2008 TREASURERS REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve the March and April 2008 Treasurer's Report and Investment Report. All present voting "Aye". MOTION PASSED

25262 APPROVE UTILITY PERMITS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Utility Permit #01954 on Commercial Drive issued to Verizon Wimberley, #01955 on Sawyer Ranch Road issued to Realty America Group, #01936 on Windy Hill Road issued to Verizon Wimberley, and #01948 on CR118 issued to Texas Gas Service. All present voting "Aye". MOTION PASSED

25263 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN DUDLEY JOHNSON PARK AND RANDAL VETTER PARK [T1-47]

Judge Sumter declared the public hearing open. No public input was received and public hearing was closed. Stop sign at the exits to the park.
 A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to establish traffic regulations of STOP sign at the exits to Dudley Johnson Park and Randal Vetter Park. All present voting "Aye". MOTION PASSED

25264 CALL FOR A PUBLIC HEARING ON JUNE 10, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON CRYSTAL HILL DRIVE IN GOLDENWOOD SUBDIVISON [T1-61]

Proposed traffic regulation: 30 MPH speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on June 10, 2008 to establish traffic regulations on Crystal Hill Drive in Goldenwood Subdivision. All present voting "Aye". MOTION PASSED



25265 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK PHASE 2 SECTION 2 SUBDIVISION [T1-69]

RPTP Director Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept road construction and drainage improvement, release construction bond, and accept maintenance bond for two years for "Rim Rock Phase 2 Section 2" subdivision. All present voting "Aye". MOTION PASSED

Commissioner Conley came to meeting at this time.

25266 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK PHASE 3 SECTION 2 SUBDIVISION [T1-87]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for "Rim Rock Phase 3 Section 2" subdivision. All voting "Aye". MOTION PASSED

25267 CALL FOR PUBLIC HEARING ON JUNE 10, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON MCGREGOR LANE (CR187) [T1-98]

RPTP Director Jerry Borcharding gave staff recommendation for approval. Reducing the speed limit. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on June 10, 2008 to establish traffic regulations on McGregor Lane (CR187). All voting "Aye". MOTION PASSED

25268 [#08-3-19] HILLCROFT SUBDIVISION SOUTH ONE-HALF OF LOT 32 - GRANT A VARIANCE TO PLATTING [T1-111]

Subdivision Coordinator Sandy Irvin gave staff recommendation for granting a variance to platting. A motion was made by Commissioner Conley, seconded by Commissioner Barton to grant a variance to platting of south one-half of Lot 32 of Hillcroft Subdivision. All voting "Aye". MOTION PASSED

25269 [#08-4-28] ROLLING OAKS SECTION 3 LOT 44 RESUBDIVISION - APPROVE PRELIMINARY PLAN [T1-277]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan. A motion was made by Commissioner Ford, seconded by Judge Sumter to approve preliminary plan for "Rolling Oaks Section 3 Lot 44 Resubdivision". All voting "Aye". MOTION PASSED

25270 [#08-2-30] RUBY RANCH BLOCK A PHASE 4 LOTS 4 & 5 REPLAT - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T1-303]

Subdivision Coordinator Sandy Irvin gave staff recommendation for waiver of preliminary plan approval and approve the final plat. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to waive preliminary plan approval and approve final plat of "Ruby Ranch Block A Phase 4 Lots 4 & 5 Replat". All voting "Aye". MOTION PASSED

25271 [#08-1-18. 7 LOTS] TORRES SUBDIVISION - APPROVE FINAL PLAT [T1-320]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve final plat of "Torres Subdivision". All voting "Aye". MOTION PASSED

BAN THE USE OF CERTAIN TYPES OF FIREWORKS AND INSTITUTE A BURN BAN [T1-335]

Fire Marshal Carroll Czichos gave burn index. Special Counsel Mark Kennedy gave statute to be followed. This item will be placed on the next agenda for reconsideration. Court was unable to take action at this time based on figures provided by the Fire Marshal.



25272 APPROVE TRANSFER OF FUNDS FROM CONSTABLE PCT. 1 PERSONNEL SAVINGS TO VEHICLE MAINTENANCE [T1-540]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve transfer of funds from Constable Pct. 1 personnel savings to vehicle maintenance. All voting "Aye". MOTION PASSED

25273 AMEND TAX OFFICE BUDGET TO MOVE \$300 FROM 01-415-5391 ALARMS/OTHER TO 01-415-5331 CONTINUING EDUCATION [T1-550]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to amend Tax Office budget to move \$300 from 01-415-5391 Alarms/Other to 01-415-5331 Continuing Education. All voting "Aye". MOTION PASSED

25274 APPOINT JEFF HAUFF, GRANTS ADMINISTRATOR, TO REPLACE RICHARD SALMON ON THE SOLID WASTE ADVISORY COMMITTEE WITH CAPCOG [T1-595]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Jeff Hauff, Grants Administrator, to replace Richard Salmon on the Solid Waste Advisory Committee with CAPCOG. All voting "Aye". MOTION PASSED

25275 APPROVE BUDGET AMENDMENT 08-16 [T1-624]

Budget amendment is needed to transfer \$156,975 for projected fuel deficits in general fund departments for balance of FY08 from savings of property/liability officials & law enforcement/workers comp insurance expense budgeted in county-wide and to transfer \$50,000 from contingencies to county-wide operations legal line item for legal representation. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment #08-16 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

25276 ACTION TO EXCEED COMP TIME LIMIT OF 60 HOURS FOR COMPENSATION ANALYST FOR THE HUMAN RESOURCES DEPARTMENT [T1-705]

A motion was made by Commissioner Barton, seconded by Judge Sumter to allow exceeding of comp time limit of 60 hours for Compensation Analyst for the Human Resources Department. All voting "Aye". MOTION PASSED

25277 AUTHORIZE THE PURCHASE OF REPLACEMENT LASER JET PRINTER AND LAPTOP AND AMEND THE BUDGET ACCORDINGLY FOR THE HUMAN RESOURCES DEPARTMENT [T1-759]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the purchase of replacement laser jet printer and laptop and amend the budget accordingly for the Human Resources Department. All voting "Aye". MOTION PASSED

25278 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GENERAL WARRANTY DEED TO RECEIVE TITLE TO THE OLD COUNT JAIL AND SIMULTANEOUSLY EXECUTE A PRESERVATION EASEMENT ON SAID PROPERTY NAMING PRESERVATION ASSOCIATES INC. AS HOLDER [T1-815]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to accept a General Warranty Deed to receive title to the old County Jail located at 170 Fredericksburg Street in San Marcos, Texas, and simultaneously execute a preservation easement on said property with the addition to a litigation and arbitration section naming Preservation Associates Inc. as holder. All voting "Aye". MOTION PASSED

25279 APPROVE PAYMENT FOR REPAIR OF DAMAGE TO VARIOUS LOW WATER CROSSING MONITORING DEVICES PROVIDED BY WATERMARK AND APPROVE THE ON-GOING AGREEMENT FOR MAINTENANCE AND MONITORING OF SAID DEVICES BY WATERMARK SAFETY INC. [T1-1193]

Repair costs are \$1,696 and on-going maintenance agreement = \$40,000 per year (includes website monitoring). A motion was made by Judge Sumter, seconded by Commissioner Barton to approve payment for repair of damage to various low water crossing monitoring devices provided by Watermark to be paid out of contingencies. All voting "Aye". MOTION PASSED No action was taken regarding agreement for maintenance and monitoring of said devices by Watermark Safety Inc.



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25280 DECLARE AN EMERGENCY IN ORDER TO BUDGET AN AMOUNT NOT TO EXCEED \$25,000 FROM THE BAIL BOND FUND FOR CONTRACT TITLE/REAL ESTATE SERVICES [T1-1502]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to declare an emergency in order to budget an amount not to exceed \$25,000 from the Bail Bond Fund for contract title/real estate services. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING CALENDAR FOR COURT MEETINGS AND WORKSHOPS [T1-1548]

Discussion was had to reduce the number of meetings held during the summer. Commissioner Ford spoke of workshops and meetings being held between now and the end of the year. Tentative meetings to be cancelled: July 1st & 15th. December 2nd & 30th

PRESENTATION BY TRAVIS COUNTY EXPERTS/CONSULTANTS ON CONDITION OF HAMILTON CREEK AND POOL AND ANTICIPATED COSTS FOR REMEDIATION [T1-2121]

Victoria Harkins (Espy Consultants Inc.) gave a powerpoint presentation regarding failure of on-site flood control system at Ranches on Hamilton Pool development creating an abundance of silt pooling along Hamilton and Davis Creeks. Will need a combination of manual removal and wash down - will use divers and high pressure filter presses and vacuum pumps. Total cost of cleanup is estimated to be \$2.3 million.

Clerk's Note: Agenda Item #27 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERAE THE APPOINTMENT OF A FIRE MARSHAL was PULLED.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING THE RANCHES AT HAMILTON POOL SUBDIVISION AND PENDING LITIGATION RELATED THERETO IN CAUSE NO. D-1-GV-07-002293, STYLED TRAVIS COUNTY ET AL V. COLDWATER DEVELOPMENT LTD. ET AL, INCLUDING DISCUSSION OF CONDITION OF HAMILTON CREEK AND REMEDIATION OPTIONS [T1-

Court convened into closed execution session to discuss pending litigation regarding The Ranches at Hamilton Pool Subdivision at 1:50 P.M. and reconvened into open meeting at 2:45 P.M. No action was taken.

Court was adjourned this the 27th day of MAY, 2008.

I, LINDA C. FRITSCHER, 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 27, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3rd DAY OF JUNE A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Nick Iccosipentanhos gave the invocation and Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25281 PROCLAMATION DECLARING THE MONTH OF JUNE AS HAYS COUNTY HUNGER AWARENESS MONTH

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt proclamation declaring the month of June as "Hays County Hunger Awareness Month". All voting "Aye". MOTION PASSED

PUBLIC COMMENTS

David Cuddy and Terry Irion made public comments regarding Studio Estates.

25282 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve payment of county invoices in the amount of \$ 588,603.79 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25283 APPROVE COMMISSIONER COURT MINUTES OF MINUTES OF MAY 27, 2008

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve Commissioner Court Minutes of May 27, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25284 AUTHORIZE COUNTY JUDGE TO RENEW THE RLLS CONTRACT FOR HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$63,535

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize County Judge to renew the RLLS Contract for Hays County Personal Health Department with Texas Department of State Health Services for \$63,535. All voting "Aye". MOTION PASSED

25285 APPROVE SPECIFICATIONS FOR BID #2008-B15 ANNUAL CONTRACT FOR DUMPSTERS COUNTYWIDE AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve specifications for Bid #2008-B15 Annual Contract for dumpsters countywide and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25286 APPROVE HOLDING ON-LINE AUCTION WITH RENE BATES AUCTIONEERS AND AUTHORIZE PURCHASING TO ADVERTISE

A motion was made by Commissioner Ford, seconded by Judge Sumter to approve holding on-line auction with Rene Bates Auctioneers and authorize Purchasing to advertise. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #6 RE: APPROVE AWARD OF BID #2008-B12 ROAD IMPROVEMENTS/HOT-MIX OVERLAY TO ASPHALT PAVING COMPANY was PULLED.



25287 REJECT ALL BIDS FOR IFB #2008-B12 FIVE MILE DAM PARK AND AUTHORIZE PURCHASING TO RE-SOLICIT FOR BID AND RE-ADVERTISE [T1-258]

Some items are being removed from the bid to bring the pricing down. A motion was made by Commissioner Ford, seconded by Judge Sumter to reject all bids for IFB#2008-B12 Five Mile Dam Park and authorize Purchasing to re-solicit for bid and re-advertise. All voting "Aye". MOTION PASSED

25288 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND RELEASE CONSTRUCTION BOND FOR HERMOSA PALOMA SUBDIVISION [T1-315]

The Road Department has inspected and approved the improvements, and they recommend acceptance of construction of roads and drainage improvements within the County ROW. These are private roads. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and release construction bond for "Hermosa Paloma" subdivision. All voting "Aye". MOTION PASSED

25289 [#08-4-10, 2 LOTS] HIGHLANDS EAST SUBDIVISION LOTS 5A & 5B - APPROVE PRELIMINARY PLAN [T1-328]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Highlands East Lots 5A & 5B" subdivision. All voting "Aye". MOTION PASSED

25290 [#08-4-24, 2 LOTS] SYCAMORE CREEK RESUBDIVISION OF LOT 21A - PUBLIC HEARING AND APPROVE FINAL PLAT [T1-351]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Sycamore Creek Resubdivision of Lot 21A". All voting "Aye". MOTION PASSED

25291 [#03-4-23, 2 LOTS] KIRCHNER SUBDIVISION - APPROVE PRELIMINARY PLAN [T1-364]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Kirchner Subdivision". All voting "Aye". MOTION PASSED

25292 [#08-4-26, 2 LOTS] RAINBOW RANCH RESUBDIVISION OF LOT 102 - APPROVE FINAL PLAT [T1-380]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat for "Rainbow Ranch Resubdivision of Lot 102". All voting "Aye". MOTION PASSED

25293 ADOPT A RESOLUTION BANNING THE USE OF CERTAIN TYPES OF FIREWORKS AND INSTITUTING A BURN BAN [T1-394]

Fire Marshal Carroll Czichos requested banning certain types of fireworks and instituting a burn ban based on current drought conditions. A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a resolution banning the use of certain types of fireworks and instituting a burn ban effective immediately. All voting "Aye". MOTION PASSED

25294 AUTHORIZE OSSF PERMIT FOR THE HAYS CISD CAMINO REAL ELEMENTARY SCHOOL LOCATED AT 2200 ROHDE RD., NIEDERWALD [T1-557]

EH Chief Sanitarian Tom Pope gave staff recommendation for approval. There is a variance request to (1) install the drip dispersal field on a separate tract of property from the school and to (2) cross a waterline easement with the drip field supply and flush return lines. This school is being built in partnership with the developer of a proposed large residential subdivision that will be serviced by a central sewerage system. The ultimate goal is to connect this school to that system as the subdivision is developed. The City of Niederwald has approved the sewage system so that the school can move forward with construction. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize OSSF Permit for the Hays CISD Camino Real Elementary School located at 2200 Rohde Road, Niederwald, and grant the two variance requests. All voting "Aye". MOTION PASSED



25295 AUTHORIZE INSTITUTIONAL OSSF PERMIT FOR SAM HOUSTON AREA COUNCIL, BOY SCOUTS OF AMERICA, IRON WHEEL MESA SHOWER ROOM AT EL RANCHO CIMA CAMP, LOCATED AT 5800 RR-32, WIMBERLEY [T1-727]

EH Chief Sanitarian Tom Pope gave staff recommendation for approval. A variance is being requested to run the pressurized effluent pipe under a driveway. The pipe will be protected by a schedule 40 pvc sleeve. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize institutional OSSF Permit for Sam Houston Area Council, Boy Scouts of America, Iron Wheel Mesa Shower Room at El Rancho Cima Camp, located at 5800 RR-32, Wimberley, grant variance request, with first spray head to be moved out further for a better buffer. All voting "Aye". MOTION PASSED

25296 ACCEPT A DONATION OF \$500 CASH AND TWO QUICK LINKS FROM CHARLES NAGEL FOR USE AT THE HAYS COUNTY CIVIC CENTER [T1-949]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to accept a donation of \$500 cash and two quick links from Charles Nagel for use at the Hays County Civic Center. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO INTERVIEW, DISCUSS AND DELIBERATE THE APPOINTMENT OF A FIRE MARSHAL

Court convened into closed executive session as 10:15 a.m. and ended that session at 12:30 p.m. No action was taken.

Commissioner Conley was not present when court reconvened into open meeting at 1:00 p.m.

GOVERNMENT CENTER UPDATE AND DISCUSSION. PRESENTATION BY PBS&J, CHUCK CROSLIN [T1-990]

Chuck Croslin of PBS&J gave a powerpoint presentation showing projections on population, personnel, and space. He advised that AgriLife Extension Office, Fire Marshal and Emergency Management may need to be located elsewhere and be removed from the government center. Emergency Management office could be located at the courthouse and AgriLife Extension Office could expand into Environmental Health location. County Judge, Commissioners Court, and Grants would remain at the courthouse. Satellite offices for Special Counsel and the Commissioners would be at the courthouse. Discussed a possible fitness center and daycare in the building or in the general area. Judge Steele, District Attorney Sheri Tibbe, Chief Adult Probation Officer Lynda Turley, and Tax Assessor-Collector Luanne Caraway were present and thanked the court for moving forward with this project.

25297 AUTHORIZE THE COUNTY JUDGE TO INITIAL THE CHANGES TO SCHEDULE C-1 (BUDGET) OF THE AMENDMENTS TO THE PASS-THROUGH AGREEMENT BETWEEN TXDOT AND HAYS COUNTY [T1-1763]

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to initial the change to Schedule C-1 (budget) of the Amendments to the Pass-Through Agreement between TxDot and Hays County. All present voting "Aye". MOTION PASSED

25298 ACCEPT A \$125 DONATION FROM B.T. GRAF TO BE USED FOR PARKS [T1-1879]

A motion was made by Judge Sumter, seconded by Commissioner Ford to accept a \$125 donation from B. T. Graf to be used for Parks. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING APPROVAL OF \$1,746,714 OF THE 2001 BOND INTEREST MONEY FOR THE CONSTRUCTION OF THREE LEFT TURN LANES ON HWY 21 [T1-1934] [T1-1934]

Brief discussion was had regarding use of 2001 Bond Interest Money – no action taken.

DISCUSSION REGARDING STUDIO ESTATES SUBDIVISION AND JURISDICTION EXERCISED BY THE CITY OF NIEDERWALD AND HAYS COUNTY [T1-2024]

Clerk's Note: public comments were made at the beginning of the meeting. Commissioner Barton spoke of concerns of the developer. Special Counsel Mark Kennedy spoke of 1445 agreements between the county and cities in the county regarding subdivision review process. No action taken.



DISCUSSION REGARDING A SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) AND HAYS COUNTY

[T1-2632] Commissioner Barton spoke of FM1626 project – need to change contract to allow LAN to work on both segments of the road. Special Counsel Mark Kennedy spoke of recommended changes to the agreement. This item will be brought back to the court for consideration.

25299 ACCEPT \$2,500 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION SECTION 5310, 3037 AND 5317 PROGRAMS GRANT APPLICATION PART II AND EXECUTE CONTRACT [T1-3014]

Margaret Buentello (Grants Department) spoke of this being maintenance funds for the VA van – there is no county match. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to accept \$2,500 from the Texas Department of Transportation Section 5310, 3037, and 5317 Programs Grant Application Part II and execute contract. All voting "Aye". MOTION PASSED

25300 APPOINT JEFF HAUFF TO REPLACE RICHARD SALMON ON CAPCOG - TEXAS REVIEW AND COMMENT SYSTEM COMMITTEE [T1-3055]

A motion was made by Judge Sumter, seconded by Commissioner Ford to appoint Jeff Hauff to replace Richard Salmon on CAPCOG – Texas Review and Comment System Committee. All voting "Aye". MOTION PASSED

DISCUSSION OF THE HAYS COUNTY CONNECTION 2035 STRATEGIC POLICY PLAN - PRESENTATION BY KNUDSON AND ASSOCIATES [T1-3096]

Patty Knudson Joiner gave a power point presentation regarding growth, economic development and community preservation. Lengthy discussion was had regarding planning for the future and costs related to the project.

Court was adjourned this the 3RD day of JUNE, 2008.

I, LINDA C. FRITSCHER, 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 JUNE 3, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF JUNE A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

New employees introductions was had and Humanities Team Unconditional Love Tour spokesman spoke of event to be held today on the courthouse lawn.

Commissioner Barton gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25301 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$898,994.49 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25302 APPROVE COMMISSIONERS COURT MINUTES OF JUNE 3, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of June 3, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25303 ACCEPT ANNUAL FINANCIAL REPORT FROM NORTH HAYS COUNTY ESD #1

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept Annual Financial Report from the North Hays County ESD #1. All voting "Aye". MOTION PASSED

25304 APPROVE AWARD OF BID #2008-B14 ELECTRICAL SERVICES TO TED BREIHAN ELECTRIC COMPANY

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve award of Bid #2008-B14 Electrical Services to Ted Breihan Electric Company. All voting "Aye". MOTION PASSED

25305 APPROVE SPECIFICATIONS FOR BID #2008-B16 HAULING OF SOLID WASTE AND AUTHORIZE PURCHASING TO SOLICIT FOR BIDS AND ADVERTISE

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve specifications for Bid #2008-B16 Hauling of Solid Waste and authorize Purchasing to solicit for bids and advertise. All voting "Aye". MOTION PASSED

25306 [#08-4-23, 2 LOTS] KIRCHNER SUBDIVISION - APPROVE FINAL PLAT [T1-94]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Kirchner Subdivision". All voting "Aye". MOTION PASSED

25307 [#08-4-27, 2 LOTS] BIG COUNTRY SECTION 1 RESUB LOT 43A - CALL FOR A PUBLIC HEARING ON JUNE 24, 2008 AND APPROVE PRELIMINARY PLAN [T1-107]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on June 24, 2008 and approve preliminary plan for "Big Country Section 1 Resubdivision of Lot 43A". All voting "Aye". MOTION PASSED



25308 [#07-4-020, 41 LOTS] **LAUREL CANYON SUBDIVISION – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY** [T1-149]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. Special Counsel Mark Kennedy spoke of language on the fiscal surety and his recommendation for changes. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Laurel Canyon Subdivision" contingent on receiving the construction fiscal surety with recommended revisions, contingent on receiving a letter from the Dripping Spring Water Supply Corp. showing water availability at full build out, and contingent on having a letter from TCEQ on the enhanced optional measures. All voting "Aye". MOTION PASSED

25309 [#08-4-28, 2 LOTS] **ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 44 – APPROVE FINAL PLAT** [T1-299]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Rolling Oaks Section 3 Resubdivision of Lot 44". All voting "Aye". MOTION PASSED

25310 [#08-4-05, 4 LOTS] **TUSCANY VILLA SUBDIVISION – APPROVE FINAL PLAT** [T1-312]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Tuscany Villa Subdivision". All voting "Aye". MOTION PASSED

25311 **APPOINT ALLAN KIMBALL TO THE HAYS COUNTY ESD #7 BOARD TO REPLACE FRANK PLUCKETT** [T1-344]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Allan Kimball to the Hays County ESD #7 Board to replace Frank Pluckett. All voting "Aye". MOTION PASSED

25312 **APPROVE BRINGING THE ROADS IN GOFORTH VILLAGE INTO THE COUNTY MAINTENANCE SYSTEM** [T1-366]

Trish Jones and Marcella Ellensoha made public comment. Commissioner Barton gave background of Goforth Village subdivision and provided a powerpoint presentation. Improvement will be made by the Road Department to bring the roads up to county standards. A motion was made by Commissioner Barton, seconded by Commissioner Conley to formally accept the roads in Goforth Village and bring them into the county maintenance system. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE POSSIBLE ACQUISITION OF THE BAPTIST CHURCH FACILITY IN WIMBERLEY [T1-739]

Charles O'Dell (Hays CAN) made public comment. Wimberley Mayor Don Ferguson gave a powerpoint presentation. He spoke of possible participating entities (Village of Wimberley, Hays County offices, Wimberley Village Library, Wimberley Fire Dept. and EMS, etc.). Sheriff Allen Bridges and Justice of the Peace Pct, 3 Andy Cable spoke. Commissioner Conley spoke. Estimated cost: \$2.4 million for acquisition of the property plus \$600,000-\$1,000,000 for renovations.

Clerk's Note: Agenda Item #23 RE: ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HAYS COUNTY THE CITY OF DRIPPING SPRINGS AND SHERIFF ALLEN BRIDGES was PULLED.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C. VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

The court convened into closed executive session at 11:15 a.m. and ended the session at 12:25 p.m. No action was taken.



25313 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH ALLIANCE TRANSPORTATION GROUP FOR THE COUNTY BOND ADVISORY COMMITTEE

[T1-2195] Jim Harvey, Alliance Transportation Group Inc., appeared before the court. Discussed SCOPE OF WORK: Task 1 – complete the Hays County call for projects, Task 2 – develop project cost estimates, Task 3 – solicit public input on candidate projects, Task 4 – evaluate candidate projects, Task 5 – master development and implementation schedule, and Task 6 – financial strategy. [T2-320] **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to execute a contract with Alliance Transportation Group Inc. for the County Bond Advisory Committee and to instruct the County Judge to negotiate the contact based on what was presented by Alliance in Task 1 - for Option 1 only and deleting Option 2, in Task 2 - with no change, in Task 3 - deleting Option 4, in Task 4 - deleting Option 2, and in Task 5 and 6 - with no change. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #18 RE: AUTHORIZE THE USE OF A PORTION OF THE 2001 BOND INTEREST FOR THE REALIGNMENT OF OAK BRANCH DRIVE AND NUTTY BROWN ROAD was PULLED.

WORKSHOP REGARDING REGIONAL HABITAT CONSERVATION PLAN TO INCLUDE A PRESENTATION BY CONSULTANTS ON A DRAFT PLAN AND EXPLANATION OF FINANCE OPTIONS [T2-463]

A Progress report was given regarding Phases 2 & 3, public scoping for environmental impact statement, preliminary draft Hays County HCP, funding and economic impact. A preliminary draft of the Hays County Regional Habitat Conservation Plan was presented to members of the court and discussion was had regarding the funding plan. No action was taken.

PRESENTATION BY HNTB RELATED TO POLICIES FOR CONTEXT SENSITIVE SOLUTIONS AND DESIGN FOR HAYS COUNTY ROADWAY PROJECTS [T2-2595]

Engineer Jeff Watson and Project Manager Mark Mathews of HNTB Engineers & Planners gave a powerpoint presentation regarding the concepts of Context Sensitive Solutions and Context Sensitive Design and how we might develop a set of policy guidelines, procedures, and a pattern book that could be applied to any project with which the County is involved. No action taken.

WORKSHOP REGARDING UPDATED SUBDIVISION RULES [T3-196]

Grant Jackson gave an update of changes made to the new subdivision rules. A lengthy discussion was had. Commissioner Conley left the meeting during this workshop. Court agreed that the rules are ready for public hearings - suggested holding two meetings the end of July.

REQUEST APPROVAL FOR EXPENDITURE OF \$23,679.92 FOR BUCKING CHUTES AT THE HAYS COUNTY CIVIC CENTER [T3-650]

Civic Center Manager Barry Nelson spoke of need for chutes for upcoming event and events that we are not getting because we do not have the chutes. Court requested figures for revenues over the last couple of years and the schedule of events.

25314 ADOPT A RESOLUTION SUPPORTING THE HILL COUNTRY COUNTY COALITION MISSION AND GOALS FOR COUNTY AUTHORITY [T4-1360]

A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt a resolution supporting the Hill Country County Coalition Mission and Goals for County Authority. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING THE JUNE 11TH WORKSHOP BETWEEN COMMISSIONER'S COURT AND CPAT [T4-1550]

Commissioner Ford reminded the court about the workshop being held on June 11, 2008 at the San Marcos Activity Center.

25315 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THREE HAYS COUNTY PURCHASE CONTRACTS TO MARTINA PEREZ, RUDY VILLARREAL AND MARY SALINAS FOR ROW ACQUISITION ON MCCARTY LANE [T4-1589]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to authorize the County Judge All present voting "Aye". MOTION PASSED



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25316 CONTRACT WITH HOLTMAN WAGNER CPA FIRM TO CONDUCT AN AUDIT OF THE SAN MARCOS/HAYS COUNTY EMS AND AMEND THE BUDGET ACCORDINGLY [T4-1611]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to contract with Holtman Wagner CPA Firm to conduct an audit of the San Marcos/Hays County EMS and amend the budget accordingly. All present voting "Aye". MOTION PASSED

25317 APPROVE BUDGET AMENDMENT 08-17 [T4-1630]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve Budget Amendment 08-17 as proposed by the County Auditor. All present voting "Aye". MOTION PASSED

25318 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSERVATION EASEMENT FOR PARK AND RECREATIONAL PURPOSES ASSOCIATED WITH THE VILLAGE PARK PROJECT, NAMING HAYS COUNTY AS HOLDER OF SAID EASEMENT

[T4-1656] Special Counsel Mark Kennedy explained the easement and modifications. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a conservation easement for Park and Recreational purposes associated with the Village Park Project, naming Hays County as holder of said easement. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #27 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A FIRE MARSHAL was PULLED

Court convened into closed executive session regarding the following agenda items at 9:40 p.m. and ended the session at 10:20 p.m.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO

No action taken.

Court was adjourned this the 10th day of JUNE, 2008.

I, LINDA C. FRITSCHÉ, 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 JUNE 10, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11th DAY OF JUNE A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN A SPECIAL JOINT MEETING WITH THE HAYS COUNTY CITIZENS PARK ADVISORY TEAM (CPAT). THE FOLLOWING COURT MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
DEBBIE GONZALES INGALSBE
JEFFERSON W. BARTON
WILL CONLEY
KAREN FORD
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter was not present when the meeting was called to order by Senior Court Member Commissioner Precinct 1 Debbie Ingalsbe.


WORKSHOP WITH CPAT MEMBERS


Sandra Tassel, Look at the Land Inc., gave a powerpoint presentation covering the following: Best practices for local government land conservation programs, current conditions, overview of findings and observations, what direction now, a case study from Bexar County, key recommendations and consensus, action steps, and next steps. A discussion was had regarding language on the ballot when the parks bond was passed, ways to secure land to protect water resources, and projects currently in the pipeline for consideration. Court instructed CPAT to go ahead and score projects being considered with understanding that the process is changing. A question and comments session was held.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 JUNE 11, 2008.




LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17TH DAY OF JUNE A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
GINA ISLAS MENDOZA	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Jeff Barton gave the invocation and Commissioner Karen Ford led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

PRESENTATION BY RICHARD PARRISH ON 4-H UPDATE

Richard Parrish, County Extension Agent – 4H and Youth Development, gave a presentation on how many students have participated and benefited from the 4-H. 4356 students participated in 4-H, this included students around Hays County that join through participation of classroom activities, and 431 students are actually enrolled in one of the 4-H programs in Hays County.

25319 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of County Invoices in the amount of \$660,732.33 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25320 APPROVE COMMISSIONER COURT MINUTES OF JUNE 10, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to Approve Commissioner Court Minutes of June 10, 2008 as presented by the County Clerk. All voting "Aye" MOTION PASSED

25321 AUTHORIZE THE COUNTY JUDGE TO SIGN AN AGREEMENT TO RE-CREDENTIAL THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH THE SUPERIOR HEALTH PLAN

This is a Medicaid insurance processing company. Hays County Personal Health Department has to file Medicaid claims through this company. Every three years we have to be recredentialed by them, and telling them we are still a Governmental entity and we are still operating out of two facilities, one in San Marcos and the other in Kyle. A motion was made by Commissioner Ingalsbe, seconded by Barton to Authorize the County Judge to sign an Agreement to Re-Credential the Hays County Personal Health Department with Superior Health Plan. All voting "Aye". MOTION PASSED

25322 APPROVE AWARD OF BID #B2008-B12 ROAD IMPROVEMENTS – HOT MIX OVERLAYS TO ASPHALT PAVING COMPANY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of BID #B2008-B12 Road Improvements – hot mix overlays to Asphalt Paving Company. All voting "Aye" MOTION PASSED

25323 APPROVE CANCELLATION OF COMMISSIONERS COURT ON JULY 1 AND 15, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to Approve cancellation of Commissioners Court of July 1 and 15, 2008. All voting "Aye". MOTION PASSED

25324 RELEASE OF THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY RIGHT OF WAY FOR BELTERRA SUBDIVISION PHASE 2 SECTIONS 4, 5B, 5C, 5D AND 9B

[T1-215] The Road Department has inspected and recommends its acceptance for maintenance. A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all roads and drainage improvements within county right of way for Belterra Subdivision Phase 2 Sections 4, 5B, 5C, 5D, and 9B. All voting "Aye". MOTION PASSED



Clerk's Note: Agenda Item #8 RE: CONSIDER APPROVAL OF 1 YEAR EXTENSION OF CONSTRUCTION BOND FOR HIGHPOINTE PHASE 4 SECTION 1 AND PHASE 3 SECTION 1 was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #15 RE: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN LOCKWOOD, ANDREWS & NEWMAN, INC. (LAN) AND HAYS COUNTY was PULLED. No discussion and no action taken.

25325 [#08-4-22] GLENN KOTHMANN RESUBDIVISION OF LOT 49 - APPROVE PRELIMINARY PLAN

[T1-226] A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan for "Glenn Kothmann Resubdivision of Lot 49". All voting "Aye". MOTION PASSED

25326 APPROVE INVOICES FROM MAINTENANCE DEPARTMENT IN WHICH A PURCHASING ORDER WAS NOT OBTAINED FOR ELECTRICAL WORK

[T1-249] A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize payment to Ted Breihan Electric Co. in amount not to exceed \$6,550 with approximately \$5,650 coming out of line item 01-414-5740 and the remainder coming from the contract building maintenance and repair line item. All voting "Aye". MOTION PASSED

25327 AUTHORIZE PURCHASING TO PREPARE SPECIFICATIONS FOR BIDS FOR BUCKING CHUTES AT THE HAYS COUNTY CIVIC CENTER

[T1-390] A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize Purchasing to prepare specifications for bids for bucking chutes at the Hays County Civic Center. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING BOND ISSUANCE TIMELINE FOR PARKS AND PASS-THROUGH PROJECTS

[T1-950] Dan Wegmiller with First Southwest Company spoke. Discussion was held but no action was taken.

25328 ALLOW ROAD DEPARTMENT EMPLOYEES TO EXCEED THE COMP TIME LIMIT NOT TO EXCEED 80 HOURS

[T1-1562] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to allow Road Department employees to exceed the comp time limit of 60 hours but not to exceed 80 hours. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING STUDIO ESTATES

[T1-1635] Commissioner Barton spoke of concerns regarding Studio Estates. This issue will be brought back in a few weeks. Discussion was held but no action taken.

25329 AMEND ROAD DEPARTMENT BUDGET FOR CAPITAL IMPROVEMENT PROJECTS TO PAVE FITZHUGH ROAD AND FISCHER STORE ROAD

[T1-2021] & [T3-1880] Balance of \$260,000 is needed for road projects (Fitzhugh Road & Fischer Store Road). Proposed budget amendment will transfer needed funds from personnel savings and misc. capital improvements. A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to amend Road Department budget for Capital Improvement Projects to pave Fitzhugh Road and Fischer Store Road. All present voting "Aye" MOTION PASSED. Commissioner Conley was not present for vote.

25330 ADOPT A RESOLUTION AND NOMINATE COMMISSIONER CONLEY TO REPRESENT HAYS COUNTY ON THE REGION L SOUTH CENTRAL TEXAS REGIONAL WATER PLANNING GROUP

[T1-2605] Conley gave a brief description of what the group consists of and says that there is no representation of Hays County on the board. A motion was made by Commissioner Barton, and seconded by Commissioner Ford to elect Commissioner Conley to represent Hays County on the Region L South Central Texas Regional Water Planning Group. All voting "Aye". MOTION PASSED



DISCUSSION OF COUNTY-WIDE PLANNING STRATEGIES

[T1-2745] Judge Sumter discussed the different strategies that the court should be looking at. No action was taken on this item.

WORKSHOP REGARDING HEALTH CARE ISSUES AND HEALTH CARE FACILITIES IN HAYS COUNTY

[T1-3382] Nick Iccosipentarios, Personal Health Director, spoke about new clients. He also spoke of the total amount of vaccines administered by Hays County. Dr. Janet Lawson MD., Assistant Commissioner for Regional Health Services, spoke of some of the issues with emergency diseases. Dr Tom Betz MD., Region 7 Director, spoke regarding prevention tactics for the current problems and diseases. Dr. Betz serves the TD clinics free of charge. Pat Collins, Director of Communicable Disease for Region 7, spoke (specialized in researching diseases). Pat Collins spoke of the report that shows uninsured services and their expenses. Mikey Waters Assistant General Counsel and Dan Smith (local liaison for Regional/Local Health Dept) were present but did not speak. [T2- 1160] Herb Diar introduced speakers Erica Swanholm from Texas Home Health Care, FQHC provides care to everyone of all ages. Angelica Padron, Communicare Health Center from San Antonio was present. Debra Thompson CEO of the organization spoke of the application being submitted (coming into San Marcos and then into Kyle). Discussion was had on how long it would take to set up an FQHC in our area. They see approximately 4,000 patients and 14,000 visits in a year.

WORKSHOP REGARDING WAGE AND SALARY STUDY

[T2-2690] Dee Dee Baen, Human Resources Director, started the presentation and explained the different counties that were included on the salary report. Dee Dee Baen will speak to all the department heads concerning their employees.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 TEXAS GOVERNMENT CODE TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A FIRE MARSHAL. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

[T3-1040] & [T3-2480] Court convened into Executive Session at 6:00 pm to 6:30 pm. And then again at 8:15 pm to 8:35 pm at which time they reconvened into open court. No discussion and no action taken.

Clerk's Note: Commissioner Conley left Court left during Executive Session.

25331 AMEND THE BUDGET AND PAY ALLIANCE TRANSPORTATION GROUP INC. CONSULTING FEE

[T3-1052] A motion was made by Judge Sumter seconded by Commissioner Barton to amend the budget and pay Alliance Transportation Group Inc. a consulting fee of \$123,014.00 (budget amendment will transfer \$123,014.00 from Road & Bridge ROW line item #03-460-5386 into Consulting line item #03-438-5443). All present voting "Aye" **MOTION PASSED**

25332 APPROVE THE OAK BRANCH DRIVE/NUTTY BROWN ROAD ALIGNMENT PROJECT, FUNDING IT THROUGH SAVINGS ANTICIPATED FROM THE TXDOT HWY 290 CONSTRUCTION PROJECT, AND AUTHORIZE COUNTY JUDGE TO FINALIZE NEGOTIATIONS AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HNTB TO PROVIDE ENGINEERING, DESIGN AND ENVIRONMENTAL SERVICES AS REQUIRED

[T3-1110] Commissioner Ford explained that the County has the opportunity to make a substantial public safety improvement through the alignment of Oak Branch Drive and Nutty Brown Road which was initially part of the Nutty Brown reconstruction project from the 2001 Bond Program, but never completed. This un-aligned intersection presents a real safety hazard for traffic entering and exiting Oak Branch Drive. Current landowners of property at Hwy 290 and Oak Branch Drive are willing to "swap" land for the realignment of Oak Branch Drive. A motion was made by Commissioner Ford seconded by Commissioner Barton to expand the motion made on February 12, 2008 regarding financing of the revenue bonds and to approve the Oak Branch Drive/Nutty Brown Road alignment project, funding it through saving anticipated from the TXDOT Hwy 290 construction project, and authorize County Judge to finalize negotiations and enter into a professional services agreement with HNTB to provide engineering, design and environmental services as required, contingent upon special counsel confirming that it is appropriate with our financial advisor. All present voting "Aye". **MOTION PASSED**



25333 APPROVE BUDGET AMENDMENT 08-18

[T3-1905] A motion was made by Judge Sumter seconded by Commissioner Ford to approve Budget Amendment 08-18. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING COMMISSIONERS COURT SCHEDULES, FUTURE MEETINGS AND WORKSHOPS

[T3-2014] Discussion was had regarding court schedules, future meetings, and workshops. No action was taken.

25334 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EXTENSION OF THE OPTION FOR THE PURCHASE OF THE BAPTIST CHURCH PROPERTY IN WIMBERLEY TEXAS

[T3-2020] A motion was made by Judge Sumter seconded by Commissioner Ford to authorize the County Judge to Execute an Extension of the Option for the purchase of the Baptist Church property in Wimberley for Pct 3 Office. All present voting "Aye". MOTION PASSED

Court was adjourned this the 17th day of JUNE, 2008.

I, LINDA C. FRITSCHER, 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 JUNE 17, 2008.



Linda C. Fritsche

LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





JUNE 24, 2008

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24th DAY OF JUNE A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
JEFFERSON W. BARTON
WILL CONLEY
LINDA C. FRITSCHÉ

COUNTY JUDGE
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COUNTY CLERK

WITH THE FOLLOWING MEMBERS ABSENT: COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE AND COMMISSIONER PCT. 4 KAREN FORD; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley led the court in the Pledge of Allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

25335 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$ 724,798.74 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25336 AUTHORIZE THE COUNTY JUDGE TO RENEW THE CLINICAL PATHOLOGY LABORATORIES CONTRACT FOR HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to renew the Clinic Pathology Laboratories contract for Hays County Personal Health Department. All present voting "Aye". MOTION PASSED

25337 AUTHORIZE THE COUNTY JUDGE TO RENEW A CONTRACT WITH MILLIMAN, INC. TO PROVIDE ACTUARIAL EQUIVALENCE TESTING FOR THE RETIREE DRUG SUBSIDY (RDS)

A motion was made by Commissioner Conley, seconded by Commissioner Barton to authorize the County Judge to renew a contract with Milliman Inc. to provide actuarial equivalence testing for the Retiree Drug Subsidy (RDS). All present voting "Aye". MOTION PASSED

25338 CALL FOR A PUBLIC HEARING ON JULY 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1-39]

A motion was made by Commissioner Conley, seconded by Judge Sumter to call for a public hearing on July 8, 2008 to establish traffic regulations on Ella Lane. All present voting "Aye". MOTION PASSED

25339 CALL FOR A PUBLIC HEARING ON JULY 8, 2008 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON BUNTON LANE

A motion was made by Commissioner Barton, seconded by Commissioner Conley to call for a public hearing on July 8, 2008 to establish traffic regulations (speed limit) on Bunton Lane. All voting "Aye". MOTION PASSED

25340 [#08-4-27, 2 LOTS] BIG COUNTRY SECTION 1 LOT 43A RESUB - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-52]

Judge Sumter declared the public hearing open. No public input was received and public hearing was closed. Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat of "Big Country Section 1 Resubdivision of Lot 43A". All voting "Aye". MOTION PASSED



25341 APPROVE REGRADE OF ONE TAX DEPUTY II, GRADE 14 (SLOT 3) TO SUBSTATION CHIEF DEPUTY, GRADE 16 AND ASSIGN TO THE KYLE SUBSTATION, EFFECTIVE JULY 1, 2008 [T1-68]

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve regrade of one Tax Deputy II, Grade 14 (Slot 3) to Substation Chief Deputy, Grade 16 and assign to the Kyle Substation effective July 1, 2008. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING RAIN OVER CENTRAL TEXAS FOR SEVERAL DAYS [T1-108]

Parks Director Jerry Pinnix gave a powerpoint presentation and spoke of need for rain in the area.

Court was adjourned this the 24th day of JUNE, 2008.

I, LINDA C. FRITSCHER, 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 JUNE 24, 2008.



Linda C. Fritsche
LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 27th DAY OF JUNE A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

WITH COMMISSIONER PCT. 2 JEFFERSON W. BARTON ABSENT, AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

25342 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID#1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO WITH ACTION

Public comments were made by Don Davis, Charles O'Dell (Hays CAN), Kirk Holland, Stuart Henry, Alston Boyd, and Barbara Stroud. Special Counsel Mark Kennedy explained reason for holding an executive session regarding this matter. The court convened into closed executive session at 3:50 p.m. and reconvened into open meeting at 7:30 p.m. [T1-733] A motion was made by Commissioner Ford and seconded by Commissioner Conley that in the matter of the application of Hays County WCID #1 for an amendment to TPDES Permit #WQ0014293001 Hays County does not join in the full and final settlement agreement. All present voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 JUNE 27, 2008.



Linda C. Fritsche

LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8th DAY OF JULY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Nick Iccosipentarios gave the invocation and Commissioner Ford led the court in the pledge of allegiance to the American and Texas flags. Judge Sumter called the meeting to order.

RESOURCE PROTECTION, TRANSPORTATION AND PLANNING (RPTP) DEPARTMENT PRESENTATION

RPTP Director Jerry Borcharding gave a powerpoint presentation to the court. He provided a breakdown of road mileage/cost comparison (non-bond) for FY1996-FY2010 for each precinct, projected completed capital improvement distribution for FY2008 and cumulative completed capital improvement distribution for FY2004-FY2008 by precincts, current organizational chart, FY09 organizational chart, and future organizational chart.

25343 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices as presented by the County Auditor for July 1, 2008 in the amount of \$628,515.26 and July 8, 2008 in the amount of \$974,734.21. All voting "Aye". MOTION PASSED

25344 APPROVE COMMISSIONER COURT MINUTES OF JUNE 11, JUNE 17, JUNE 24 AND JUNE 27, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioners Court Minutes of June 11, June 17, June 24 and June 27, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25345 APPROVE INSTITUTIONAL OSSF PERMIT FOR DAN BALBOA, LOCATED AT 240 COLE SPRINGS ROAD, BUDA

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Institutional OSSF Permit for Dan Balboa located at 240 Cole Springs Road in Buda. All voting "Aye". MOTION PASSED

25346 AUTHORIZE THE COUNTY JUDGE TO RENEW THE TITLE V MCH CONTRACT FOR HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF HEALTH SERVICES FOR \$44,865.00

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to renew the Title V MCH Contract for Hays County Personal Health Department with the Texas Department of Health Services for \$44,865.00. All voting "Aye". MOTION PASSED

25347 ACCEPT ANNUAL AUDITED FINANCIAL REPORT FOR YEARS ENDED SEPTEMBER 30, 2007 AND 2006 FROM HAYS COUNTY ESD #6

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to accept annual audited financial report for years ended September 30, 2007 and 2006 from Hays ESD#6. All voting "Aye". MOTION PASSED

25348 APPROVE THE MAY 2008 TREASURERS REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the May 2008 Treasurers Report and Investment Report. All voting "Aye". MOTION PASSED



25349 APPROVE SPECIFICATIONS FOR BID #2008-B18 "REGULATORY, WARNING & OTHER ROAD SIGNS" AND AUTHORIZE PURCHASING TO SOLICIT FOR AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2008-B18 "Regulatory, Warning & Other Road Signs" and authorize Purchasing to solicit and advertise. All voting "Aye". MOTION PASSED

25350 APPROVE AWARD OF BID #2008-B15 DUMPSTERS COUNTYWIDE TO TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award of Bid #2008-B15 Dumpsters Countywide to Texas Disposal Systems. All voting "Aye". MOTION PASSED

25351 APPROVE RENEWAL OF BID FOR EQUIPMENT W/OPERATOR TO CENTRAL TEXAS ROAD, INC. FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of bid for equipment with operator to Central Texas Road Inc. for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

25352 APPROVE RENEWAL OF BID TO FURNISH & INSTALL GUARDRAILS FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID WITH ROADWAY SPECIALTIES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of bid to furnish and install guardrails for one additional year as provided for in the original bid with Roadway Specialties. All voting "Aye". MOTION PASSED

25353 APPROVE SPECIFICATIONS FOR BID #2008-B17 BUCKING/ROPING/STEER STRIPPING CHUTES FOR THE HAYS COUNTY CIVIC CENTER AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve specifications for Bid #2008-B17 Bucking/Roping/Steer Stripping Chutes for the Hays County Civic Center and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25354 APPROVE RECOMMENDATIONS FROM THE INVESTMENT COMMITTEE

The Hays County Investment Committee recommends no changes to the current investment policy or strategies. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve recommendations from the Investment Committee as presented. All voting "Aye". MOTION PASSED

25355 APPROVE UTILITY PERMIT #01962

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Utility Permit #01962 on Booth Drive issued to City of San Marcos as presented by the Road Department. All voting "Aye". MOTION PASSED

25356 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO AGREEMENT FOR THE DEVELOPMENT OF PARK FACILITIES AND AMENDMENT TO A GRANT DEED OF CONSERVATION EASEMENT

This amendment adds property description inadvertently left off original agreement making the total area 18.287 acres. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an Amendment to Agreement for the Development of Park Facilities and Amendment to a grant deed of Conservation Easement. All voting "Aye". MOTION PASSED

[T1-612] Andrew Backus (Hays Trinity Groundwater Conservation District) made public comment regarding the Belterra settlement and lot sizing issues.



25357 CALL FOR A PUBLIC HEARING ON JULY 22, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON MCGREGOR LANE (CR 187) [T1 -644]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on July 22, 2008 to establish traffic regulations on McGregor Lane (CR 187). All voting "Aye". MOTION PASSED

25358 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON BUNTON LANE [T1 -649]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. [T1-1386] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to hold a public hearing to establish traffic regulations 35 MPH speed limit on Bunton Lane. All voting "Aye". MOTION PASSED

25359 APPROVE 1 YEAR EXTENSION OF MAINTENANCE BOND FOR HIGHPOINTE PHASE 3 SECTION 1 [T1 - 670]

A motion was made by Commissioner Ford, seconded by Commissioner Conley to consider approval of 1 year extension of maintenance bond for Highpointe Phase 3 Section 1. All voting "Aye". MOTION PASSED

25360 [#08-4-10, 2 LOTS] HIGHLANDS EAST RESUBDIVISION OF LOT 5 - APPROVE FINAL PLAT [T1 - 678]

Subdivision Coordinator Sandy Irvin gave staff recommendation for final plat approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of "Highlands East Resubdivision of Lot 5". All voting "Aye". MOTION PASSED

25361 [#08-4-32, 2 LOTS] HIGHLANDS SECTION A RESUBDIVISION OF LOT 39 - CALL FOR A PUBLIC HEARING ON JULY 22, 2008 AND APPROVE PRELIMINARY PLAN [T1-687]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on July 22, 2008 and approve preliminary plan of "Highlands Section A Resubdivision of Lot 39". All voting "Aye". MOTION PASSED

25362 [#08-4-14, 2 LOTS] DEER CREEK BLOCK A RESUBDIVISION OF LOT 11-AR - APPROVE PRELIMINARY PLAN [T1 - 698]

Subdivision Coordinator Sandy Irvin gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve preliminary plan of "Deer Creek Resubdivision of Lot 11-AR". All voting "Aye". MOTION PASSED

25363 ORDER THE EXTENSION OF ALL TRAFFIC RULES THAT APPLY TO COUNTY ROADS IN HAYS COUNTY TO THE ROADS OF RUBY RANCH, A SUBDIVISION IN HAYS COUNTY [T1 - 740]

Thomas Doebner made public comment. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe that pursuant to Chapter 542.007 of the Texas Transportation Code the court hereby authorizes and requests the Hays County Sheriff's Department to enforce all traffic regulations that apply to Hays County roads to the private roads of Ruby Ranch with a finding by the Commissioners Court that it is a benefit to the general welfare of Hays County. All voting "Aye". MOTION PASSED

25364 APPROVE DUES DEDUCTION FOR CLEAT/HAYS COUNTY LAW ENFORCEMENT ASSOCIATION MEMBERS [T1 - 864]

Tom Barbee (representing the Combined Law Enforcement Association of Texas) appeared before the court regarding this request. A motion was made by Commissioner Conley, seconded by Commissioner Barton to make an exception to county policy regarding payroll deductions and approve dues deduction for CLEAT/Hays County Law Enforcement Association Members for any law enforcement officer in Hays County. All voting "Aye". MOTION PASSED



JULY 8, 2008

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25365 APPROVE THE EXPENDITURE OF \$520,427.71 FOR THE OAK BRANCH DRIVE REALIGNMENT PROJECT AND TO UTILIZE THE REMAINING BALANCE ON LEFT TURN LANES ON HWY 21 FROM THE 2001 BOND INTEREST MONEY [T1 - 1000]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve expenditure of \$520,427.71 for the Oak Branch Drive realignment project and to utilize the remaining balance on left turn lanes/safety improvements on Hwy 21 at CR127 and Yarrington Road from the 2001 Bond Interest Money. All voting "Aye". MOTION PASSED

25366 AUTHORIZE COUNTY JUDGE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HNTB TO PROVIDE SURVEY, ENGINEERING AND DESIGN SERVICES ON THE NUTTY BROWN ROAD/OAK BRANCH DRIVE RE-ALIGNMENT PROJECT [T1-1344]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into a professional services agreement with HNTB to provide survey, engineering and design services on the Nutty Brown Road/Oak Branch Drive re-alignment project. All voting "Aye". MOTION PASSED

25367 CONSIDER THE 'VISION STATEMENT' AGREED UPON BY CPAT AND SET ASIDE PARK BOND FUNDS FOR IMPLEMENTING THE 'VISION' [T 1-1397]

A motion was made by Commissioner Conley, seconded by Judge Sumter to reserve a minimum of \$13 million to go towards recharge lands, habitat for endangered species, open space and access to major water ways. All voting "Aye". MOTION PASSED

25368 APPROVE CHANGE ORDER #5 FOR THE HAYS COUNTY JUVENILE DETENTION CENTER PROJECT IN THE AMOUNT OF \$11,651 [T-2086]

Brett Littlejohn appeared before the court. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve change order #5 for the Hays County Juvenile Detention Center Project in the amount of \$11,651. All voting "Aye". MOTION PASSED

25369 AMEND THE CONTRACT WITH SMITH ROBERTSON IN CONNECTION WITH COMPLETION OF THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN [T1-2153]

Melinda Taylor with Smith Robertson spoke. A motion was made by Commissioner Conley, seconded by Commissioner Ford to amend the contract with Smith Robertson in connection with completion of the Hays County Regional Habitat Conservation Plan. All voting "Aye". MOTION PASSED

25370 AUTHORIZE ADVERTISING EXPENDITURES OF THE PUBLIC NOTICE FOR DEVELOPMENT REGULATIONS [T1-2333]

Two informational public meetings will be held: Monday July 21, 2008 @ 6:30 p.m. at the City of Kyle Council Chambers and Wednesday July 23, 2008 at 6:30 p.m. at the Village of Wimberley Community Center. Commissioners Conley and Ford suggested public notices be put in the San Marcos Record, Wimberley View, Free Press, and Dripping Springs Dispatch to publicize countywide. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize advertising expenditures of the public notice for Development Regulations. All voting "Aye". MOTION PASSED

25371 AUTHORIZE THE COUNTY JUDGE TO EXECUTE TWO HAYS COUNTY PURCHASE CONTRACTS WITH THOMAS PEREZ AND JUDITH M. TELFORD FOR R-O-W ACQUISITION ON MCCARTY LANE [T1-2526]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute two Hays County purchase contracts with Thomas Perez and Judith M. Telford for Right-Of-Way acquisition on McCarty Lane. All voting "Aye". MOTION PASSED



25372 ADOPT A RESOLUTION CONTINUING THE LOCAL DISASTER DECLARATION

[T1-2540] Judge Sumter advised that she is requesting the Governor declare Hays County a primary disaster-affected county due to drought conditions and request any and all assistance available to our farmers and ranchers for the actual and/or potential loss to their livestock and agricultural crops through the U.S. Dept. of Agriculture or any other assistance source. A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt a resolution continuing the Local Disaster Declaration. All voting "Aye". MOTION PASSED

25373 APPROVE BUDGET AMENDMENT 08-19 [T1-2567]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve Budget Amendment 08-19 as proposed by the County Auditor. All voting "Aye". MOTION PASSED

25374 APPROVE SPECIFICATIONS FOR RFQ-2008-P "REQUEST FOR QUALIFICATIONS FOR PASS-THROUGH FINANCING PROGRAM" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T1-2580]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for RFQ-2008-P "Request for Qualifications for Pass-Through Financing Program" and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

25375 APPROVE PURCHASE OF TWO (2) 5.5 HP GAS ENGINE - POWERED AIR COMPRESSORS FOR THE ROAD AND BRIDGE DEPARTMENT IN THE AMOUNT OF \$1,400 FROM LOWE'S TO BE FUNDED FROM AUCTIONED EQUIPMENT

[T1-2683] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the purchase of two (2) 5.5 HP gas engine powered air compressors for the Road and Bridge Department in the amount of \$1,400 from Lowe's to be funded from auctioned equipment. All voting "Aye". MOTION PASSED

DISCUSS FUEL CONSUMPTION THROUGHOUT THE COUNTY AND STRATEGY OR POLICY TO CURB COSTS [T1-2703]

Judge Sumter spoke of discussions at conferences/meetings regarding going to four day workweek and vehicles that are taken home to save money on utilities and fuel.

The court convened into closed executive sessions at 12:50 p.m. and reconvened into open meeting at 5:40 p.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS EMPLOYMENT, EVALUATION AND/OR DUTIES OF ALL INDIVIDUAL DEPARTMENT HEADS. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS PERFORMANCE REVIEW OF HEALTH DIRECTOR. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE REGARDING CIV. NO. SA-08-CA-0379-XR, DAVID SIMKINS V. ALLEN BRIDGES AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THE APPLICATION FOR AN AMENDED PERMIT BY WCID #1 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

No action was taken.



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Clerks Note: Agenda Item #38 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS PERFORMANCE REVIEW OF RPTP DIRECTOR. POSSIBLE ACTION MAY FOLLOW IN OPEN COURT was PULLED. No discussion and no action taken.

Court was adjourned this the 8TH day of JULY, 2008.

I, LINDA C. FRITSCH, 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 JULY 8, 2008.




LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22nd DAY OF JULY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley led the court in the Pledge of Allegiance to the American Flag and the Texas Flag. Judge Sumter called the meeting to order.

25376 ADOPT A PROCLAMATION IN SUPPORT OF CYPRESS CREEK WEEK JULY 27TH THROUGH AUGUST 2ND, 2008 [T-23]

A motion was made by Judge Sumter and seconded by Commissioner Conley to adopt a proclamation in support of Cypress Creek week July 27th through August 2nd, 2008. All voting "Aye". MOTION PASSED

HURRICANE SHELTERING PRESENTATION TO THE COURT BY JEFF TURNER

[T1-105] Emergency Management Coordinator, Jeff Turner gave a power-point presentation on procedures regarding Hurricane sheltering. Jeff Turner spoke of training and screening volunteers both in Hays and Travis Counties.

PUBLIC COMMENTS

John Thomaides from San Marcos, spoke. Pam Sullivan from the Wimberley Valley, spoke. Andrew Backus Board President of Hays Trinity Groundwater Conservation District, spoke.

25377 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve payment of County Invoices for July 15, 2008 in the amount of \$ 562,029.45 and for July 22, 2008 in the amount of \$612,808.68 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25378 APPROVE COMMISSIONER COURT MINUTES OF JULY 8, 2008

A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve Commissioner Court Minutes of July 8, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25379 APPROVE CONTRACT RENEWAL FOR INMATE DENTAL SERVICES FOR AN ADDITIONAL TWO YEARS

A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve contract renewal for inmate dental services for an additional two years. All voting "Aye". MOTION PASSED

25380 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SHORT-TERM LEASES OF DUNBAR COMMUNITY BUILDING AND VFW POST 6441 FOR OPEN ENROLLMENT PRESENTATION BY THE HUMAN RESOURCES DEPARTMENT

A motion was made by Commissioner Barton and seconded by Commissioner Ford to authorize the County Judge to execute short-term leases of Dunbar Community Building and VFW Post 6441 for open enrollment presentation by the Human Resources Department. All voting "Aye". MOTION PASSED



JULY 22, 2008

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25381 APPROVE SPECIFICATIONS FOR BID #2008-B19 "CARPET & FLOOR CARE COUNTYWIDE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve specifications for Bid #2008-B19 "carpet & floor care countywide" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25382 REJECT BID RECEIVED FOR BID #2008-B16 "HAULING OF SOLID WASTE" AND AUTHORIZE PURCHASING TO RE-BID

A motion was made by Commissioner Barton and seconded by Commissioner Ford to reject bid received for bid #2008-B16 "hauling of solid waste" and authorize Purchasing to re-bid. All voting "Aye". MOTION PASSED

25383 APPROVE RENEWAL OF BID #2006-B13 "HAULING SERVICES FOR ROAD DEPARTMENT" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve renewal of bid #2006-B13 "hauling services for Road Department" for one (1) additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

25384 APPROVE OUT OF STATE TRAVEL REQUEST

This request is for a Sheriff's Dept. Detective on the Narcotics Task Force to attend out-of-state training in Las Vegas, Nevada (13th Annual Covert Ops Training Conference). A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve out of state travel request. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #8 RE: APPROVE SPECIFICATIONS FOR RFP #2008-P15 MANAGEMENT SERVICES FOR IMPLEMENTATION OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE was PULLED

25385 CALL FOR A PUBLIC HEARING ON AUGUST 5, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1-700]

A motion was made by Commissioner Ford and seconded by Commissioner Conley to call for a public hearing on August 5, 2008 to establish traffic regulations on Ella Lane. All voting "Aye". MOTION PASSED

25386 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON MCGREGOR LANE (CR 187) [T1-706]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. A motion was made by Commissioner Ford and seconded by Commissioner Barton to establish traffic regulations of 40 mph speed limit on McGregor Lane (CR 187) between Hwy 290 and Barton Creek. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING PRICE INCREASE FOR EMULSIONS FROM SEM, MATERIALS, INC

[T1-719] RPTP Director Jerry Borcharding spoke of cost increase due to the rising costs of fuel. Special Counsel Mark Kennedy spoke of contract and terms.

25387 APPROVE THE PURCHASE OF A CRACK SEALER UNIT FOR THE ROAD & BRIDGE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$58,000 [T1-836]

RPTP Director Jerry Borcharding spoke of equipment needs. A motion was made by Commissioner Conley and seconded by Commissioner Ford to approve the purchase of crack sealer unit for the Road & Bridge Department in an amount not to exceed \$58,000. All voting "Aye". MOTION PASSED



25388 [#08-2-31] **GREEN PASTURES SECTION 3 LOT 1 BLOCK 17 - APPROVAL OF SITE PLAN AND VARIANCE REQUEST** [T1-895]

Interim Subdivision Coordinator Clint Garza spoke of variance request. A motion was made by Commissioner Barton and seconded by Commissioner Ingalsbe to approve site plan and a variance to drainage for Lot 1 Block 17 Green Pastures Section 3. All voting "Aye". MOTION PASSED

The court convened into closed executive sessions regarding the following agenda item at 10:00 a.m. and reconvened into open meeting at 11:30 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE TO DISCUSS POSSIBLE ACQUISITION OF SPECIFIC TRACT(S) OF LAND FOR OPEN SPACE, WATER QUALITY PROTECTION, WATER ACCESS, HABITAT AND PARKS.

No discussion and no action taken.

25389 CO-SPONSOR WITH THE HILL COUNTRY CONSERVANCY (HCC) AN APPLICATION TO THE NATIONAL PARKS SERVICE FOR A RIVERS, TRAILS AND CONSERVATION ASSISTANCE PROGRAM GRANT FOR DAHLSTROM RANCH

[T1-1032] George Cofer spoke. A motion was made by Commissioner Barton and seconded by Commissioner Ingalsbe to co-sponsor with the Hill Country Conservancy (HCC) an application to the National Parks Service for a rivers, trails and conservation assistance program grant for Dahlstrom Ranch. All voting "Aye". MOTION PASSED

The court convened into closed executive sessions at 1:30 p.m. and reconvened into open meeting at 2:35 p.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.072 AND 551.073, TEXAS GOVERNMENT CODE, TO DISCUSS THE POSSIBLE ACQUISITION OF SPECIFIC TRACT(S) OF LAND FOR PARKS, OPEN SPACE, AND/OR WATER QUALITY PROTECTION IN HAYS COUNTY

No discussion and no action taken.

25390 DEDICATE A TOTAL OF \$3,100,000 TO THE CITY OF SAN MARCOS COMBINED PARK IMPROVEMENTS PROJECT IN PARTNERSHIP WITH THE CITY OF SAN MARCOS. (\$1.6 FROM FUNDS DEDICATED TO OPEN SPACE AND \$1.5 FROM FUNDS DEDICATED TO RECREATIONAL)

[T1-1100] Rodney Cobb of San Marcos, spoke. Bill Nicholson gave a power-point presentation. Susan Narvaiz, City of San Marcos Mayor, spoke. Chris North member of CPAT, spoke. Todd O. Derkacz a member of CPAT, spoke. A motion was made by Commissioner Conley and seconded by Commissioner Ingalsbe to dedicate a total of \$3,100,000 to the City of San Marcos combined park improvements project in partnership with the City of San Marcos (\$1.6 from funds dedicated to open space and \$1.5 from funds dedicated to recreational). Commissioner Ingalsbe, Commissioner Barton, and Commissioner Conley voting "Aye". Commissioner Ford and Judge Sumter voting "No". MOTION PASSED

25391 APPROVE VALUE ENGINEERING CREDITS AND COST PROPOSAL REQUESTS REGARDING PCT 4 OFFICE BUILDING [T1-2442]

David Fusilier of Naismith Engineering spoke. A motion was made by Commissioner Ford and seconded by Commissioner Conley to approve \$25,999 to support the change order log and the two A&E items regarding Pct 4 Office Building. All voting "Aye". MOTION PASSED

25392 [#08-3-34, 77 LOTS] **MUSTANG VALLEY SUBDIVISION- APPROVE PRELIMINARY PLAN**

[T1-2863] Jim McMeans of Citizens Alliance for Responsible Development, spoke. Alex Broun of the Hays Trinity Groundwater Conservation District, spoke. Russell Hines spoke. Matt McCormick spoke. Interim Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Conley and seconded by Commissioner Barton to approve preliminary plan for Mustang Valley Subdivision. Commissioner Ingalsbe, Commissioner Barton, Commissioner Conley voting "Aye". Commissioner Ford, Judge Sumter voting "No". MOTION PASSED

DISCUSSION ON SELECTION OF ARCHITECT FOR ARCHITECTURAL SERVICES FOR JAIL EXPANSION

[T2-515] Brad Robinson spoke. Court will have future workshops to discuss the top two architectural firms and the criteria that the Sheriff's Office requires for the jail expansion.



DISCUSSION REGARDING THE GOVERNMENTAL COMPLEX IN WIMBERLEY (I.E. THE BAPTIST CHURCH FACILITY) [T2-654]

Charlie Johnson spoke in support of the Governmental Complex in Wimberley. Commissioner Conley spoke of different offices that would house in this facility (ie. Tax Office, Sheriff's Office). Commissioner Conley spoke of improvements needed and cost to the County.

25393 AUTHORIZE COMMISSIONER BARTON AND COMMISSIONER INGALSBE TO NEGOTIATE WITH ONE OF THE PRE-SELECTED ROW FIRMS ON THE STATE PASS THROUGH LIST WITH THE INTENT TO SELECT A FIRM AND PREPARE A RECOMMENDED CONTRACT FOR APPROVAL BY THE COURT, FOR WORK ON INTERSTATE 35 AND RELATED PROJECTS [T2-1194]

A motion was made by Commissioner Barton and seconded by Commissioner Ingalsbe to authorize Commissioner Barton and Commissioner Ingalsbe to negotiate with one of the pre-selected ROW Firms on the State pass Through list with the intent to select a firm and prepare a recommended contract for approval by the court, for work on Interstate 35 and related projects. All voting "Aye". MOTION PASSED

25394 [#08-4-32, 2 LOTS] HIGHLANDS, SECTION A LOT 39 RESUBDIVISION - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T2-1669]

Judge Sumter declared the public hearing open. No public comment was received and the public hearing was closed. Interim Subdivision Coordinator Clint Garza gave staff Recommendation for final plat approval. A motion was made by Commissioner Ford and seconded by Commissioner Barton to approve the final plat for "Highlands Section A Resubdivision of Lot 39". All voting present "Aye". MOTION PASSED

25395 [#08-3-37] RANCHO ENCINO PHASE I REPLAT LT 67 & 68 - WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T2-1692]

Interim Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. A motion was made by Commissioner Conley and seconded by Commissioner Barton to waive preliminary plan approval and approve final plat for "Rancho Encino Phase I Replat of Lots 67 & 68". All voting "Aye". MOTION PASSED

25396 [#08-3-17, 5 LOTS] BURNETT RANCH RESUBDIVISION LOT 34 - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON AUGUST 5, 2008

[T2-1735] Interim Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Conley and seconded by Commissioner Barton to approve preliminary plan for "Burnett Ranch Resubdivision of Lot 34" and call for a public hearing on August 5, 2008. All voting "Aye". MOTION PASSED

25397 [#06-4-26, 69 LOTS] HIGHPOINTE PHASE 4 SECTION 1 - APPROVE FINAL PLAT AND ACCEPT A ONE YEAR EXTENSION OF FISCAL SURETY [T2-1847]

Interim Subdivision Coordinator Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Ford and seconded by Judge Sumter to approve final plat of "HighPointe Phase 4 Section 1" and approve a one (1) year extension on the Fiscal Surety. All voting "Aye". MOTION PASSED

25398 [#08-2-36, 6 LOTS] CARL DIETZ RE-SUBDIVISION SECTION 2 - APPROVE PRELIMINARY PLAN [T2-1879]

Interim Subdivision Coordinator Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Conley and seconded by Commissioner Ingalsbe to approve preliminary plan for "Carl Dietz Resubdivision Section 2". All voting "Aye". MOTION PASSED

25399 [#06-4-80, 135 LOTS] HIGHPOINTE PHASE 5- CONSIDER APPROVE PRELIMINARY PLAN [T2-1964]

Interim Subdivision Coordinator Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Ford and seconded by Commissioner Ingalsbe to approve preliminary plan for HighPointe Phase 5. All voting "Aye". MOTION PASSED



25400 [08-4-22] GLENN KOTHMANN RESUBDIVISION OF LOT 49 - APPROVE FINAL PLAT

[T2-1992] Interim Subdivision Coordinator Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Ford and seconded by Commissioner Barton to approve final plat of "Glenn Kothmann Resubdivision of lot 49". All voting "Aye". MOTION PASSED

25401 [#08-4-35, 1 LOTS] HIGHPOINTE PHASE 2 SECTION 2-A BLK C LOT 7 REPLAT-WAIVE PRELIMINARY PLAN APPROVAL AND APPROVE FINAL PLAT [T2-2008]

Interim Subdivision Coordinator Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Ford and seconded by Commissioner Barton to waive preliminary plan approval and approve final plat of "Lot 7 Block C HighPointe Phase 2 Section 2-A". All voting "Aye". MOTION PASSED

25402 AUTHORIZE THE COUNTY JUDGE TO REQUEST FUNDS FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS ASSOCIATED WITH UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES AND TO CERTIFY THAT USE OF THE FUNDS WILL BE FOR A PROGRAM AS SPECIFIED UNDER LOCAL GOVERNMENT CODE, SECTION 381.004

[T2-2062] A motion was made by Judge Sumter and seconded by Commissioner Barton to authorize the County Judge to request funds from the Texas Comptroller of Public Accounts associated with unclaimed capital credits received from electric cooperatives and to certify that use of the funds will be for a program as specified under Local Government Code, Section 381.004. All voting "Aye". MOTION PASSED

DISCUSSION TO REQUEST ADDITIONAL SERVICES FROM TP:/SANDRA TASSEL WITH REGARD TO DEVELOPMENT OF POLICIES AND PROCEDURES TO FURTHER GUIDE THE PARKS AND OPEN SPACE BOND INVESTMENT AND TO UPDATE OR REVISE TO THE HAYS COUNTY PARKS AND OPEN SPACE MASTER PLAN

[T2-2094] Commissioner Ford spoke of possible tasks that we might ask Sandra Tassel to do, and other tasks that we could do ourselves.

Clerk's Note: Agenda item # 29 RE: DISCUSSION AND POSSIBLE ACTION TO ACCEPT A GRANT AWARD UNDER THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS was PULLED

DISCUSSION TO ADOPT A REIMBURSEMENT RESOLUTION FOR EXPENDITURES ASSOCIATED WITH PROGRAMMING, DESIGN AND CONSTRUCTION OF A HAYS COUNTY GOVERNMENT CENTER, THE ANTICIPATED BOND ISSUE ASSOCIATED WITH SAID PROJECT BEING FIFTY MILLION DOLLARS (\$50,000,000.00 USD)

[T2-2342] Commissioner Ingalsbe spoke of possibly needing to pass a resolution for soft costs. Special Counsel Mark Kennedy spoke soft costs as they relate to reimbursement resolutions. Mark Kennedy also spoke of when hard costs are expended we will need to sign a reimbursement resolution.

25403 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO LINDA BARNUM ON BEHALF OF THE GEORGE BARNUM ESTATE FOR RIGHT-OF-WAY ACQUISITION ON MCCARTY LANE

[T2-2466] A motion was made by Commissioner Ingalsbe and seconded by Commissioner Conley to authorize the County Judge to execute a Hays County Purchase Contract to Linda Barnum on behalf of the George Barnum Estates for Right-of Way acquisition on McCarty Lane. All voting "Aye". MOTION PASSED

25404 APPROVE BUDGET AMENDMENT 08-20

[T2-2476] A motion was made by Judge Sumter and seconded by Commissioner Ford to approve Budget Amendment 08-20. All voting "Aye". MOTION PASSED



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25405 APPOINT PRISCILLA HARGRAVES AS INTERIM PERSONAL HEALTH DIRECTOR AND TO ADJUST SALARY WITHIN PROMOTION GUIDELINES

[T2-2538] A motion was made by Commissioner Conley and seconded by Commissioner Ingalsbe to appoint Priscilla Hargraves as Interim Personal Health Director and to adjust salary within promotion guidelines. All voting "Aye". MOTION PASSED

25406 SET SPECIFIC DATES AND TIMES TO HOLD FY2009 BUDGET WORKSHOPS

[T2-2552] Discussion was had over how many days to hold budget workshops. Three workshops are needed. A motion was made by Judge Sumter and seconded by Commissioner Barton to set Budget Workshops to be held on August 1, 2008 from 1:00 pm to 5:00 pm; August 5, 2008 from 1:30 to 5:30 pm; August 8, 2008 from 9:00 am to 4:00 pm. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING WAGE AND SALARY BENCHMARKS, COMPARABLE COUNTIES, AND STATUS OF RECOMMENDATIONS FROM HUMAN RESOURCES

[T2-2835] Discussion was had over the survey of different counties throughout the state. Judge Sumter had a survey that included counties of a population of 150 – 250 thousand people. Hays County population is in the 140,000 range. These only included the elected officials.

Clerk's Note: Agenda item #43 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS PERFORMANCE REVIEW OF RPTP DIRECTOR was PULLED

Court was adjourned this the 22nd day of JULY, 2008.

I, LINDA C. FRITSCHÉ, 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 JULY 22, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 29TH DAY OF JULY A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the American Flag and the Texas Flag. Judge Sumter called the meeting to order.

COMPLIANCE DEPARTMENTAL PRESENTATION TO THE COURT BY JUDY SEIMS

Compliance Department Director Judy Seim gave a powerpoint presentation showing collection comparisons for District and County Courts. She spoke of working with the Probation Dept. There has been an average increase of approximately 62% in collections in District Court along with an average increase of 16.8% in the collection of 0 to 30 day collections. She spoke of looking at court appointed attorney fees and software that can be used for skip tracing as well as asset locations and to determine eligibility for court appointed attorneys. Judy Seim spoke of restitution collections.

PUBLIC COMMENTS

[T1-302] Charlie Johnson (Wimberley resident) made public comment.

25407 APPROVE PAYMENTS OF COUNTY INVOICES [T1 -354]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$386,243.35 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25408 APPROVE COMMISSIONER COURT MINUTES OF JULY 22, 2008 [T1-354]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve Commissioners Court Minutes of July 22, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25409 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT AMENDMENT FOR UP TO \$120,794.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR CPS-BIOTERRORISM PREPAREDNESS [T1-354]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute contract amendment for up to \$120,794.00 from the Department of State Health Services for CPS-Bioterrorism Preparedness. All voting "Aye". MOTION PASSED

25410 APPROVE SPECIFICATIONS FOR RFP #2008-P15 MANAGEMENT SERVICES FOR IMPLEMENTATION OF THE TEXAS COMMUNITY DEVELOPMENT PROGRAM AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE [T -354]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve specifications for RFP #2008-P15 Management Services for implementation of the Texas Community Development Program and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

25411 APPROVE RECOMMENDATION FOR SELECTION OF AN EVALUATION COMMITTEE FOR THE PROPOSAL RFP #2008-P12 "NEW FINANCIAL/ACCOUNTING/PAYROLL/HR SOFTWARE" [T1-354]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve recommendation for selection of an evaluation committee for the proposal of RFP #2008-P12 "New Financial/Accounting/Payroll/HR Software". All voting "Aye". MOTION PASSED



- 25412 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A GRANT CONTRACT AMENDMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT TO EXTEND THE PROJECT PERIOD FOR THE FIVE MILE DAM PARK GRANT TO JULY 15, 2009 [T-354]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute a grant contract amendment with the Texas Parks and Wildlife Department to extend the project period for the Five Mile Dam Park Grant to July 15, 2009. All voting "Aye". MOTION PASSED

- 25413 AUTHORIZE THE COUNTY JUDGE TO APPROVE PROPOSED ANNUAL RENEWAL FOR TITLE V FAMILY PLANNING FUNDING FOR FY 2009 IN THE AMOUNT OF \$12,044 [T-354]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to approve proposed annual renewal for Title V Family Planning funding for FY2009 in the amount of \$12,044.00. All voting "Aye". MOTION PASSED

- 25414 CALL FOR A PUBLIC HEARING ON AUGUST 12, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON LEA LANE [T1-361]**

Recommended traffic regulations: Stop sign on Lea Lane at Carney Lane. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on August 12, 2008 to establish traffic regulations on Lea Lane. All voting "Aye". MOTION PASSED

- 25415 CALL FOR A PUBLIC HEARING ON AUGUST 12, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RUBY RANCH, A PRIVATELY MAINTAINED SUBDIVISION [T1-373]**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on August 12, 2008 to establish traffic regulations in Ruby Ranch, a privately maintained subdivision. All voting "Aye". MOTION PASSED

- 25416 CALL FOR A PUBLIC HEARING ON AUGUST 12, 2008 TO ESTABLISH A TWO-WAY STOP ON LAZY OAK COVE IN THE COVES OF CIMARRON SUBDIVISION [T1-382]**

Recommended traffic regulation: Two Way Stop on Lazy Oak Cove. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to call for a public hearing on August 12, 2008 to establish a two-way stop on Lazy Oak Cove in the Coves of Cimarron subdivision. All voting "Aye". MOTION PASSED

- 25417 APPROVE CONSTRUCTION PROJECT AT THE COUNTY CLERK'S JUSTICE CENTER OFFICE AND AMEND BUDGET ACCORDINGLY [T1-396]**

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve construction project at the County Clerk's Justice Center Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

- 25418 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF DRIPPING SPRINGS FOR THE ENFORCEMENT OF TRAFFIC REGULATIONS WITHIN THE CORPORATE LIMITS OF THE CITY [T1-419]**

A motion was made by Commissioner Ford, seconded by Commissioner Conley to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of Dripping Springs for the enforcement of traffic regulations within the corporate limits of the City. All voting "Aye". MOTION PASSED



25419 ACCEPT A GRANT AWARD UNDER THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS

[T1-510] Don Connally spoke of need to continue upgrade of water lines in the Cedar Oaks Mesa Subdivision through this block grant. The \$215,000 grant has a \$25,000 match to be paid by Cedar Oaks Mesa Water Supply Corporation. A motion was made by Commissioner Conley, seconded by Commissioner Ford to accept a grant award under the Texas Community Development Block Grant Program and to authorize the County Judge to execute a contract with the Office of Rural Community Affairs. All voting "Aye". MOTION PASSED

25420 APPROVE TRANSFER OF FUNDS WITHIN THE EXTENSION OFFICE BUDGET FOR THE PURCHASE OF MEGA VOX PORTABLE PUBLIC ADDRESS SYSTEM [T1-570]

County Agent Susan Schramm spoke of having funds within their budget to pay for this system which is needed for various programs throughout the county. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve transfer of funds within the Extension Office budget for the purchase of Mega Vox portable public address system. All voting "Aye". MOTION PASSED

25421 APPOINT MARK CHAMBERS AS THE HAYS COUNTY FIRE MARSHAL FOR A TWO (2) YEAR TERM BEGINNING AUGUST 3, 2008 [T1-610]

A motion was made by Judge Sumter, seconded by Commissioner Ford to appoint Mark Chambers as the Hays County Fire Marshal for a 2 year term beginning August 3, 2008 with requirement that certification for inspection be met in six months from August 3, 2008. All voting "Aye". MOTION PASSED

CONSIDER SUPPORT OF A RESOLUTION CALLING FOR THE DISCONTINUATION OF THE DIVERSION OF TRANSPORTATION REVENUES TO NON-TRANSPORTATION SOURCES [T1-653]

Judge Sumter spoke of letter received from Mayor David Dorman, City of Melissa, regarding diversion of gas tax revenues to non-transportation sources. No action was taken at this time.

25422 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) AND HAYS COUNTY [T1-768]

Contract Amendment: Section 1 Item 1 not-to-exceed fee increase from \$1,065,175 to \$1,199,475 and Section 4 Item 4.3 compensation cap increase from \$1,171,693 to \$1,319,422. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute a Supplemental Agreement to the Professional Services Agreement between Lockwood, Andrews & Newnam, Inc (LAN) and Hays County. All voting "Aye". MOTION PASSED

25423 APPROVE THE WAGE AND SALARY PROGRAM AND ESTABLISHED TIMELINE

[T1-961] Human Resources Director Dee Dee Baen spoke of recommendations made previously to the court. Human Resources met with department heads and received their input. She requested that the court accept the new market, the ranges, and accept jobs and their placement in the grading system [Wage and Salary Program]. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the wage and salary market and positioning of where the employees are in the market. All voting "Aye". MOTION PASSED. Discussion was had regarding salary savings this fiscal year and possible implementation of some increases beginning in August 2008. Court requested that the meeting for Friday, August 1st, be amended to include this item for possible action. Charlie Johnson made public comment.

The court convened into closed executive session at 11:20 a.m. and reconvened into open meeting at 11:45 a.m.

25424 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING RIVER ROCK SUBDIVISION, A.K.A. JACOB'S WELL ACRES PURSUANT TO CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION RELATED THERETO [T1-1945]

A motion was made by Judge Sumter, seconded by Commissioner Conley for Commissioners Court to join mediation between River Rock Subdivision and Jacob's Well Association August 21, 2008 and appoint Judge Sumter, Commissioner Conley, Special Counsel Mark Kennedy, plus one member from Environmental Health. All voting "Aye". MOTION PASSED



The court convened into closed executive sessions as indicated below at 11:50 a.m. and reconvened into open meeting at 3:20 p.m.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING DAVID HEYSQUIERDO PURSUANT TO CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION RELATED THERETO


EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS PERFORMANCE REVIEW OF RPTP DIRECTOR


No discussion and no action taken in open court.

Court was adjourned this the 29TH day of JULY, 2008.

I, LINDA C. FRITSCHER, 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 JULY 29, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 1ST DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

25425 ACTION TO IMMEDIATELY IMPLEMENT WAGE AND SALARY MODIFICATIONS BASED ON THE WAGE AND SALARY MARKET ADOPTED BY COMMISSIONERS COURT ON OR ABOUT JULY 29, 2008; AND TO IMPLEMENT OTHER WAGE AND SALARY MODIFICATIONS AS DECIDED BY THE COMMISSIONERS COURT [T1-11]

Human Resources Director Dee Dee Baen gave a recap of current salaries, cost to implement combination of same percentage and Department Head feedback, initial implementation, and balance implemented with FY2009 salary savings. This does not include deputies that are in a proposed step program, elected officials, or fringe benefits. She recommended that the court adopt this recap to go with the Wage Salary Program adopted by the Court. Chief Juvenile Probation Officer Ed Cooper and Jerry Pinnix spoke in favor of October 1st funding instead of Aug 2008 & April 2009. County Treasurer Michele Tuttle thanked the court. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve \$1.4 million to fund the Wage Salary Program adopted by the Court on Tuesday July 29, 2008 using the entire wage and study moving individuals to their recommended department head locations to begin October 1, 2008 Includes all employees not in the step system. All voting "Aye". MOTION PASSED.**

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE TO DISCUSS THE EMPLOYMENT, EVALUTATION AND/OR DUTIES OF ALL INDIVIDUAL DEPARTMENT HEADS

Court convened into closed executive session at 1:50 p.m. and reconvened into open meeting at 2:35 p.m. No action taken.

25426 FY09 BUDGET WORKSHOP - DISCUSSION AND ACTION ON PARTICULAR BUDGET LINE ITEMS

Retiree Benefits

[T1-456] Brittany Richey, Treasurer's Office Accountant, spoke of Retirement Committee meetings and recommendation of the committee. She spoke of current retirement program – committee recommends no changes to those benefits. Cost of living recommendation is for a 3% cost of living allocation. The committee would like to continue the current requirements for County contributions to insurance: \$150 per month for employees retiring who have at least 15 years continuous full time service under the "rule of 75" and \$100 per month for employees retiring who have 20 years of service and meet the "rule of 75". The recommended options for those on their own (those not qualifying for reduced amounts) were provided – no county contributions. Brittany spoke of plans that are available to retirees paying the \$150/100 that would be cheaper to the county and the retiree would not have to pay a premium. She spoke of county Choice Plan available through the Texas Association of Counties. Scott Corner Humana Insurance Representative explained the Humana Group Medicare RPPO Plan. Scott Yarborough (Benchmark Insurance), spoke of other plans available for retirees. [T1-111] **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to provide retirees with the same benefits currently being provide, approve a 3% Cost-of-Living increase this year and authorize and request the Treasurer's Office and the Retiree Committee to present a seminar to employees about the potential benefits/alternative plans; and furthermore authorize the Humana and Silver Choice supplemental care provisions based on assumption that we are within our standard purchasing and auditor's guidelines; if not we would go out for cost proposals on the Medicaid patients All voting "Aye". MOTION PASSED.**

**Constable Pct. 2** [T1-1172]

Constable James Kohler spoke of need for a replacement vehicle = \$23,060 (includes equipment).

Records Preservation [T1-1307]

Tax Assessor-Collector Luanne Caraway spoke of need to digitize her records – she has received a proposal and is requesting approximately \$92,428 for this project. District Clerk Cecelia Adair spoke of her ongoing project that will require \$142,748. A Records Coordinator has been included in the budget for a Records Preservation Department.

Tax Assessor-Collector [T1-1670]

Tax Assessor-Collector Luanne Caraway requested a Tax Accountant I position & and Tax Accountant II position. Sheri Miller (Human Resources) spoke of change in position will require a change in grade. Judge Sumter requested that Luanne Caraway, Sheri Miller and Bill Herzog look at the job descriptions and compare them to equivalent positions in the county.

Personnel Requests [T1-1820]

Judge Sumter spoke of additional personnel in the budget. Commissioner Barton spoke of need to determine job duties for Commissioners' Assistants and possible part-time interns/assistants to answer phone, etc.

Social Services [T1-2260]

Judge Sumter spoke of committee looking at social services regarding money (reserves) in bank accounts, duplication of services, etc. The committee met with various social services.

Human Resources Dept. [T1-2430]

Commissioner Conley spoke of Public Information Officer that was placed in the budget. Discussion was had regarding need for a PIO to inform the public of county programs, actions by the court, and general information.

Court was adjourned this the 1ST day of AUGUST, 2008.

I, LINDA C. FRITSCHER, 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 AUGUST 1, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 5TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Jail Chaplin Robert Hicks gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the American Flag and the Texas Flag. Judge Sumter called the meeting to order.

25427 PROCLAMATION RECOGNIZING THE 160TH ANNIVERSARY OF THE HAYS COUNTY SHERIFF'S OFFICE

A motion was made by Commissioner Conley, seconded by Commissioner Ford to adopt Proclamation recognizing the 160th Anniversary of the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED

ADVANCE PRESENTATION ON 2008 QUALITY OF LIFE INDICATORS AND CITIZEN OPINION TRENDS, BY JIM WALKER, EXECUTIVE DIRECTOR OF THE CENTRAL TEXAS SUSTAINABILITY INDICATORS PROJECT

[T1-145] Jim Walker, Executive Director of the Central Texas Sustainability Indicators Project spoke of telephone surveys and other research.

PUBLIC COMMENTS

[T1-270] Ted Breihan made public comment regarding bond election and road improvements.

[T1-300] Roger Kew made public comment regarding Hays County Law Enforcement and thanked the court for action regarding the Belterra discharge permit.

25428 APPROVE PAYMENT OF COUNTY INVOICES

County Auditor Bill Herzog spoke of Alliance invoice that is being paid out of consultant line item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$1,112,681.85 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25429 APPROVE COMMISSIONER COURT MINUTES OF JULY 29, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioner Court Minutes of July 29, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25430 APPROVE HEALTH SERVICES AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION INC., OF HAYS, CALDWELL & BLANCO COUNTIES FOR SEPTEMBER 1, 2008 THROUGH JULY, 31, 2009

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Health Services between Hays County Personal Health Department and Community Action Inc. of Hays, Caldwell & Blanco Counties for September 1, 2008 through July 31, 2009. All voting "Aye". MOTION PASSED

25431 AUTHORIZE TRANSFER OF \$12,000.00 IN IMMUNIZATION GRANT 10-708 FROM SALARIES TO EQUIPMENT AND OFFICE SUPPLIES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize transfer of \$12,000.00 in Immunization Grant 10-708 from salaries to equipment and office supplies. All voting "Aye". MOTION PASSED

**25432 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve Utility Permit #01968 on Oak Knob Drive issued to Verizon, #01971 on Center Point Road issued to City of San Marcos, #01972 on Center Point Road issued to City of San Marcos, #01970 on Deer Creek Circle issued to Deer Creek Water Co., #01969 on Deer Creek Circle issued to Deer Creek Water Co., and #01965 on McGregor Lane issued to Pedernales Electric. All voting "Aye". MOTION PASSED

25433 APPROVE AWARD FOR BID #2008-B18 ROAD SIGNS TO MULTIPLE VENDORS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve award for Bid #2008-B18 Road Signs to multiple vendors. All voting "Aye". MOTION PASSED

25434 APPROVE RENEWAL OF BID #2006-B09 GROUNDS MAINTENANCE FOR DUDLEY JOHNSON/RANDALL VETTER PARK AND KYLE LOG CABIN FOR ONE ADDITIONAL YEAR AS PROVIDED FOR IN THE ORIGINAL BID

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve renewal of Bid #2006-B09 grounds maintenance for Dudley Johnson/Randall Vetter Park and Kyle Log Cabin for one additional year as provided for in the original bid. All voting "Aye". MOTION PASSED

25435 AUTHORIZE COMMERCIAL OSSF PERMIT FOR AN AUSTIN EQUINE AND ASSOCIATES VETERINARY CLINIC LOCATED AT 20640 FM 150, DRIPPING SPRINGS (BURKE SUBDIVISION LOT 1B)

Commissioner Ford spoke of concerns that were resolved. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize Commercial OSSF Permit for an Austin Equine and Associates Veterinary Clinic located at 20640 FM150, Dripping Springs (Burke Subdivision Lot 1B). All voting "Aye". MOTION PASSED

25436 CALL FOR A PUBLIC HEARING ON AUGUST 19, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON CANTERBURY DRIVE IN BELTERRA SUBDIVISION [T1-376]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on August 19, 2008 to establish traffic regulations on Canterbury Drive in Belterra Subdivision. All voting "Aye". MOTION PASSED

25437 [#08-3-17, 5 LOTS] BURNETT RANCH RESUBDIVISION SECTION 1 LOT 34 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-387]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Interim Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve final plat of Burnett Ranch Resubdivision Section 1 Lot 34. All voting "Aye". MOTION PASSED

25438 [#08-4-14] DEER CREEK RESUBDIVISION BLOCK A SECTION 1 LOT 11AR - CALL FOR A PUBLIC HEARING ON AUGUST 19, 2008 [T1-406]

Interim Subdivision Coordinator Clint Garza gave staff recommendation. A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on August 19, 2008 for Deer Creek Resubdivision Block A Section 1 Lot 11AR. All voting "Aye". MOTION PASSED

25439 [#08-4-38, 2 LOTS] RESUBDIVISION OF LOT 8 LOS RANCHOS - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON AUGUST 19, 2008 [T1-420]

Interim Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan and call for a public hearing. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan and call for a public hearing on August 19, 2008 for Los Ranchos Resubdivision of Lot 8. All voting "Aye". MOTION PASSED



25440 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONSULTING AGREEMENT WITH NICK ICOSSIPENTARHOS [T1-433]

This agreement will allow Nick Iccosipentarhos, former Director of Personal Health, to provide consulting services to the Personal Health Department in an on-call/as needed basis for the month of August at an amount not to exceed \$2,500. Charlie Johnson made public comment. **A motion was made by Judge Sumter, seconded by Commissioner Conley to authorize the County Judge to execute a Consulting Agreement with Nick Iccosipentarhos. All voting "Aye". MOTION PASSED**

25441 DENY PETITION TO BE ON NOVEMBER BALLOT FOR LOCAL OPTION ELECTION IN JUSTICE PRECINCT 3 [T1-480]

Charlie Johnson made public comment. Judge Sumter advised that the petitions did not qualify for an election to be ordered by the Commissioners Court. 1,834 signatures were needed to qualify and the Elections Administrator could only verify 1,811. **A motion was made by Commissioner Conley, seconded by Judge Sumter to deny petition to be on November ballot based off technicalities and state law for Local Option Election in Justice Precinct 3. All voting "Aye". MOTION PASSED**

25442 APPROVE OUT OF STATE TRAVEL TO ATTEND AND PRESENT AT AMERICAN BOARD FOR CERTIFICATION IN HOMELAND SECURITY, SAN DIEGO, CALIFORNIA; SEPTEMBER 1ST THROUGH SEPTEMBER 5TH, 2008 [T1-606]

Jeff Turner, Emergency Management Coordinator, spoke of certification which he will receive by attending this conference. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve out of state travel to attend and present at American Board for Certification in Homeland Security, San Diego, California on September 1 – 5, 2008. All voting "Aye". MOTION PASSED**

25443 APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS FOREST SERVICE AND REGIONAL INCIDENT MANAGEMENT TEAM (RIMT) MEMBER AND HAYS COUNTY [T1-673]

Emergency Management Coordinator Jeff Turner spoke. **A motion was made by Judge Sumter, seconded by Commissioner Ford to approve a Memorandum of Understanding between the Texas Forest Service and Regional Incident Management Team (RIMT) member and Hays County. All voting "Aye". MOTION PASSED**

25444 APPOINT COMMISSIONER CONLEY TO REPLACE SANDY IRVIN ON THE SAN MARCOS MAIN STREET PROGRAM BOARD [T1-729]

A motion was made by Judge Sumter, seconded by Commissioner Conley to appoint Commissioner Conley to replace Sandy Irvin on the San Marcos Main Street Program Board. All voting "Aye". MOTION PASSED

25445 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT ALLOWING THE HAYS COUNTY SHERIFF'S OFFICE TO TRANSFER ONE (1), 1991 EL DORADO HAWK 14 PASSENGER BUS VIN#IFDKE30M8MHB37026 TO THE WIMBERLEY VALLEY COMMUNITY RESPONSE TEAM [T1-739]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute an Agreement allowing the Hays County Sheriff's Office to transfer one (1), 1991 El Dorado Hawk 14 passenger bus VIN#: IFDKE30M8MNB37026 to the Wimberley Valley Community Response Team. All voting "Aye". MOTION PASSED

25446 AUTHORIZE AN EXPENDITURE OF \$3,376.30 FOR THE RENOVATION OF THE MAIN RESTROOMS AT THE HAYS COUNTY CIVIC CENTER FOR THE PURPOSES OF BRINGING THEM UP TO ADA SPECIFICATIONS [T1-765]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize an expenditure of \$3,376.30 for the renovation of the main restrooms at the Hays County Civic Center for the purposes of bringing them up to ADA specifications. All voting "Aye". MOTION PASSED



25447 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO REED CARR FOR RIGHT-OF-WAY ACQUISITION ON MCCARTY LANE [T1-785]

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize the County Judge to execute a Hays County Purchase Contract to Reed Carr for Right-of-Way acquisition on McCarty Lane. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #23 RE: APPROVE INSTITUTIONAL OSSF PERMIT FOR THE TWIN PARKS COUNTRY CLUB OWNED BY JARRETT PARKS III, LOCATED AT 1111 HAYS COUNTRY OAKS IN DRIPPING SPRINGS was PULLED. No discussion and no action taken.

The court convened into closed executive sessions at 9:50 a.m. and reconvened into open meeting at 10:05 a.m.

25448 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING BUSH RANCH A.K.A. LEDGESTONE SUBDIVISION PURSUANT TO CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION RELATED TO SEDIMENTATION OF LONGBRANCH CREEK [T1-826]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize Commissioner Ford, as a member of the court, to release any and all existing reports associated with the sedimentation along Longbranch Creek to release these to the representatives of the developer, contractor and/or the engineers for the Ledgestone Subdivision in Precinct 4. All voting "Aye". MOTION PASSED

TRANSPORTATION ADVISORY BOND COMMITTEE MEETING PRELIMINARY REPORT [T1-853]

Transportation Advisory Bond Committee Chair Chuck Nash spoke of need for direction from the court in ranking projects and dollar amounts for consideration. Discussion was had regarding scoring of the projects and public input. Discussion was had regarding cost estimates for various projects and need to know what projects may have cost sharing with other entities. The court advised that Dacy Lane (from Bunton to BeeBee), McCarty Lane widening, Buda Truck By-Pass, State Highway 21 intersection @ 150/Yarrington Road, US 290 @ Nutty Brown, Rim Rock intersection on SH 1826, and Lime Kiln Road (from Post Road to Hilliard Road - Sink Creek improvement would remain) have already been committed to by the court and should be removed. Discussion was had regarding pass through toll agreement and reimbursement resolution. Ruben Garza, Roger Kew, and Mike Moeller spoke.

25449 DISCUSSION AND ACTION ON PARTICULAR FY09 BUDGET LINE ITEMS

Historical Commission [T10-2728]

Kate Johnson appeared requesting an additional \$2,000 for their cemetery fund.

Sheriff's Dept. and Jail [T1-2874]

Discussion was had regarding "personnel" requests, additional motorcycles (Honda = \$15,000 + \$6800 each), GPS Tracker, Stalker radar equipment, renovation of storeroom to auto shop, time stamp, and riding lawn mower. Discussed equipment needs: HP Network Printer (\$3,500), fax machine, and a Netclock-Dispatch (\$11,430). Discussed capital equipment for Animal Control. Commissioner Conley spoke of salaries and step program. [T2-100] He recommended a 4% step increase with 8 steps. Would cost \$74,989 w/fringe. 2% COLA/Merit for law enforcement in step program = \$79,000 in the budget. Commissioner Barton spoke in favor of 2% being a merit increase and not a COLA. Human Resources Director Dee Dee Baen spoke of "cost of living" and "cost of labor" and she spoke of benchmarks. Discussion was had regarding new recruit uniforms and uniform allowance. [T2-700]

Law Enforcement Salaries

[T2-282] A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve alternate scenario of 4% step at 8 steps for law enforcement (Sheriff Deputies & Constable Deputies).

[T3-335] Dee Dee Baen provided figures for 2% and 4% step programs. Judge Sumter spoke of this not being a guarantee in the future.

Buda Law Enforcement [T2-909]

Deputy Bo Kidd spoke of Buda Law Enforcement and need for four additional officers and equipment. The City of Buda funds the Officer and the County provides vehicle and equipment. County Auditor Bill Herzog spoke of delayed funding by City of Buda to April 2009 – the County will be funding \$317,000 with revenue from Buda of \$152,000.

**Road Department** [T2-1275]

RPTP Director Jerry Borcharding spoke of cuts made to his requested budget. Total cuts were equal to \$2,991,000. Requesting that Construction Coordinator position be reinstated along with 2 Reviewers and 1 Staff Assistant = \$245,000. He spoke of number of additional people that will be needed to deal with the new subdivision rules. Discussion was had regarding increasing subdivision fees. Discussed contract hauling - \$100,000 was cut from his request. If the Elder Hill Project is deleted from his budget (put into bond program) then the road department will do their own hauling - zero out that line item. Discussed consultant expense - \$400,000 requested and was reduced by \$150,000 - he requested reinstatement of the \$150,000. Discussed Contract roadwork - requested \$5,014,000 which was cut by \$2,314,000 which would require him to delete hot mix for Cimarron Park, Chaparral Road, Wayside Drive, Elder Hill, extra hot mix and contract labor in Green Pastures. Discussed materials requested at \$2,423,350 - he reduced this by \$701,400 by deleting Elder Hill project, maintenance materials and Rolling Oaks. Discussed equipment request of \$590,600 which was cut \$257,000 (hot mix laydown machine) - he deleted a double drum roller = \$115,000 and a crack sealer = \$41,000. Requested increases are \$2,000 for membership fees & bonds, \$3,000 for continuing education, \$4440 for office equipment, \$8,600 for data processing equipment and 2 laptops, and \$200,000 for building capital improvements. Jerry Borcharding requested rollover of Pct. 1 Southridge Estates (\$108,000), Pct. 2 Rolling Hills (\$199,000), Pt. 3 Sachtleben (\$47,750), and Pct. 4 Meadow Creek Ranches (\$136,000). Discussed right-of-way expense

Environmental Health Dept. & CAPCOG/911 Addressing Mtc. [T2-2980]

Requested additional continuing education in the Environmental Health Dept. \$20,000 is needed for printing the county atlas for 911 purposes. Court asked for cost to print atlas and number being purchased.

Civic Center [T2-3104]

Barry Nelson, Civic Center Manager, spoke of need for additional fulltime worker

Constable Pct. 1 [T2-3223]

Constable David Peterson spoke of law enforcement supplies needed (requested \$3,340 - Judge recommended \$500). He requested \$1,800 more to fund small items that are essential. Requested \$800 for law enforcement equipment maintenance and repair - Judge recommended \$200. He is requesting that the \$600 be reinstated to be used for repairs for radar devices and replacement batteries for tasers. Requesting \$650 for printing of warrant cards, door hanger cards, and other materials that would prevent multiple attempts to serve paperwork at residences. He is requesting an additional \$1,200 for graphics for the four patrol units.

Fire Marshal [T2-3560]

Fire Marshal Mark Chambers spoke of personnel and need for fee schedule for inspections. He spoke of vehicle (Ford Expedition) request and equipment needed for that vehicle. He spoke of need for a Dell laptop (replacement computer) and stand - delete color and laser printer at this time.

Special Counsel [T3-122]

Mark Kennedy spoke of travel stipend - he is requesting additional \$1,300.

Extension Office [T3-170]

County Agent Susan Schramm spoke of travel stipend - requesting and additional \$1,000 each for herself and Richard Parish.

[T3-218] Vicki Wilhelm spoke of request from Health Dept. for an ADA compliant examining table \$3,372 - Constable Pct. 3 is requesting a taser for his office in the amount of \$840 (was left off his request) - IT equipment for Juvenile Probation Dept.: 3 Dell laptops \$1600 each Plus \$125 antennas \$450 for printers for three new positions - Road Dept. needs \$240 for software for new system that was added - Sheriffs Dept. Animal Control Supervisor needs \$4,750 plus \$125 antenna for new position - County Clerks Records Coordinator and HR Public Information Officer has no equipment to go with those new positions = \$2,190 each for a computer system.

Court was adjourned this the 5TH day of AUGUST, 2008.

I, LINDA C. FRITSCHÉ, 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 AUGUST 5, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order at 9:00a.m. Commissioner Conley was not present during roll call but came to the meeting at 9:10 a.m.

25450 FY09 BUDGET WORKSHOP - DISCUSSION AND ACTION ON PARTICULAR BUDGET LINE ITEMS

Salary Chart

Human Resources Director Dee Dee Baen provided the following recommendations:

1. Effective October 1st move employee salaries to positions in range approved by Department Head requests.
2. Employees at or above the maximum of the range will be red circled (frozen) until the salary range is adjusted due to cost of labor increases.
3. Three (3) employees at the Sheriff's Office are above the maximum in the new range (1 Admin, 1 Mntc, 1 Food Srvc). They will not suffer a reduction in salary but will be red circled.
4. In this dynamic market, we still need the flexibility to hire above the minimum of the range when required. For the 09 Budget, vacant positions were budgeted at the minimum. It is recommended that HR and the Auditors office approve any requested deviation of hiring at the minimum up to the 25th percentile without having to come to Commissioners Court for approval. Funding would be through salary savings.
5. Approve the matrix for the following jobs: Administrative Assistant, Attorney, Sanitarian.
6. Approve and adopt the two salary charts, titles and grades: 1) Open Range charge for all employees and 2) Step plan for Deputy and Deputy Constables. Previous salary charges will be discontinued.
7. Step plan guidelines:
 - October 1, 2008 implementation into the plan is with a 3 years to 1 step ratio.
 - Future Step advancement for existing employees will occur each October 1
 - Starting salaries for employees hired after October 1, 2008 is \$40,794
 - Merits awards are not applicable to employees in the step plan
 - Advancement for employees in the Step Plan will occur on the first of the month following their annual anniversary in the position of Deputy or Deputy Constable
8. Recommended Regrades: If approved, implement DH requested salary
9. Continue to support HR reviewing market data in order to keep our salaries and respective ranges current.

Other: Commissioners Administrative Assistants
Constable Administrative Assistants
Elected Officials

Extension Office

Susan Schramm requested the 2% merit/COLA = \$852. Court agreed to add Extension Agents to the 2% increase.

Administrative Assistant

Commissioner Barton spoke of need for a position for temporary help, possibly a pool to be used by various department and interns. Discussed a possible range of \$8.50-\$10 per hour – minimum wage is currently at \$7.25.

Community and Social Services

[T1-433] Vicki Wilhelm spoke of committee meeting with each agency over a two day period – the funding they came up with was what they felt comfortable with after reviewing their applications and through discussion. She spoke of cuts that were made in funding and explained the reason for those cuts. Discussion was had regarding San Marcos/Hays County EMS. Commissioner Barton spoke of need to have a Hays County EMS with representatives countywide. Senior citizens programs were funded the same as last year. Other services were discussed. Discussion was had regarding funding for construction projects. Court agreed to delete \$10,000 funding for the Wimberley Village Library. Angels for Elders failed to submit a request for \$3,000 and Chisholm Trail also failed to submit a request (\$10,000 currently funded). The \$10,000 already deleted could be used to fund those services who failed to submit a request timely.



[T1-1264] A motion was made by Commissioner Ford, seconded by Commissioner Conley to set aside \$10,000 in this budget as discretionary funds for grants. All voting "Aye". MOTION PASSED

[T1-1313] A motion was made by Commissioner Barton, seconded by Judge Sumter to restore budget to \$5,000 to Nosotros La Gente. Commissioner Barton, Commissioner Conley, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Ingalsbe abstained. MOTION PASSED

[T1-1524] A motion was made by Commissioner Conley, seconded by Commissioner Ford to fund Hays County CERT the additional \$1400 requested (total of \$14,400). All voting "Aye". MOTION PASSED

FY2009 BUDGET HIGHLIGHTS

[T1-1628] County Auditor Bill Herzog went through the budget highlights: New improvements = \$566,117,767, proposed tax rate of \$0.4574, Average home value = \$153,770. He spoke of notice of tax revenue increase – this budget proposes to increase the total tax revenues of the County from properties on the tax roll in the preceding year by 4.74 percent. Discussion was had regarding new positions in the budget. Juvenile Center positions were discussed and fees being charged. Court agreed to 5 new positions in Juvenile Center (to begin April 1st) and 1 position for Juvenile Probation. Transfer Station new personnel to begin April 1st. Budget includes \$2,100,000 for the salary plan, \$3,000,000 dedicated to office purchase/construction, \$500,000 10% increase for health insurance, \$500,000 new financial software (reserves), \$825,000 additional debt principal payment, \$150,000 records management office, \$350,000 planning consultants & redistricting (reserves), and \$533,520 radio & justice software lease/purchase (reserves). Discussion was had regarding consultant expense line item of \$450,000, debt payment, effective tax rate, and records management. It was determined that the \$50,000 dedicated from reserves for redistricting is not needed this fiscal year.

Sheri Miller made the following recommendations regarding personnel issues:

Tax A/C Tax Specialist & Accountant I - recommends they stay as they are today. (\$3,744)

R&B Dept. - convert a current vacant position to an Administrative Assistant II – reduce \$39,167 to \$6500.

Construction Coordinator (\$78,305) & 2 Subdivision Reviewer positions (\$168,310) – reduce Reviewers to one position (\$84,155).

2% COLA/Merit [T2-35]

A motion was made by Commissioner Barton, seconded by Judge Sumter that the 2% designated for employees raises be considered as merit raises and not cost of living (COLA). All voting "Aye". MOTION PASSED

[T2-88]

A motion was made by Judge Sumter, seconded by Commissioner Conley to allow merit to start on October 1, 2008 and allow for one time payment for employees that are maxed out in their grade; with merit amount to be based on salaries as of October 1, 2008 on filled positions as of September 1, 2008 to be annualized. All voting "Aye". MOTION PASSED

[T2-152]

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to give Extension agents 2% merit for the county's portion of their salaries. All voting "Aye". MOTION PASSED

Commissioners Administrative Assistant positions were discussed. Discussed adding \$10,000 to salary line item for Commissioners to pay interns, researchers, etc. Need to consider a countywide pool to be used by smaller offices when their staff is sick, on vacation, etc.

[T2-668] Discussion was had regarding special projects and salary line items. Court agreed to add \$10,000 to Commissioners budget to be placed in the line items of their choice and allow them to move the money between line items of their choice.

Road Department

RPTP Director Jerry Borcharding spoke of current staff Assistant that is a vacant position – he wants it increased to an Administrative Assistant II and he wants, in addition, an Administrative Assistant III. Request is for \$45,692 for an Administrative Assistant III.

Court went through various budget workshop requests – item by item. Jerry Borcharding advised that he would like to have an Administrative Assistant III and not the Administrative Assistant II.



[T2-3109]

A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt amendments to the County Judge's budget as read by the County Judge. All voting "Aye". MOTION PASSED

- Historical Commission – cemetery maintenance fund = \$2,000
- Sheriff's Office – GPS Tracker w/annual fee = \$2,020
- Sheriff's Office – Increase training line item = \$5,000
- Sheriff's Office – Uniform plan = \$25,000 [leave \$30 uniform allowance – need a Uniform Policy]
- Sheriff's Office – 4% Step Plan for S.O. Deputies & Deputy Constables = \$74,070
- Sheriff's Office – Reduce 2% COLA budgeted for deputies = \$80,241
- Sheriff's Office - \$43,457 – let Sheriff decide between Transportation Officer or Visitation Officer
- Sheriff's Office – Time Stamp = \$750
- Animal Control – Dell Laptop w/stand & antennae = \$4,875
- Animal Control – Remove equipment-shotgun & mini-14 rifle = \$1,323
- Civic Center – P/T Maintenance Worker – 7 months/29 hrs + FICA/Ret = \$ 18,614
- Constable 1 – Increase law enf equip maint/repair = \$600
- Constable 1 – Increase printing = \$350
- Constable 1 - Vehicle graphics = \$1,200
- Fire Marshal – Restore F/T Asst. Fire Marshal + fringe = \$65,726
- Fire Marshal – Vehicle = \$30,000
- Fire Marshal – Equipment for vehicle - \$8,600
- District Attorney – Travel allowance for Special Counsel = \$1,300
- Extension Office – Travel allowance for 2 agents = \$2,000
- Constable 3 – Taser (replacement) = \$840
- Juvenile Probation – 2 Dell Notebooks w/antenna/s & printers = \$2,175 (Gen) & \$2,175 (Fund 17)
- Human Resources – 1 Dell Notebook w/antenna & printer (PIO) = \$2,175
- DPS – Increase equip rent/lease for radar's = \$350
- Treasurer's Office – Increase bank fees = \$100
- Treasurer's Office – Increase books & periodicals = \$450
- CAPCOG/911 Address – Printing for maps = \$7,500
- Information Technology – Restore Web Master +fringe = \$56,433
- RPTP Dept – Roll Fy08 projects not complete = \$490,750 (from Reserves)
- RPTP Dept – Construction coordinator +fringe = \$78,305
- RPTP Dept – 1 Subdivision Reviewer + fringe = \$84,155
- RPTP Dept – Administrative Assistant II + fringe = \$6,500 (convert exiting position)
- RPTP Dept – Decrease contract hauling = \$216,350
- RPTP Dept – Increase consultant expense = \$ 180,000
- RPTP Dept – Decrease contract roadwork = \$13,100
- RPTP Dept – Decrease materials = \$701,400
- RPTP Dept – Increase membership fees & bonds = \$2,000
- RPTP Dept – Increase continuing education = \$3,000
- RPTP Dept - Increase office equipment (new hires) = \$3,330
- RPTP Dept – Increase data processing equip (new hires) = \$6,450
- RPTP Dept – Software for recommended laptop \$240
- RPTP Dept – additional funding for ROW = \$173,000 (from Reserves)
- Records Preservation – District Clerk project \$142k, Tax A/C proj \$93k = \$133,258 (from Reserves)
- Records Preservation – recommended position computer equipment \$ 2,190

Elected Officials Salaries

[T2-3200] [T3-907] **A motion was made by Judge Sumter, seconded by Commissioner Ford to adopt elected officials salaries as recommended based on the existing market.** Lengthy discussion was had regarding the proposed elected officials salaries. Commissioner Barton spoke of wanting to study this issue and take a closer look at the market benchmark. Human Resources Director Dee Dee Baen spoke of equivalent market in the private sector (Executive Officers). Commissioner Barton requested that newspaper ad contain information that the salaries are based on benchmarks and it is not an absolute increase that will be adopted in the budget - amount cannot exceed those published but can end up being less – and Commissioners have the option to accept all or part of the increase. Commissioner Conley suggested a 3% increase for all elected officials. Commissioner Barton advised that he is not ready to set the salaries but will vote in favor of recommended salaries to be published. **Commissioner Ford, Commissioner Barton, and Judge Sumter voting "Aye". Commissioner Conley and Commissioner Ingalsbe voting "No". MOTION PASSED**

Treasurer = \$61,543.74	Tax Assessor = \$66,679.44	District Clerk = \$62,307.72
County Clerk = \$62,307.72	Sheriff = \$87,689.40	County Judge = \$77,490.42
J.P. 1-1 = \$ 53,809.08	J.P. 1-2 = \$53,809.08	J.P. 2 = \$53,809.08
J.P. 3 = \$53,809.08	J.P. 4 = \$53,809.08	J.P. 5 = \$53,809.08
Constable Pct. 1 = \$50,502.24	Constable Pct. 2 = \$50,502.24	Constable Pct. 3 = \$50,502.24
Constable Pct. 4 = \$ 50,502.24	Constable Pct. 5 = \$50,502.24	Commissioner Pct. 1 = \$65,048.46
Commissioner Pct. 2 = \$65,048.46	Commissioner Pct. 3 = \$65,048.46	Commissioner Pct. 4 = \$65,048.46



[T3-3447] \$275,019 increase in the General Fund and Road & Bridge has a savings of \$566,845. The net effect is \$296,326 in savings at this time. Court still needs to address Records Preservation – suggested \$100,000 in General fund for operational cost (includes salary). \$196,326 in savings at this time. Discussed the current tax rate of 45.74 cents and possible 45.50 cents tax rate.

[T3-970]

A motion was made by Commissioner Barton, seconded by Judge Sumter to put \$10,000 in a pool to provide temporary help to departments that need office assistance over the course of the year. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting “Aye”. Commissioner Conley voting “No”. MOTION PASSED

Court discussed various ways to decrease the tax rate to 45.50 cents. Discussion was had regarding subdivision review fees that could possibly be increased. Judge Sumter spoke of needing \$47,296 in savings or revenues or move one time expenditure to reserves. Court agreed to move Fire Marshal vehicle in the amount of \$38,600 into reserves and Constable Pct. 2 vehicle in the amount of \$22,060 in reserves or delete from the budget.

San Marcos Youth Services Bureau [T3-1570]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to restore funding to San Marcos Youth Services Bureau to \$18,000. All voting “Aye”. MOTION PASSED

Discussed travel allowances and current mileage – 16% increase in current travel allowance = \$18,780. Court agreed to remove phone allowances for all Commissioners.

Court was adjourned this the 8TH day of AUGUST, 2008.

I, LINDA C. FRITSCHÉ, 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 AUGUST 8, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





AUGUST 12, 2008

VOLUME T PAGE 839

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 12TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Robin Steele, Promiseland Church, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Human Resources Director Dee Dee Baen introduced new county employees.

EMERGENCY MANAGEMENT DEPARTMENTAL PRESENTATION TO THE COURT BY JEFF TURNER

[T1 - 51] Emergency Management Coordinator Jeff Turner gave a powerpoint presentation.

BOND ADVISORY COMMITTEE REPORT BY JIM HARVEY AND CHAIR CHUCK NASH

[T1 - 410] Chuck Nash gave an overview of the Committee. Jim Harvey gave an executive summary to the Commissioners Court.

BRIEF UPDATE ON RHCP FUNDING NEEDS. PRESENTATION BY ALAN GLEN

[T1 - 818] Alan Glen gave a presentation on updates on RHCP. Joe Lessard gave a powerpoint presentation.

25451 APPROVE PAYMENTS OF COUNTY INVOICES

[T1 - 1478] A motion was made by Commissioner Barton seconded by Commissioner Ford to approve payment of county invoices in the amount of \$659,125.76 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25452 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 1ST & 5TH 2008

[T1 - 1478] A motion was made by Commissioner Barton seconded by Commissioner Ford to approve Commissioner Court Minutes of August 1st and 5th, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25453 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO \$63,535.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE RLSS-LOCAL PUBLIC HEALTH SERVICES GRANT

[T1 - 1478] A motion was made by Commissioner Barton seconded by Commissioner Ford to execute a contract for up to \$63,535.00 from the Department of State Health Services for the RLSS-Local Public Health Services Grant. All voting "Aye". MOTION PASSED

25454 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN AGREEMENT WITH AIG VALIC RETIREMENT ADVISORS FOR GUIDED PORTFOLIO SERVICES

[T1 - 1478] A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to enter into an agreement with AIG Valic Retirement Advisors for Guided Portfolio Services. All voting "Aye". MOTION PASSED



25455 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE TERMINATION OF THE ADVANCE FUNDING AGREEMENT EXECUTED OCTOBER 20, 2006 FOR OLD STAGECOACH ROAD BIKE/PEDESTRIAN TRAIL SCJ: 0914-33-052, POST ROAD AT LOW WATER CROSSING CSJ: 0914-33-048 AND WAYSIDE DRIVE SAFETY FEATURES, CSJ: 09-14-33-051 [T1 - 1478]

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to execute the termination of the Advance Funding Agreement executed October 20, 2006 for Old Stagecoach Road bike/pedestrian trail SCJ: 0914-33-052, Post Road at low water crossing CSJ: 0914-33-048 and Wayside Drive safety features, CSJ: 09-14-33-051. All voting "Aye". MOTION PASSED

25456 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO \$192,341.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE IMMUNIZATION PROGRAM [T1 - 1478]

A motion was made by Commissioner Barton seconded by Commissioner Ford to authorize the County Judge to execute contract for up to \$192,341.00 from the Department of State Health Services for the immunization program. All voting "Aye". MOTION PASSED

25457 APPROVE RENEWAL OF CONTRACT REAPPOINTING DR. CHARLES P. ANDERSON, MD AS THE LOCAL HEALTH AUTHORITY OF HAYS COUNTY PURSUANT TO CHAPTER 121, SUBCHAPTER B OF THE TEXAS HEALTH & SAFETY CODE [T1 - 1478]

A motion was made by Commissioner Barton seconded by Commissioner Ford to approve renewal of contract reappointing Dr. Charles P. Anderson, MD as the local Health Authority of Hays County pursuant to Chapter 121, Subchapter B of the Texas Health & Safety Code. All voting "Aye". MOTION PASSED

25458 APPROVE SPECIFICATIONS FOR BID #2008-B20 HFRS-2 AND SS-1 EMULSION OIL FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

Special Counsel Mark Kennedy spoke of new bid specs that were prepared. A new contract will be sent out with the bid specs and will be required to be signed in order for the court to accept the bid. A motion was made by Commissioner Barton and seconded by Commissioner Ford to approve specifications for Bid #2008-B20 HFRS-2 and SS-1 emulsion oil for Hays County Road Department and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25459 APPROVE A VARIANCE TO HAYS COUNTY ROAD STANDARDS FOR WIMBERLEY INDEPENDENT SCHOOL DISTRICT [T1 - 1650]

RPTP Director Jerry Borcharding gave staff recommendation. Eric Simpson of Tejas Engineering spoke. A motion was made by Commissioner Conley seconded by Commissioner Ford to approve a variance regarding paved shoulder width, to Hays County road standards for Wimberley Independent School District. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda item #18 RE: APPROVE AN INTERLOCAL CONTRACT FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING WITH CAPCOG was - PULLED

25460 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON LEA LANE

Judge Sumter declared the public hearing opened. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for a stop sign on Lea Lane at its intersection with Carney Lane. A motion was made by Commissioner Conley seconded by Commissioner Barton to establish traffic regulations on Lea Lane a stop sign on Lea Lane at its intersection with Carney Lane. All voting "Aye". MOTION PASSED



25461 HOLD A PUBLIC HEARING TO ESTABLISH A TWO-WAY STOP ON LAZY OAK COVE, IN THE COVES OF CIMARRON SUBDIVISION [T1 - 1745]

Judge Sumter declared the public hearing opened. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for a two-way stop on Lazy Oak Cove at its intersection with Treetop Way in the Coves of Cimarron Subdivision. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to establish traffic regulations of a two-way stop on Lazy Oak Cove at its intersection with Treetop Way in the Coves of Cimarron Subdivision. All voting "Aye". MOTION PASSED**

25462 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS IN RUBY RANCH, A PRIVATELY MAINTAINED SUBDIVISION [T1 - 1759]

Judge Sumter declared the public hearing opened. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation for various stop signs and speed limit signs in Ruby Ranch a privately maintained subdivision. **A motion was made by Commissioner Barton seconded by Commissioner Ingalsbe to establish traffic regulations in Ruby Ranch a privately maintained subdivision; a stop sign on Ruby Ranch Road at FM 967, a stop sign on Montgomery Court at Ruby Ranch Road, a stop sign on Walter Circle at Ruby Ranch Road, a stop sign on Matzig Cove at Ruby Ranch Road, a 4-way stop at Armstrong Cove, Ruby Ranch Road and Humphreys Drive, a stop sign on Clark Cove at Humphreys Drive, a stop sign on McCoy Drive at Humphreys Drive, a stop sign on McCoy Drive at Clark Cove, a stop sign on East Bartlett Drive at Ruby Ranch Road, a stop sign on West Bartlett Drive (north end) at Ruby Ranch Road, a 3-way stop at West Bartlett Drive and Richards Road, a stop sign on Richards Road at Ruby Ranch Road, a stop sign on Labenski Drive at Ruby Ranch Road, a stop sign on Carey Drive at Ruby Ranch Road, a stop sign on West Bartlett Drive (south end) at Ruby Ranch Road, a speed limit of 35 MPH on Ruby Ranch Road and a speed limit of 30 MPH on all other roads; a two-way stop on Lazy Oak Cove at the intersection of Treetop Way in the Coves of Cimarron Subdivision. All voting "Aye". MOTION PASSED**

25463 CALL FOR A PUBLIC HEARING ON AUGUST 26, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1 - 1786]

The proposed regulation is a stop sign at the end of Ella Lane at Barton Valley Circle to stop southbound traffic. **A motion was made by Commissioner Ford seconded by Judge Sumter to call for a public hearing on August 26, 2008 to establish traffic regulations on Ella Lane. All voting "Aye". MOTION PASSED**

25464 [07-4-042 96 lots] BELTERRA PHASE 5 SECTION 10 - ACCEPT AFFIDAVIT OF PLAT CORRECTION [T1 - 1800]

Interim Subdivision Coordinator Clint Garza gave staff recommendation. This final plat for Belterra Phase 5 Section 10 in Pct 4 consists of 96 lots, in which 92 are residential. Final Plat was approved on December 4, 2007. At the time of recording the plat was still not complete. On page 3 the building line setback table was left blank. The affidavit provides these values. **A motion was made by Commissioner Ford seconded by Judge Sumter to accept affidavit of plat correction in Belterra Phase 5 Section 10. All voting "Aye". MOTION PASSED**

25465 APPROVE CONTRACT WITH KLOTZ AND ASSOCIATES TO PERFORM DRAINAGE STUDIES IN PRECINCTS 2 & 3 [T1 - 1818]

A motion was made by Commissioner Ford seconded by Commissioner Barton to approve Contract with Klotz and Associates to perform drainage studies in precincts 2 & 3. All voting "Aye". MOTION PASSED

25466 APPROVE BUDGET AMENDMENT 08-21 [T1 - 1919]

Charlie Johnson made public comment. **A motion was made by Judge Sumter seconded by Commissioner Ford to approve Budget Amendment 08-21. All voting "Aye". MOTION PASSED**



25467 INCREASE FUNDING ON THE COUNTY'S FIVE MILE DAM PARK PROJECT BY \$485,000 FROM NEW PARK BOND AND BOND INTEREST FUNDS TO COMPLETE PHASE I OF THE PROJECT [T1 - 2139]

Grants Director Jeff Hauff gave staff recommendation. A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to allocate \$485,000 from new park bonds, \$134,495 from the interest income of the 2007 bond sales and the remainder to come out of the 2007 bond proceeds for the County's Five Mile Dam Park Project. All voting "Aye". MOTION PASSED

25468 APPROVE AWARD OF BID #2008-B12R "RE-BID FOR CONSTRUCTION OF FIVE MILE DAM PARK" TO WESTAR CONSTRUCTION INC. PENDING APPROVAL OF ADDITIONAL FUNDS NEEDED [T1 - 2490]

Purchasing received five bids with Westar Construction being lowest bidder. References were checked and received positive responses. Award is pending, contingent on approval of additional funds needed for project. A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to approve award of bid #2008-B12R "Re-Bid for construction of Five Mile Dam Park" to Westar Construction Inc. pending approval of additional funds. All voting "Aye". MOTION PASSED

25469 APPOINT ELECTION JUDGES AND ALTERNATE JUDGES FOR THE PERIOD OF AUGUST 1, 2008 THROUGH JULY 31, 2010 [T1 - 2570]

Election Administrator Joyce Cowan spoke. A motion was made by Judge Sumter seconded by Commissioner Conley to appoint Election Judges and Alternate Judges for the period of August 1, 2008 through July 31, 2010. All voting "Aye". MOTION PASSED

25470 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 4, 2008. GENERAL ELECTION [T1 - 2656]

Election Administrator Joyce Cowan spoke. A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to adopt the Early Voting Schedule for the November 4, 2008, General Election All voting "Aye". MOTION PASSED

25471 APPROVE AWARD OF BID #2008-B-20 BUCKING/ROPING/STEER STRIPPING CHUTES FOR THE HAYS COUNTY CIVIC CENTER TO MCCOY'S IN THE AMOUNT OF \$26,147.99 [T1 - 3251]

Several weeks ago, the court asked that we move forward with advertising for bid on these chutes. That was done and only one bid was received from McCoys. A motion was made by Commissioner Ingalsbe seconded by Commissioner Conley to approve award of bid #2008-B20 bucking/roping/steer stripping chutes for the Hays County Civic Center to McCoy's in the amount of \$26,147.99. All voting "Aye". MOTION PASSED

25472 AWARD THE HAYS COUNTY AUDIT PROPOSAL TO HOLTMAN, WAGNER AND COMPANY [T2 - 7]

A motion was made by Judge Sumter seconded by Commissioner Conley to award the Hays County audit proposal to Holtman, Wagner and Company. All voting "Aye". MOTION PASSED

25473 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO THE EDMUND JASTER HAYS COUNTY PARTNERSHIP FOR RIGHT-OF-WAY ACQUISITION ON MCCARTY LANE [T2 - 1896]

A motion was made by Commissioner Ingalsbe seconded by Ford to authorize the County Judge to execute a Hays County Purchase Contract to the Edmund Jaster Hays County Partnership for Right-of-Way acquisition on McCarty Lane contingent to the two additional signatures on the contract from the Jaster Partnership. All voting "Aye". MOTION PASSED



25474 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A COOPERATIVE AGREEMENT WITH THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS

[T2 - 22] A motion was made by Commissioner Ingalsbe seconded by Judge Sumter to authorize the County Judge to execute a Cooperative Agreement with the Office of the Attorney General of the State of Texas. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING "EVALUATION CHARRETTE" FOR THE PROPOSED NEW DEVELOPMENT STANDARDS [T2 - 30]

Under additional services from Naismith Engineering approved by the court on May 13, 2008, was an evaluation charrette for our new development regulations. Date for charrette will involve County personnel, the consulting team, and invited members of the public and affected parties.

25475 DISCUSSION AND ACTION ON PARTICULAR FY09 BUDGET LINE ITEMS.

Commissioners Court [T2 - 853]

Auditor Bill Herzog spoke of \$300,000 needed to fund: Court appointed attorney fees; indigent/jail medical fees; Civic Center Utilities; public notices. A motion was made by Commissioner Barton seconded by Judge Sumter to ask auditor's office to amend the budget to reflect the changes that he's presented today and take the money out of savings in County-wide Insurance. All voting "Aye". MOTION PASSED

Building Fund [T2 - 1030]

A motion was made by Judge Sumter seconded by Commissioner Barton to approve rollovers in bond interest of \$1.4; Pct 4 construction/architect fees \$850,000; Office Complex architect \$2.4 million; park project \$8 million. All voting "Aye". MOTION PASSED

Social Services [T2 - 1534]

A motion was made by Commissioner Barton seconded by Commissioner Ford to move \$19,800 into the discretionary funds for social services. All voting "Aye". MOTION PASSED

Membership Dues [T2 - 1556]

Austin/San Antonio Intermunicipal \$49,500, NACO \$1,687, Clean Air Force \$6,500, Austin/San Antonio Corridor Council \$7,000, Envision Central Tx \$15,000, CAPCO \$6,897, CAPCO ENS Fee \$1,498, County Judge Association of Tx \$1,200, South Tx County Judges \$225, Tx Conference on Urban Counties \$5,867. A motion was made by Judge Sumter seconded by Commissioner Barton to fund items presented by staff. All voting "Aye". MOTION PASSED

25476 ADOPT PROPOSED FY09 BUDGET [T2 - 1612]

A motion was made by Judge Sumter seconded by Commissioner Barton to adopt the FY09 Proposed Budget for Hays County. All voting "Aye". MOTION PASSED

25477 SET PUBLIC HEARING ON PROPOSED TAX RATE [T2 - 1626]

A motion was made by Judge Sumter seconded by Commissioner Ford to set a public hearing on proposed tax rate on Tuesday August 26, 2008 at 6:00 p.m. and Wednesday September 3, 2008 at 9:00 a.m. All voting "Aye". MOTION PASSED

25478 SET PUBLIC HEARING ON PROPOSED BUDGET [T2 - 1799]

A motion was made by Judge Sumter seconded by Commissioner Ingalsbe to set public hearing on Wednesday September 10, 2008 at 9:00 a.m. for the proposed FY09 Budget. All voting "Aye". MOTION PASSED

25479 ADOPT PROPOSED TAX RATE [T2 - 1870]

A motion was made by Judge Sumter seconded by Commissioner Barton to adopt the proposed tax rate of 45.50 cents. All voting "Aye". MOTION PASSED



Court was adjourned.

I, LINDA C. FRITSCHER, 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 AUGUST 12, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 18TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO CONDUCT DEPARTMENT HEAD EVALUATIONS

The Court convened into closed executive session at 9:05 a.m. to conduct Department Head evaluations and reconvened into open meeting at 12:30 p.m. No action was taken.

Court was adjourned.

I, LINDA C. FRITSCH, 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 AUGUST 18, 2008.



Linda C. Fritsche

 LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 19TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

John Moore Minister of Dripping Springs Church of Christ, gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

Clerk's Note: Commissioner Conley was not present when the meeting began. He came in during the IT Dept. presentation.

INFORMATION TECHNOLOGY DEPARTMENTAL PRESENTATION TO THE COURT BY JEFF MCGILL

IT Director Jeff McGill gave a powerpoint presentation showing work order breakdown and statistics – approximately 30 work orders per day. He gave email and virus statistics, web site visits per month (117,934), Projects: exchange server, security enhancements, changes to IT Infrastructures, and web site redesign,

25480 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested that payment to Gonzales & Lindsey in the amount of \$117,234.45 for the Village Park Project be added in the approval of county invoices. A motion was made Commissioner Ingalsbe, seconded by Commissioner Barton to approve payment of county invoices in the amount of \$852,324.92 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25481 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 8TH & 12TH, 2008

A motion was made Commissioner Ingalsbe, seconded by Commissioner Barton to approve Commissioners Court Minutes of August 8, 2008 and August 12, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED

25482 APPROVE PROVIDER AGREEMENT BETWEEN HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND COMMUNITY ACTION, INC. OF HAYS, CALDWELL, AND BLANCO COUNTIES

A motion was made Commissioner Ingalsbe, seconded by Commissioner Barton to approve Provider Agreement between Hays County Personal Health Department and Community Action, Inc. of Hays, Caldwell, and Blanco Counties. All voting "Aye". MOTION PASSED

25483 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT WITH WESTAR CONSTRUCTION INC. FOR FIVE-MILE DAM PARK PROJECT

A motion was made Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute contract with Westar Construction Inc. for Five-Mile Dam Park Project. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #6 RE: AUTHORIZE PURCHASING TO PREPARE SPECIFICATIONS AND TO SOLICIT AND ADVERTISE FOR BID THE CONSTRUCTION OF A CLASSROOM BUILDING AT THE JUVENILE DETENTION CENTER was PULLED



25484 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON CANTERBURY LANE IN BELTERRA SUBDIVISION [T1-669]

Judge Sumter declared the public hearing opened. Willie Wisko and John Deamos made public comment regarding the international fire code and safety concerns on Canterbury Lane. Judge Sumter closed the public hearing. **A motion was made Commissioner Ford, seconded by Judge Sumter to establish traffic regulations of "No Parking" signs on the east side of Canterbury Lane in Belterra Subdivision. All voting "Aye". MOTION PASSED**

Clerk's Note: Agenda Item #8 RE: [08-4-38 2 Lots] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT RESUBDIVISION OF LOT 8, LOS RANCHOS was PULLED

Clerk's Note: Agenda Item #9 RE: [08-4-14 2 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT FOR RESUBDIVISION OF LOT 11A-R BLOCK A DEER CREEK RANCH SECTION 1 was PULLED

Clerk's Note: Agenda Item #10 RE: [08-3-34 2 LOTS] CALL FOR A PUBLIC HEARING ON SEPTEMBER 9, 2008 AND APPROVE PRELIMINARY PLAN FOR RESUBDIVISION OF LOT 48 BRIDLE WOOD RANCHES SECTION 3 was PULLED

25485 ADOPT A RESOLUTION REGARDING PUBLICATION OF NOTICE FOR PUBLIC HEARING FOR ADVENTIST HEALTH SYSTEM/SUNBELT INC. UNDER 147(F) OF THE INTERNAL REVENUE CODE [T1-1013]

Central Texas Medical Center Attorney Nick Meindl spoke of action that needs to be taken – there is no liability to the county. **A motion was made Judge Sumter, seconded by Commissioner Ingalsbe to adopt a resolution regarding publication of notice for public hearing for Adventist Health System/Sunbelt Inc. under 147(F) of the Internal Revenue Code. All voting "Aye". MOTION PASSED**

DISCUSSION REGARDING THE HAYS COUNTY BOND ADVISORY COMMITTEE RECOMMENDATION OF ROADS TO INCLUDE IN THE NOVEMBER BOND PACKAGE [T1-1077]

Bert Ray, Bob Flocke, Steve Klepfer, Mayor of Wimberley Tom Haley, and Charlie Johnson made public comment supporting projects in Wimberley. Discussion was had regarding Wimberley participation in funding these projects. [T1-1849] Bond Counsel Dan Wegmiller provided a Preliminary Capital Improvement Program Analysis. [T1-3269] Discussion was had regarding the tax rate increase needed to fund these projects and funds that will be reimbursed by TxDot. Commissioner Ingalsbe spoke of CR 266 (Old Bastrop Highway) improvements from Centerpoint Road to Francis Harris Lane – could possibly decrease the amount. Commissioner Barton spoke of Dacy Lane improvements from Bunton to Windy Hill. Judge Sumter spoke of Lakewood Drive improvements. Commissioner Conley spoke of Ranch Road 12 Parkway Development from San Marcos to Wimberley's Junction and he spoke of FM 2325 improvement from Fischer Store Road to Carney Lane. Commissioner Ford spoke of Ranch Road 12/Sports Park Drive left turn lane and US 290 center turn lane from RR12 to McGregor Lane.

25486 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING TO CONDUCT A WATER/WASTEWATER REGIONAL FACILITIES PLANNING STUDY FOR HAYS COUNTY [T1-2975]

Grants Administrator Jeff Hauff spoke of matching funds of \$51,100.00 and he gave staff recommendation for approval. **A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute a contract with the Texas Water Development Board for funding to conduct a water/wastewater Regional Facilities planning study for Hays County. All voting "Aye". MOTION PASSED**

25487 APPROVE SPECIFICATIONS FOR RFP #2008-P16 ENGINEERING SERVICES FOR HAYS COUNTY REGIONAL WATER SUPPLY AND WASTEWATER FACILITIES PLAN AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE [T1-3055]

Grants Administrator Jeff Hauff gave staff recommendation for approval. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve specifications for RFP #2008-P16 Engineering Services for Hays County Regional Water Supply and Wastewater Facilities Plan and Authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED**



25488 APPROVE CIGNA'S RENEWAL FOR 2008-2009; AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE RENEWAL CONTRACT WITH CIGNA [T2-2054]

Human Resources Director Dee Dee Baen spoke of reducing increase in coverage by increasing the stop loss from \$150,000 to \$165,000. No changes in employee coverage. A motion was made Judge Sumter, seconded by Commissioner Ingalsbe to approve Cigna's renewal for 2008-2009; and to authorize the County Judge to execute the renewal contract with Cigna. All voting "Aye". MOTION PASSED

25489 APPROVE PURCHASE OF SHELVING FOR RECORDS STORAGE AT THE RECORDS BUILDING - COUNTY CLERK'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

County Auditor Bill Herzog recommended amending the budget as follows: transfer \$3,643 from line item #08-445-5448 to 08-445-5711. A motion was made Judge Sumter, seconded by Commissioner Barton to approve the purchase of shelving for records storage at the Records Building - County Clerk's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #14 RE: DISCUSSION AND POSSIBLE ACTION TO SET ASIDE A MINIMUM OF 11.5 MILLION DOLLARS FOR ACQUISITION OF HABITAT QUALIFIED PROPERTY was PULLED

25490 ACTION TO RESERVE \$2.5 MILLION FROM 2007 PARKS AND OPEN SPACE BOND FUNDS FOR PROJECTS UNDER DEVELOPMENT IN PRECINCT 4 UNTIL JANUARY 2009 [T2-2154]

Commissioner Ford spoke of park projects currently under development in Precinct 4. Carl Owens (representing an organization called "Swimberley" - an aquatics park project) spoke of desire to have their project considered by CPAT. [T2-2590] A motion was made Commissioner Ford, seconded by Judge Sumter to hold off allocation of \$2.5 million in parks and open space bond funds for projects under development in Precinct 4 until January 2009. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING DESIGNATION OF 19.5 MILLION DOLLARS APPROVED BY HAYS COUNTY COMMISSIONERS' COURT FOR CONTINUED WORK ON ROADS INCLUDED IN THE PASS THROUGH ROAD PACKAGE BETWEEN THE COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION [T2-2800]

Commissioner Barton spoke of waiting until next week to take action on this item. He spoke of figures provided by Mike Weaver : \$4 million for US 290 West, \$8 million for IH-35/CR 210 ROW & utilities, \$2 million for FM 1626 engineering, \$1 million for IH-35/FM 150 engineering, \$0.5 million for Program development, and \$4 million for US 290 West. No action taken this date.

DISCUSSION REGARDING PLANNING AND FUNDING FOR A HAYS COUNTY PUBLIC INFORMATION EFFORT WITH REGARD TO THE NOVEMBER 2008 TRANSPORTATION BOND PACKAGE [T2-2921]

Commissioner Ford spoke of need to provide public information regarding the bond package. Special Counsel Mark Kennedy spoke of need to determine content of information being provided to the public. Court discussed possible content to be presented - could be provided on the county website.

DISCUSSION REGARDING HAYS COUNTY GUN SAFETY EDUCATION AND OUTREACH CAMPAIGN [T2-3193]

Commissioner Ford spoke of working with a student group at Texas State University (Bobcat Promotions) with input from our Sheriff's office, Bryan Davis of AgriLife Extension office and a number of private citizens to develop a gun safety public education and outreach campaign. There will be a campaign that will launch with a press event on Saturday, August 30, 2008 at 11:00 a.m. during Cabela's Fall Great Outdoor Days event.

25491 CALL FOR A PUBLIC HEARING ON THE PROPOSED NEW HAYS COUNTY LOCAL RULES, INCLUDING BUT NOT LIMITED TO SUBDIVISION AND DEVELOPMENT REGULATIONS, ON-SITE SEPTIC FACILITIES, SEXUALLY ORIENTED BUSINESSES, COUNTY ROADWAY STANDARDS, MANUFACTURED HOME RENTAL COMMUNITIES, AND USE OF COUNTY PROPERTY TO BE HELD AT 1:30 PM ON TUESDAY, SEPTEMBER 9, 2008 [T3 - 82]

A motion was made Commissioner Ford, seconded by Commissioner Barton to call for a public hearing on the proposed New Hays County Local Rules, including but limited to Subdivision and Development Regulations, On-Site Septic Facilities, Sexually Oriented Business, County Roadway Standards, Manufactured Home Rental Communities, and use of County property to be held at 1:30 PM on September 9, 2008. All voting "Aye". MOTION PASSED



25492 APPROVE THE PURCHASE OF A CENTRALIZED OFFICE SHREDDER FOR THE PRECINCT 4 OFFICE [T3 - 97]

A motion was made Commissioner Ford, seconded by Commissioner Ingalsbe to approve the purchase of a centralize office shredder for the Precinct 4 Office not to exceed \$906 from line item 01-414-5711. All voting "Aye". MOTION PASSED.


Clerk's Note: Agenda Item #1 Emergency Meeting RE: DISCUSSION AND POSSIBLE ACTION TO LIFT THE BURN BAN IN HAYS COUNTY was PULLED


Court recessed at 4:40 p.m. and reconvened on Wednesday August 20, 2008 at 3:30 p.m. to continue discussion regarding designation of 19.5 million dollars approved by the Court for continued work on roads included in the Pass-Through Road Package between the County and the Texas Department of Transportation

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 AUGUST 19, 2008.




LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO CONDUCT DEPARTMENT HEAD EVALUATIONS STARTING AT 11:00 AM

The Court convened into closed executive session at 11:00 a.m. to conduct Department Head Evaluations and reconvened into open meeting at 4:00 p.m. No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 AUGUST 20, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





AUGUST 23, 2008

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 23RD DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 DEBBIE GONZALES INGALSBE
 JEFFERSON W. BARTON
 KAREN FORD
 LIZ GONZALEZ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 4
 DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Clerk's Note: The evaluation charrette was held at the Hays County Agri Life Extension office from 9:00 a.m. to 4:00 p.m. Commissioner Barton was not present when the meeting was called to order by Judge Sumter.

HOLD AN "EVALUATION CHARRETTE" FOR THE PROPOSED NEW DEVELOPMENT STANDARDS

Grant Jackson of Naismith Engineering gave a brief overview of different scenarios the groups will be discussing. The attendees were then split into two groups and discussed the different scenarios.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 AUGUST 23, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Brother Wayne Thompson, Hays County Juvenile Center, gave the invocation and Commissioner Barton led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

25493 PROCLAMATION RECOGNIZING THE RETIREMENT OF TEXAS RANGER SGT. TOMMY RATLIFF [T1-50]

A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt Proclamation recognizing the retirement of Texas Ranger Sgt. Tommy Ratliff. All voting "Aye". MOTION PASSED

PRESENTATION BY HALFF ASSOCIATES INC. REGARDING A HAYS COUNTY MASTER DRAINAGE PLAN [T1-130]

Wes Birdwell, Halff Associates Inc., gave a presentation on the possibility of a Hays County Flood Protection Planning Study. The plan would accurately define flooding risk, potential reduction in flood insurance rates, identifies projects to alleviate existing flooding, establishes floor elevations for new construction, identifies where storm water management facilities are required, and encourages economic development. The action plan is the initiate contact with LCRA, GBRA, USACE, and Stakeholders; draft memorandum of agreements; develop a strategic phased plan; prepare and submit grant to TWDB; and obtain County resolution in support of grant.

PUBLIC COMMENT

Charlie Johnson made public comment regarding the proposed 2008-2009 budget.

25494 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$117,234.45 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25495 APPROVE RENEWAL OF DOCTOR'S ANNUAL CONTRACTS FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC, DR. A. RAY JACOBSON, MD, DR. BETH REID, MD, AND DR. TERESA IRWIN, MD

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Doctor's annual contracts for the Hays County Personal Health Department Women's Health Clinic; Dr. A. Ray Jacobson, MD; Dr. Beth Reid, MD; and Dr. Teresa Irwin, MD. All voting "Aye". MOTION PASSED

25496 APPROVE RENEWAL OF CONTRACTS FOR DR. CHARLES P. ANDERSON, MD AND DR. ALBERTO SANTOS, DO TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of contracts for Dr. Charles P. Anderson, MD and Dr. Alberto Santos, DO to provide services for the Hays County Personal Health Department Family Clinic. All voting "Aye". MOTION PASSED

25497 APPROVE RENEWAL OF CONTRACT FOR MALCOLM RAY SCOTT, R.PH TO PROVIDE PHARMACY SERVICES TO THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of contract for Malcolm Ray Scott, R.PH to provide pharmacy services to the Hays County Personal Health Department. All voting "Aye". MOTION PASSED

**25498 APPROVE UTILITY PERMIT**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Utility Permit #01973 on Jacobs Well road to PEC as submitted by Road Department. All voting "Aye". MOTION PASSED

25499 APPROVE RENEWAL OF RENTAL AGREEMENT FOR DPS RADAR UNITS WITH APPLIED CONCEPTS, INC. AND AUTHORIZE COUNTY JUDGE TO EXECUTE AGREEMENT

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of rental agreement for DPS Radar Units with Applied Concepts, Inc. and authorize County Judge to execute agreement. All voting "Aye". MOTION PASSED

25500 APPROVE SPECIFICATIONS FOR #2008-P18 ENGINEERING SERVICES FOR GEOTECHNICAL SERVICES FOR HAYS COUNTY GOVERNMENT OFFICE COMPLEX AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for #2008-P18 Engineering Services for Geotechnical Services for Hays County Government Office Complex and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

25501 APPROVE RENEWAL OF BID #2007-B09 FUEL FOR ONE (1) ADDITIONAL YEAR AS PROVIDED FOR IN ORIGINAL BID

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Bid #2007-B09 Fuel for one (1) additional year as provided for in original bid. All voting "Aye". MOTION PASSED

25502 APPROVE SPECIFICATIONS FOR RFQ #2008-P17 ARCHITECTURAL SERVICES FOR CONSTRUCTION OF ADDITIONAL OFFICE SPACE AT THE ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for RFQ #2008-P17 Architectural Services for construction of additional office space at the Road Department and authorize Purchasing to solicit for proposal and advertise. All voting "Aye". MOTION PASSED

25503 APPROVE AWARD OF BID #2008-B16R HAULING OF SOLID WASTE TO TEXAS DISPOSAL SYSTEMS

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve award of Bid #2008-B16R Hauling of Solid Waste to Texas Disposal Systems. All voting "Aye". MOTION PASSED

25504 APPROVE PURCHASE OF USED VAN BODY FOR THE STORAGE OF EROSION BLANKET MATERIAL AT THE ROAD DEPARTMENT'S YARRINGTON ROAD YARD IN THE AMOUNT OF \$1,000 FROM DIVERSIFIED TRUCK AND TRAILER

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase of used Van body for the storage of erosion blanket material at the Road Department's Yarrington Road Yard in the amount of \$1,000 from Diversified Truck and Trailer. All voting "Aye". MOTION PASSED

25505 APPROVE BUDGET AMENDMENT 08-22 FOR GENERAL FUND, ROAD & BRIDGE FUND AND REVENUE BOND CONSTRUCTION FUND

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-22 for General Fund, Road & Bridge Fund, and Revenue Bond Construction Fund. All voting "Aye". MOTION PASSED



25506 HOLD A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON ELLA LANE [T1-510]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. RPTP Director Jerry Borcharding gave staff recommendation. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to establish traffic regulation of a STOP sign at the end of Ella Lane at Barton Valley Circle to stop southbound traffic. All voting "Aye". MOTION PASSED**

25507 CALL FOR A PUBLIC HEARING ON SEPTEMBER 9, 2008 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON BEBACK INN ROAD [T1-523]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to call for a public hearing on September 9, 2008 to establish traffic regulations (Speed Limit) on Beback Inn Road. All voting "Aye". **MOTION PASSED**

25508 AUTHORIZE THE COUNTY JUDGE TO ACCEPT FISCAL SURETY FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS IN THE MOUNT OLIVE RANCH SUBDIVISION; AND CONVERT FISCAL SURETY FOR CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS TO A 2 YEAR BOND FOR ONGOING MAINTENANCE OF STREET AND DRAINAGE IMPROVEMENT IN THE MOUNT OLIVE RANCH SUBDIVISION [T1-531]

Special Counsel Mark Kennedy requested converting the construction surety to maintenance surety. **A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to accept the fiscal surety for re-vegetation of the street and drainage improvements and convert the street and drainage improvements construction fiscal surety to a 2-year maintenance surety in the Mount Olive Ranch Subdivision. All voting "Aye". MOTION PASSED**

25509 [#08-3-45] HILL COUNTRY ESTATES SECTION TWO LOT 15 - APPROVE RELEASE AND REMOVAL OF BUILDING SETBACK LINE [T1-580]

Subdivision Coordinator Clint Garza gave staff recommendation for release of building setback line on Lot 15. The required number of homeowners have given their approval for this release/removal request.

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve release and removal of building setback line on Lot 15 Hill Country Estates Section Two. All voting "Aye". MOTION PASSED

25510 [#08-4-14] DEER CREEK BLOCK A RESUBDIVISION OF LOT 11-AR - CALL FOR PUBLIC HEARING ON SEPTEMBER 23, 2008 [T1-594]

Subdivision Coordinator Clint Garza spoke of need for a public hearing before final hearing. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 23, 2008 to consider Resubdivision of Lot 11-AR Deer Creek Block A. All voting "Aye". MOTION PASSED**

25511 [#08-4-38] RESUBDIVISION OF LOT 8 LOS RANCHOS - CALL FOR A PUBLIC HEARING ON SEPTEMBER 9, 2008 [T1-610]

Subdivision Coordinator Clint Garza spoke of need for a public hearing before final hearing. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to call for a public hearing on September 9, 2008 for Resubdivision of Lot 8 Los Ranchos. All voting "Aye". MOTION PASSED**

25512 APPROVE FUNDING ALL OR A PORTION OF THE FUNDING THAT IS THE SUBJECT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN HAYS COUNTY AND THE WIMBERLEY VALLEY WATERSHED ASSOCIATION REGARDING THE JACOB'S WELL NATURAL AREA; AND TO CONSIDER MODIFYING THE MEMORANDUM OF UNDERSTANDING TO ACCOMMODATE SUCH FUNDING [T1-625]

Patrick Cox, President of Wimberley Valley Watershed Association, spoke in support of the MOU. Joe Day made public comment in support of the MOU. Special Counsel Mark Kennedy explained the Memorandum of Understanding. **A motion was made by Commissioner Conley, seconded by Judge Sumter to approve funding all or a portion of the funding that is the subject of the Memorandum of Understanding between Hays County and the Wimberley Valley Watershed Association regarding the Jacob's Well Natural Area; and to consider modifying the Memorandum of Understanding to accommodate such funding. All voting "Aye". MOTION PASSED**



25513 ACTION TO LIFT THE BURN BAN AND THE DECLARATION OF LOCAL DISASTER IN HAYS COUNTY [T1-946]

Fire Marshal Mark Chambers gave figures for moisture and drought conditions. He recommended lifting the burn ban. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to lift the burn ban and the Declaration of Local Disaster in Hays County. All voting "Aye". MOTION PASSED

25514 ACTION TO OPEN A \$2,500 FUND FOR THE SHOOT SAFE HAYS COUNTY CAMPAIGN WHICH CAN RECEIVE ADDITIONAL PUBLIC AND PRIVATE CONTRIBUTIONS IN ORDER TO FUND THE INITIAL PUBLIC EDUCATION AND OUTREACH MATERIALS AND EFFORTS [T1-1011]

Commissioner Ford spoke of event to be held at Cabella's this Saturday – she will be contributing \$ 500 from her budget. Constable Pct. 3 Darrell Ayres spoke of importance of firearm safety – he will also donate gunlocks for this effort. Sheriff Allen Bridges gave his departments commitment to this effort – he will contribute \$1,000 to this event. Judge Sumter spoke of her contribution. Commissioner Conley spoke of plans to sponsor a fire range. Commissioner Ingalsbe and Commissioner Barton thanked Commissioner Ford and Judge Sumter and spoke in support of the effort. A motion was made by Commissioner Ford, seconded by Judge Sumter to ask auditor's office to open a fund for the Shoot Safe Hays County Campaign and put \$2,500 from contingencies line item and we are open to receiving contributions from other entities departments and private individuals to support our public education and outreach effort and to waive purchasing requirements on existing negotiated contracts; and to accept contributions of \$1,000 from the Sheriff's discretionary funds, \$500 from Commissioner Ford's Special Project funds and \$250 from the County Judge's personal fund, 150 gun locks from Constable Ayres and will be held at Cabella's from 9-4 on August 30-31, 2008. All voting "Aye". MOTION PASSED

25515 CALL FOR AN ADOPTION ELECTION TO BE HELD ON NOVEMBER 4, 2008, FOR VOTING FOR OR AGAINST THE PROPOSITION: "ADOPTION OF THE STATE LAW APPLICABLE TO (FIRE FIGHTERS, POLICE OFFICERS, OR BOTH, AS APPLICABLE) THAT ESTABLISHES COLLECTIVE BARGAINING IF A MAJORITY OF THE AFFECTED EMPLOYEES FAVOR REPRESENTATION BY AN EMPLOYEES ASSOCIATION, PRESERVES THE PROHIBITION AGAINST STRIKES AND LOCKOUTS, AND PROVIDES PENALTIES FOR STRIKES AND LOCKOUTS." [T 1-1276]

Elections Administrator Joyce Cowan advised that the petition does qualify for holding an election. Tom Barbee and Charlie Johnson made public comment. A motion was made by Judge Sumter, seconded by Commissioner Barton to call for an Adoption Election to be held on November 4, 2008, FOR or AGAINST the Proposition: "Adoption of the State Law applicable to (Fire Fighters, Police Officers, or both, as applicable) that establishes collective bargaining if a majority of the affected employees favor representation by an employees association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts. All voting "Aye". MOTION PASSED

25516 AUTHORIZE THE COUNTY JUDGE TO SIGN AN ORDER AND NOTICE CALLING FOR THE GENERAL ELECTION ON NOVEMBER 4, 2008 TO ELECT COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION [T1-1370]

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to sign an Order and Notice calling for the General Election on November 4, 2008 to elect County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution All voting "Aye". MOTION PASSED

25517 SELECT PUBLIC MEMBERS FOR A SALARY GRIEVANCE COMMITTEE [T1-1384]

Judge Sumter made the following selections for the public members for a Salary Grievance Committee: Robert Peralez, Walter Ortiz Deorue, Michael B. Doerr, Peggy Margaret Valdez, Randal Mark Wilson, Hugh Harris Smith, Pamela Dee Lewallen, Rebecca Creasy Treadway, and Nanette Leigh Pena. Alternates selected were: Wesley Haven Mau, Marilyn H. Krause, Guadalupe Delgado, La Juan Hallum, Debra Lynne Taylor, Michael Warnken, Scott Field Bailey, Susan Elizabeth Pridgen, and David Lee Dunham.

25518 CANCEL THE SEPTEMBER 2ND COMMISSIONERS COURT MEETING

[T1-1460] A motion was made by Commissioner Barton, seconded by Judge Sumter to cancel the September 2, 2008 Commissioners Court meeting and request Special Counsel and County Judge to research law to see if court is permitted to add agenda items to special meeting to be held on September 3, 2008. All voting "Aye". MOTION PASSED



25519 APPROVE INTERLOCAL CONTRACT FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING WITH CAPCOG [T1-1569]

Grants Administrator Jeff Hauff spoke of contract for PSAP maintenance, equipment upgrade and training with CAPCOG. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve an interlocal contract for PSAP maintenance, equipment upgrade and training with CAPCOG. All voting "Aye". MOTION PASSED

25520 APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN HAYS COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE AND DISCUSSION REGARDING HAYS COUNTY TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS FOR THE NEXT THREE-TO-FIVE YEARS [T1-1616]

Financial Advisor Dan Wegmiller provided an updated preliminary capital improvement program analysis.

Summary of Results:

	Pass-Through Financing	Priority Road Projects	Pass-Through Financing plus Priority Road Projects
Issuance	\$148,225,000	\$ 58,885,000	\$ 207,110,000
Est. Tax Impact	\$ 0.0100*	\$ 0.0315	\$ 0.0415
Est. Monthly Homeowner's Impact	\$ 0.83 on \$100,000 \$ 1.25 on \$150,000 \$ 1.67 on \$200,000	\$ 2.63 on \$100,000 \$ 3.94 on \$150,000 \$ 5.25 on \$200,000	\$ 3.46 on \$100,000 \$ 5.19 on \$150,000 \$ 6.92 on \$200,000

* The estimated tax impact of the Pass-Through Financing Program is net of TxDOT reimbursement of \$133,170,000.

Court could call the election without specifying the roads – roads could be specified in a brochure provided to voters after this date. Proposed Proposition was considered and changes were made – final agreed version being:

"THE ISSUANCE OF \$207,110,000 OF HAYS COUNTY ROAD BONDS FOR COUNTY ROAD AND/OR STATE HIGHWAY CONSTRUCTION AND IMPROVEMENT, AND FOR CONSTRUCTING AND IMPROVING THOSE ROADS THAT ARE THE SUBJECT OF AN EXISTING PARTNERSHIP AGREEMENT BETWEEN THE COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (SECTIONS OF IH 35, FM 1626, FM 110 AND US HIGHWAY 290) PURSUANT TO WHICH THE COUNTY EXPECTS TO BE REIMBURSED FOR A MAXIMUM AMOUNT OF \$133,170,000 OVER TIME; AND SECTIONS OF OLD BASTROP HIGHWAY, SH 21, DACY LANE, POST ROAD, FM 967, LAKEWOOD DRIVE, FM 150, RR 12, FM 2325, US HIGHWAY 290, LIME KILN ROAD, AND RM 1826; AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve an Order by the Commissioners Court of Hays County, Texas calling a Bond Election to be held in Hays County, Texas; making provision for the conduct of a joint election with various political subdivisions; resolving other matters incident and related to such election; and providing an effective date of August 26, 2008. All voting "Aye". MOTION PASSED

25521 PLAN AND FUND A HAYS COUNTY PUBLIC INFORMATION EFFORT WITH REGARD TO THE NOVEMBER 2008 TRANSPORTATION BOND PACKAGE [T2-456]

Commissioner Ford spoke of educational campaign and costs. Jim Harvey explained the various options (ie postcards, brochures, etc.). Discussed various tasks:

- Task 1 = \$12,000 – Coordination with Court & Staff
- Task 2 = \$13,078 – Prepare Mail-out Education Materials for distribution to public
- Task 3 = \$ 2,742 – Prepare Education Materials for posting to website
- Task 4 = \$ 6,250 – Coordinate media events to provide education materials to public
- Task 5 = \$ 1,754 – Prepare a power point presentation

Labor estimate and costs = \$35,828. Additional direct costs for printing mailing and other related items should be expected to range from approximately \$25,000 to \$80,000 depending on the type of mailer and number of units printed and mailed. [T1-1401] A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the Consultant team to commence work for an amount nte \$25,000 under a supplement to the existing professional services contract and authorize Special Counsel Mark Kennedy and County Judge to negotiate the amendment to the contract that will allow that work to commence and ask the consultant team to report back on September 9th meeting with cost projections for informational mail program and a final budget to cover tasks 3 & 5 and perhaps part of task #4 to be paid out of the county consultant line item. All voting "Aye". MOTION PASSED



HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEDING TAX YEAR BY 4.19%. [T2-1446]


Judge Sumter declared the public hearing open. Constable Pct. 1 David Peterson spoke of uniform allowances.


Judge Sumter announced that a vote on the tax rate will take place on September 10, 2009 after the budget hearing.

Court was adjourned.

I, LINDA C. FRITSCHER, 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 AUGUST 26, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 3RD DAY OF SEPTEMBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL IN THE PRECEEDING TAX YEAR BY 4.19 PERCENT [T1-3]

Judge Sumter declared the public hearing open. Ruth Molina spoke in opposition to an increase in taxes. Charlie Johnson spoke in favor of lowering the tax rate. Judge Sumter closed the public hearing. Judge Sumter announced that a budget hearing will be held September 10, 2008 at 9:00 a.m. and the court will also vote on the tax rate. Court discussed issues that need to be resolved at that hearing.

25522 APPROVE A CONTRACT WITH SUNDAY AND ASSOCIATES, INC. [T1-133]

County Auditor Bill Herzog proposed a two month contract 9/3/08 through 11/3/08 and go out for RFP's. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to approve a contract with Sunday and Associates Inc. for a two month period. All voting "Aye". MOTION PASSED

25523 SELECT ADDITIONAL PUBLIC MEMBERS FOR THE SALARY GRIEVANCE COMMITTEE

Judge Sumter explained the salary grievance committee. Names were previously selected and we were unable to get the nine members needed for the hearing. Judge Sumter selected the following public members for the Salary Grievance Committee: Maria Villarreal, Jason M. Henry, Virginia C. Witte, Aaron Barbara Brooks, Richard Louis Bishop, Erica Ann Barajas, Beatrice Leija-Pyle, Kathryn Lynn Sauer, Mary D. Jarosz, Cynthia Josephine Juniper, Charles David Britt, Joe Johnny Anguiano, Mark Emerick Buchanan, Flo A. Velasquez, Esther Rodriguez, Dale Garland Caudill, Mary Barbara Goff, and Deborah Kay Bennight.

Court was adjourned this the 3RD day of SEPTEMBER, 2008.

I, LINDA C. FRITSCHÉ, 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 SEPTEMBER 3, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





SEPTEMBER 9, 2008

VOLUME T PAGE 859

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Clerk's Note: Judge Sumter was not present at the beginning of the meeting and Commissioner Ingalsbe presided over the meeting.

Pastor Dennis Spire, Calvary Baptist Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Commissioner Ingalsbe called the meeting to order.

25524 ADOPT A PROCLAMATION RECOGNIZING THE WEEK OF SEPTEMBER 17TH THROUGH 23RD AS CONSTITUTION WEEK [T1-58]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a Proclamation recognizing the week of September 17th through 23rd as Constitution Week. All present voting "Aye". MOTION PASSED

25525 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 1,114,640.08 for Sept. 2, 2008 distribution and \$387,938.61 for Sept. 9, 2008 distribution as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25526 APPROVE COMMISSIONER COURT MINUTES OF AUGUST 18TH, 19TH, 20TH, 23RD, 26TH, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of August 18, 2008, August 19, 2008, August 20, 2008, August 23, 2008, and August 26, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25527 APPROVE RENEWAL OF INTERLOCAL CONTRACT FOR GEOMAP 2007 WORK ORDER 32220080-56-HAY-01

This is an amendment to the original interlocal contract to acquire high resolution elevation data which extends the termination date to September 30, 2009. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of interlocal contract for GEOMAP 2007 Work Order 42220080-56-HAY-01. All present voting "Aye". MOTION PASSED

25528 APPROVE THE JUNE 2008 AND JULY 2008 TREASURER'S REPORT AND INVESTMENT REPORTS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the June and July 2008 Treasurer's Report and Investment Reports as presented. All present voting "Aye". MOTION PASSED

25529 APPROVE CONTRACT RENEWAL WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR REIMBURSEMENTS ASSOCIATED WITH CERTIFICATION OF VITAL RECORDS

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve contract renewal with the Department of State Health Services for reimbursement associated with Certification of Vital Records. All present voting "Aye". MOTION PASSED



- 25530 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS - COMMUNITY DEVELOPMENT FUND FOR \$250,000 FOR ADDITIONAL WATER SYSTEM IMPROVEMENTS IN THE CEDAR OAKS MESA SUBDIVISION AND TO ACT AS THE COUNTY'S AUTHORIZED REPRESENTATIVE FOR THIS PROGRAM**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve resolution authorizing the County Judge to submit a grant application to the Office of Rural Community Affairs - Community Development Fund for \$250,000 for additional water system improvements in the Cedar Oaks Mesa Subdivision and to act as the County's authorized representative for this program. All present voting "Aye". MOTION PASSED

- 25531 APPROVE UTILITY PERMIT #01974**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Utility Permit #01974 on Centerpoint Road issued to Bluebonnet Electric Cooperative as submitted by the Road Department. All present voting "Aye". MOTION PASSED

- 25532 AUTHORIZE COUNTY JUDGE TO RENEW THE TUBERCULOSIS CONTRACT FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WITH TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$14,710.00. NO APPLICATION FOR THIS CONTRACT WAS REQUIRED**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to renew the Tuberculosis contract for the Hays County Personal Health Department with Texas Department of State Health Services for \$14,710.00. All present voting "Aye". MOTION PASSED

- 25533 CALL FOR A PUBLIC HEARING ON SEPTEMBER 16, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON VESPER LANE [T1-126]**

Proposed traffic regulation is a STOP sign on Vesper Lane at Clear Lake Drive intersection. A motion was made by Commissioner Conley, seconded by Commissioner Ford to call for a public hearing on September 16, 2008 to establish traffic regulations on Vesper Lane. All present voting "Aye". MOTION PASSED

- 25534 APPROVE CONTRACT WITH KIMLEY-HORN & ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR REALIGNMENT OF THE FISHER STORE/BLANCO RIVER APPROACH [T1-136]**

A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve contract with Kimley-Horn & Associates to provide engineering services for realignment of the Fisher Store/Blanco River approach and authorize the County Judge to execute same. All present voting "Aye". MOTION PASSED

- 25535 APPROVE THE HIRING OF A TEMPORARY REPLACEMENT FOR THE ADMINISTRATIVE ASSISTANT II POSITION WITHIN THE HAYS COUNTY CONSTABLE PCT. 1 OFFICE [T1-239]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve the hiring of a temporary replacement for the Administrative Assistant II position within the Hays County Constable Pct. 1 Office to be funded out of the countywide salary adjustment line item. All present voting "Aye". MOTION PASSED

- 25536 APPOINT JUSTICE OF THE PEACE PCT. 3 ANDREW CABLE TO CAPCOG, CRIMINAL JUSTICE ADVISORY COMMITTEE [T1-360]**

Jeff Turner was considered for this appointment, however, J.P. 3 Andrew Cable volunteered and was chosen. A motion was made by Commissioner Conley, seconded by Commissioner Ford to appoint Justice of the Peace Pct. 3 Andrew Cable to CAPCOG Criminal Justice Advisory Committee. All present voting "Aye". MOTION PASSED



25537 ACCEPT \$1,000.00 PARTNERSHIP DONATION FROM THE CITY OF HAYS FOR THE INTERLOCAL AGREEMENT [T1-393]

The County and the City of Hays are applying to the Texas Water Development Board (TWDB) for a \$200,000 research and planning grant to fund a Regional Water Supply and Wastewater Facility Plan. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept \$1,000.00 partnership donation from the City of Hays for the Interlocal Agreement for the planning study. All present voting "Aye". MOTION PASSED

DISCUSSION REGARDING AWARD A CONTRACT TO BEVIS PEST CONTROL FOR \$9,000.00 TO PROVIDE TERMITE PEST CONTROL AT THE ANNEX BUILDING [T1-424]

Maintenance Supervisor Ron Knott spoke of bids that were received. Discussion was had regarding difference between Bevis Pest Control and ABC Pest and Lawn Services. More information is needed before court approval.

25538 APPROVE THE RESALE OF PROPERTY HELD IN TRUST, LOT 10 BLOCK 2, DAN MCKIE ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME X, PAGE 547, DEED RECORDS OF HAYS COUNTY TEXAS [T1-637]

Tax Assessor-Collector Luanne Caraway gave staff recommendation for approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the resale of property held in trust, Lot 10 Block 2 Dan McKie Addition to the City of San Marcos, Hays County, Texas according to the map or plat thereof recorded in Volume X Page 547 Deed Records of Hays County, Texas. All present voting "Aye". MOTION PASSED

25539 APPROVE AN INTERLOCAL COOPERATION AGREEMENT FOR ASSESSMENT AND COLLECTION OF TAXES WITH THE SUNFIELD MUNICIPAL UTILITY DISTRICT NUMBER 1 [T1-655]

Tax Assessor-Collector Luanne Caraway gave staff recommendation for approval. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve an Interlocal Cooperation Agreement for Assessment and Collection of Taxes with the Sunfield Municipal Utility District Number 1. All present voting "Aye". MOTION PASSED

25540 APPROVE THE SHERIFF'S AND CONSTABLE'S FEES FOR FY2009 [T1-695]

Constable Pct. 3 Darrell Ayres recommended increasing the service for executing deeds and bills of sale from \$60 to \$65. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to approve the Sheriff's and Constable's fees for FY2009. All present voting "Aye". MOTION PASSED

25541 AUTHORIZE THE COUNTY JUDGE TO SIGN A RIGHT OF ENTRY DOCUMENT WITH GIBERSON PROPERTIES, INC. A PROPERTY OWNER ALONG FM 1626

[T1-722] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a Right of Entry document with Giberson Properties, Inc. a property owner along FM 1626. All present voting "Aye". MOTION PASSED

25542 [#08-4-39, 2 LOTS] RESUBDIVISION OF LOT 8 LOS RANCHOS - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-839]

Commissioner Ingalsbe declared the public hearing open. Paul Mendenhall made public comment in support of this resubdivision. Commissioner Ingalsbe closed the public hearing. RPTP Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Lot 8 Los Ranchos resubdivision. All present voting "Aye". MOTION PASSED

CONSIDER REQUEST TO ALLOW THE MEADOW WOODS SUBDIVISION TO PLACE A MARQUIS IN THE COUNTY EASEMENT [T1-894]

Commissioner Barton spoke of proposed sign. Commissioner Ford voiced her concerns in setting a precedent for other subdivisions. Special Counsel Mark Kennedy spoke of a possible license agreement. RPTP Director Jerry Borcharding spoke of the proposed sign - he will provide photos for future consideration. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow the Meadow Woods Subdivision to place a marquis in the county easement. Motions withdrawn - will reconsider next week.



25543 ACTION TO FINALIZE THE PLAN FOR PUBLIC EDUCATION/INFORMATION MATERIAL IN RELATION TO THE NOVEMBER 4, 2008 BOND AND APPROVE WORK PLAN AND AMENDED CONTRACT AMOUNT FOR ALLIANCE TRANSPORTATION GROUP [T1-1062]

Commissioner Ford provided information regarding the education campaign – proposing a tri-fold that has English and Spanish. Total cost of \$63,708. Discussion was had regarding the public education/information material in relation to the November 4, 2008 bond and the work plan. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to request Special Counsel to amend the contract with Alliance Transportation Group in the amount of \$63,708 to cover election materials and to furthermore, authorize the County Judge to execute the amended contract. All present voting "Aye". MOTION PASSED**

25544 APPROVE PURCHASE OF SPEED TABLES FOR THE ROAD DEPARTMENT FOR TRAFFIC CALMING MEASURES ON QUAIL RUN IN PRECINCT 3 [T1-1548]

RPTP Director Jerry Borcharding spoke of situation on Quail Run located off Hunter Road. Commissioner Conley spoke of the number of vehicles traveling on this road and the safety issue on a blind hill. Jerry Borcharding spoke of need to put a speed table on both sides of the hill. Commissioner Barton spoke of Meadow Woods located off CR150. Court discussed taking vehicle counts and register speeds when considering placement of speed tables. Commissioner Barton asked that the Road Department come back to the court within 90 days with a policy and criteria for consideration. [T1-2246] **A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve purchase of two speed tables in an amount not to exceed \$16,000 for traffic calming measures on Quail Run in Precinct 3. All present voting "Aye". MOTION PASSED.**

CONSIDER PURCHASE OF TWO SOLAR-POWERED RADAR SIGNS FOR THE ROAD & BRIDGE DEPT. FROM RADARSIGN, LLC IN THE AMOUNT OF \$8,546 [T1-2441]

RPTP Director Jerry Borcharding spoke of cost. He was directed by the court to obtain information for a mobile unit that would collect data.

25545 CALL FOR A PUBLIC HEARING ON SEPTEMBER 23, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON DEERWOOD DRIVE [T1-2562]

Proposed traffic regulation: YIELD sign on Deerwood Drive at Trail Driver. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to call for a public hearing on September 23, 2008 to establish traffic regulations on Deerwood Drive. All present voting "Aye". MOTION PASSED**

25546 ACTION TO ALLOW THE REMAINING HOT-MIX TONNAGE ON CONTRACT 2008-B13 BE APPLIED TO WINDY HILL ROAD [T1-2578]

RPTP Director Jerry Borcharding spoke of need for resurfacing on Windy Hill. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to allow the remaining hot-mix tonnage on contract 2008-B13 be applied to Windy Hill Road to correct problems on that roadway. All present voting "Aye". MOTION PASSED**

25547 RELEASE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY R-O-W FOR BELTERRA SUBDIVISION PHASE 3 SECTION 11A [T1-2770]

RPTP Director Jerry Borcharding gave staff recommendation to release maintenance bond and acceptance for county maintenance all roads and drainage improvements for Belterra Phase 3 Section 11A. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all road and drainage improvements within county right-of-way for Belterra Subdivision Phase 3 Section 11A. All present voting "Aye". MOTION PASSED**

25548 APPROVE THE PURCHASE OF TWO EXTENDED CAB CHEVROLET COLORADO PICK-UP TRUCKS FOR THE RESOURCE PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT FROM THE STATE BID [T1-2792]

RPTP Director Jerry Borcharding advised that the trucks will be used by the Senior Planner and Construction Manager. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve the purchase of two (2) extended cab Chevrolet Colorado pick-up trucks for the Resource Protection, Transportation and Planning Department from State bid. All present voting "Aye". MOTION PASSED**



25549 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON BEBACK INN ROAD [T1-2854]

Commissioner Ingalsbe declared the public hearing open. No public input was received and the public meeting was closed. RPTP Director, Jerry Borchering gave staff recommendation. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to establish traffic regulation of 40 MPH speed limit on Beback Inn Road. All present voting "Aye". MOTION PASSED**

25550 AUTHORIZE THE COUNTY JUDGE TO SIGN WORK AUTHORIZATION FOR KLOTZ ASSOCIATES, INC. TO CONTINUE WORK ON FM 1626 [T1-2875]

Commissioner Barton spoke of continuing work on FM1626 southern segment – the \$908,100 proposed here would be well within the \$2 million that Prime Strategies Inc. has recommended be reserved for FM1626. **A motion was made by Commissioner Barton, seconded by Commissioner Conley to authorize the County Judge to sign Work Authorization for Klotz Associates, Inc. to continue work on FM 1626. All present voting "Aye". MOTION PASSED**

Clerk's Note: Judge Sumter came to the meeting at this time and presided over the remainder of the meeting.

FINAL PUBLIC HEARING ON THE PROPOSED DEVELOPMENT REGULATIONS [T2-48]

Grant Jackson (Naismith Engineering) explained the process that has taken place for creation of the proposed development regulations. Judge Sumter declared the public hearing open. Public comment was made by David H. Glenn - retired Geological Engineer & Wimberley resident, Terry Tull - resident of Goldenwood and was on the stakeholder committee, Winton Porterfield - San Marcos resident, Henry Brooks – Rancher and resident of Dripping Springs, Charles O'Dell – stakeholder on the committee, John Dupnik – representative of Barton Springs Edwards Aquifer Conservation District, and Kyle DeHart, registered sanitarian. Judge Sumter closed the public hearing. Grant Jackson spoke of comments that have been received (approximately 40 pages) by his office. He spoke of the charette scenarios. Court agreed to hold a workshop on October 7th with presentation on results of charette, OSSF review, etc.

25551 EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING CAUSE NO. D-1-GV-07-002293, STYLED AS TRAVIS COUNTY, TEXAS AND THE STATE OF TEXAS ET AL VS. COLDWATER DEVELOPMENT, LTD., AND RODMAN EXCAVATION, INC. ET AL AND PENDING LITIGATION RELATED THERETO. POSSIBLE ACTION TO FOLLOW IN OPEN COURT [T2-3273]

The court convened into closed executive session at 4:45 P.M. and reconvened into open court at 5:20 PM

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt Resolution to exercise enforcement power authorized by Chapter 26 Subchapter H of the Texas Water Code and conforms with the requirements of Section 7.352 of the Texas Water Code. All voting "Aye". MOTION PASSED

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the expenditures of up to \$50,000 in invoices from Lowerre and Frederick, those invoices representing the remaining payments for outside legal counsel related to the Ranches at Hamilton Pool and Lowerre and Frederick's other work from Fiscal Year 2008 and come out of line item #014-145340. All present voting "Aye". MOTION PASSED



DISCUSS AND CONDUCT DEPARTMENT HEAD EVALUATIONS IN EXECUTIVE SESSION PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE. ACTION MAY FOLLOW IN OPEN COURT

The court convened into closed executive session at 5:35 P.M. and recessed at 6:30 P.M. and reconvened into executive session at 9:00 A.M. on September 10, 2008 and reconvened into open court at 9:20 A.M. No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 SEPTEMBER 9, 2008.

A handwritten signature in cursive script that reads "Linda C. Fritsche".

LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





SEPTEMBER 10, 2008

VOLUME T PAGE 865

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LIZ GONZALEZ	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

HOLD A PUBLIC HEARING ON THE PROPOSED FY2009 HAYS COUNTY BUDGET

Judge Sumter declared the public hearing opened

CONSTABLES

Constable Pct. 1 David Peterson spoke on behalf of the other Constable's and he spoke of uniform allowance – requesting that it be increased from \$30 to \$65 per month. Constable Pct. 3 Darrell Ayres spoke of increase needed because the allowance hasn't had an increase in a number of years. Deputy Constable Pct. 1 Bill Kuykendall spoke of need for paid comp time due to an illness in Constable Pct. 1's office. He asked for a \$2,500 increase in the Precinct 1 budget. Constable David Peterson spoke of need for this to be budgeted for the other Constables as well. Commissioner Conley asked if it would work to have a pool for all the Constable's to use.

SHERIFF

Sheriff Allen Bridges spoke of increasing 5 deputies and he spoke of a uniform policy. Human Resources Director Dee Dee Baen spoke of uniform allowance that is still in the draft stage but will soon be ready for the court to consider. Sheriff Bridges requested an additional \$13,000 that is needed to get everything for this year. He also spoke of need to sell a motorcycle - cap of \$12,000 for the sale of the bike. Deputy Sheriff Brad Robinson spoke of IT issues - network printer needed for \$3,500. County Auditor Bill Herzog spoke of the money coming out of this year's budget. The Sheriff spoke of trying to get all his deputies in the same uniform (ie same color shirt, pants). The Sheriff also spoke of Hurricane Ike and the effects it will have on Hays County, such as housing inmates from the coast.

COMMUNITY ACTION

Executive Director, Carol Bellburn, thanked the court for the support with the senior citizens program.

SAN MARCOS/HAYS COUNTY EMS

SM/HC EMS Director Tom Partin spoke of budget he received from City of San Marcos and Hays County. He spoke of needing \$100,000 for an additional ambulance. Commissioner Ingalsbe spoke of the cost of an ambulance and additional \$80,000 that is need to equip it. Judge Sumter spoke of taking funds from Capital Improvements to purchase a fire truck.

Judge Sumter closed the public hearing.

25552 CONSIDER RECOMMENDATIONS FROM THE SALARY GRIEVANCE COMMITTEE, PURSUANT TO CHAPTER 152 OF THE TEXAS LOCAL GOVERNMENT CODE [T1 - 999]

Judge Sumter spoke of Grievance Committee that met and unanimously voted to not increase the salaries for Justices of the Peace. The committee voted 8-1 for a raise for Hays County Treasurer Michele Tuttle. The Commissioners Court was asked to consider raising the Treasurer's pay. **A motion was made by Commissioner Conley seconded by Commissioner Ingalsbe to follow the recommendation of the grievance committee and give the County Treasurer a pay increase to \$64,000. All voting "Aye". MOTION PASSED**



25553 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY2009 [T1-1042]

Commissioner Barton advised that he will not be accepting more than a 3 percent salary increase and he will be filing an Affidavit stating the same. Commissioner Ingalsbe advised that she too will be filing an affidavit to not accept more than a 3 percent salary increase. They both stated that they are in favor of salary increases for other elected officials. Commissioner Conley spoke of getting a citizens committee to assess the elected official's salaries. Commissioner Ford spoke of need to support the vote for the elected officials. Judge Sumter spoke of last year when the Court gave elected officials a 4 ½ percent increase and only took a 2 percent increase for themselves. **A motion was made by County Judge seconded by Commissioner Ford to set the salaries and allowances for County Elected Officials for FY2009. Commissioner Conley voting "No". Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". MOTION PASSED**

25554 ADOPT THE FY2009 HAYS COUNTY BUDGET AFTER MAKING FINAL CHANGES

[T1 - 1418] **A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to take \$100,000 for San Marcos/Hays County EMS out of reserves for an ambulance. All voting "Aye". MOTION PASSED**

[T1 - 1430] **A motion was made by Judge Sumter seconded by Commissioner Ford to remove the stipulation of \$12,000 from the sale of the Harley Davidson before the Honda can be purchased for the Sheriff's Department. All voting "Aye". MOTION PASSED**

[T1 - 1818] **A motion was made by Commissioner Barton seconded by County Judge to adopt FY2009 Budget for Hays County and accept the changes presented by the County Auditor. All voting "Aye". MOTION PASSED**

25555 RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FY2009 HAYS COUNTY BUDGET [T1 - 1915]

This budget proposes to increase the total tax revenues of the county from properties on the tax roll in the preceding year by 4.19 percent. The total tax revenue raised last year at last years tax rate of \$0.4574 for each \$100 of taxable value was \$41,869,651. The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.4550 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$43,273,332. The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.4550 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$45,849,124. **A motion was made by Commissioner Barton seconded by Commissioner Ford to ratify the property tax increase reflected in the FY2009 Hays County Budget as presented by the County Auditor and posted in the newspaper. All voting "Aye". MOTION PASSED**

25556 APPROVE AN ORDER ADOPTING THE TAX RATE FOR FY2009 AND LEVY THE TAXES [T - 2000]

A motion was made by Commissioner Barton seconded by Judge Sumter to approve an order adopting a tax rate of 45.50 cents for FY2009 and levy the taxes. All voting "Aye". MOTION PASSED

General Maintenance and Operations	30.61 cents
General Debt	6.88 cents
Road and Bridge M&O	8.01 cents
TOTAL AD VALOREM TAX RATE	
FOR FISCAL YEAR 2009	45.50 cents

Court was adjourned.

I, LINDA C. FRITSCHER, 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 SEPTEMBER 10, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





SEPTEMBER 16, 2008

VOLUME T PAGE 867

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 16TH DAY OF AUGUST A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER
 JEFFERSON W. BARTON
 WILL CONLEY
 KAREN FORD
 LINDA C. FRITSCHÉ

COUNTY JUDGE
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 3
 COMMISSIONER, PCT. 4
 COUNTY CLERK

WITH COMMISSIONER PRECINCT 1 DEBBIE GONZALES INGALSBE BEING ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of silence and Commissioner Conley led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

25557 PRESENTATION AND ACTION TO FORM A CITIZEN COMMITTEE TO LOOK AT DIFFERENT LOCATIONS WITHIN THE COUNTY FOR A HAYS COUNTY SHOOTING SPORTS COMPLEX

Dr. Stephen Marlow spoke of efforts to establish a shooting sports complex in Hays County to train and educate citizens in firearm safety. He explained the programs that will be offered and he spoke of survey taken and responses to that survey. Steve Hall, Education Director for Parks & Wildlife Dept., spoke of funds available for construction of the complex from the TP&W. See website: www.Txssc.org (Texas Shooting Sports Complex). A motion was made by Commissioner Conley, seconded by Commissioner Barton to propose a Citizen Committee charged with finding a location to house the Hays County Shooting Sports Complex a multi discipline educational and safety training facility in Hays County. All present voting "Aye". MOTION PASSED

PUBLIC COMMENT

[T1-737] Charlie Johnson made public comment. [T1-799] Charles Soechting made public comment. [T1-849] Jim Green made public comment

25558 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve payments in the amount of \$1,122,882.36 for county invoices presented by the County Auditor. All present voting "Aye". MOTION PASSED

25559 APPROVAL TO AWARD RFP #2008-P15 MANAGEMENT SERVICES FOR THE COUNTY'S DEVELOPMENT BLOCK GRANT TO LANGFORD COMMUNITY DEVELOPMENT SERVICE

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve the award of RFP#2008-P15 Management Services for the County's Development Block Grant to Langford Community Development Service. All present voting "Aye". MOTION PASSED

25560 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDMENTS EXTENDING THE EXPIRATION DATES OF SUB-AWARD GRANTS WITH TEXAS STATE UNIVERSITY FOR THE COUNTY'S PARTICIPATION IN ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERT) PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to sign amendments extending the expiration dates of sub-award grants with Texas State University for the county's participation in Advanced Law Enforcement Rapid Response Training (ALERT) Program. All present voting "Aye". MOTION PASSED

25561 APPROVE RENEWAL OF ANNUAL CONTRACT FOR DR. SILVIA LINARES M.D. TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT WOMEN'S HEALTH CLINIC

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve renewal of annual contract for Dr. Silvia Linares M.D. to provide services for the Hays County Personal Health Department Women's Health Clinic. All present voting "Aye". MOTION PASSED



25562 AUTHORIZE COUNTY JUDGE TO EXECUTE CONTRACT FOR UP TO \$15,619.00 FROM THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE TITLE V PRENATAL PROGRAM

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to execute a contract for up to \$15,619.00 from the Department of State Health Services for the Title V Prenatal Program. All present voting "Aye". MOTION PASSED

25563 APPROVE AND AWARD BID #2008-B20 EMULSION OILS TO P2 EMULSIONS

A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve and award Bid #2008-B20 Emulsion Oils to P2 Emulsions. All present voting "Aye". MOTION PASSED

25564 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT AWARD FROM THE GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION FOR \$20,278 FOR THE SHERIFF'S SCHOOL RESOURCE OFFICER IN THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT [T1-805]

A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to accept Grant Award from the Governor's Office, Criminal Justice Division for \$20,278 for the Sheriff's School Resource Officer in the Wimberley Independent School District. All present voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #9 RE: ALLOW THE COUNTY JUDGE TO SIGN A RESOLUTION CERTIFYING THAT HAYS COUNTY HAS MADE A GRANT TO COMBINED COMMUNITY ACTION, INC. AND HAS APPROVED THE ORGANIZATION'S ACCOUNTING SYSTEM, AS REQUIRED FOR COMBINED COMMUNITY ACTION TO APPLY FOR GRANT FUNDS FROM THE TEXAS DEPARTMENT OF AGRICULTURE, HOME-DELIVERED MEAL GRANT PROGRAM was PULLED.

25565 ADOPT THE ELECTION DAY POLLING SITES FOR NOVEMBER 4, 2008, GENERAL ELECTION, HAYS COUNTY BOND ELECTION AND ADOPTION ELECTION [T 1-943]

Elections Administrator Joyce Cowan presented the proposed polling sites for the General Election to be held on November 4, 2008. A motion was made by Commissioner Conley, seconded by Judge Sumter to adopt the Election Day polling sites for November 4, 2008, General Election, Hays County Bond Election and Adoption Election as presented by the Elections Administrator. All present voting "Aye". MOTION PASSED

25566 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO JOINT ELECTION AGREEMENTS BETWEEN THE POLITICAL SUBDIVISIONS HOLDING SPECIAL ELECTION ON NOVEMBER 4, 2008, WITH HAYS COUNTY [T1-1038]

Elections Administrator Joyce Cowan advised that the political subdivisions holding elections are the City of San Marcos, Wimberley ISD, Hays County MUD#6, and City of Austin. A motion was made by Commissioner Conley, seconded by Commissioner Ford to authorize the County Judge to enter into joint election agreements between the political subdivisions holding special election on November 4, 2008 with Hays County. All present voting "Aye". MOTION PASSED

PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF ALL INDIVIDUAL DEPARTMENT HEADS

Court convened into closed executive session at 10:15 A.M. and ended that session at 11:50. The court reconvened into open court at 1:00 P.M. No action was taken

25567 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR THE FY2008 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) [T1-1112]

A motion was made by Judge Sumter, seconded by Commissioner Barton to authorize the County Judge to execute a contract with the Office of the Governor, Division of Emergency Management for the FY2008 Emergency Management Performance Grant (EMPG). All present voting "Aye". MOTION PASSED



25568 EXTEND THE LOCAL DISASTER DECLARATION EXECUTED BY THE COUNTY JUDGE ON OR ABOUT THE 10TH OF SEPTEMBER, 2008 [T1-1134]

A motion was made by Judge Sumter, seconded by Commissioner Conley to extend the Local Disaster Declaration executed by the County Judge on or about the 10th of September, 2008 until removed by the Court. All present voting "Aye". MOTION PASSED

25569 APPROVE THE PAYMENT OF COMP TIME FOR HUMAN RESOURCES DEPARTMENT PERSONNEL [T1-1169]

Human Resources Director Dee Dee Baen spoke of law that states that anything over 240 hours of comp time must be paid. A motion was made by Judge Sumter, seconded by Commissioner Barton to approve the payment of comp time for the Human Resources Department Personnel. All present voting "Aye". MOTION PASSED

25570 APPROVE THE CIVIC CENTER MAINTENANCE WORKER TO WORK IN EXCESS OF THE BUDGETED 29 HOURS PER WEEK [T1-1265]

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve the Civic Center maintenance worker to work in excess of the budgeted 29 hours per week. All present voting "Aye". MOTION PASSED

25571 APPROVE \$500 TO PAY DOWN OVERTIME TO CONSTABLE DEPUTIES PCT 1 FROM SALARY SAVINGS AND ALLOW THE DEPUTIES TO EXCEED THE 120 HOUR COMP TIME CAP FOR FY08 AND TO USE THE \$2,500 FROM FY09 TO PAY REMAINDER OF COMP TIME [T 1-1275]

Constable Pct. 1 David Peterson spoke of accumulated comp time for Deputies in his office. Discussion was had regarding the \$2500 that was requested and approved for comp time at the budget hearing. Commissioner Ford stated that she would agree to approve \$159.49 to be added to the \$2,500 that was approved in FY09. [T1-1872] A motion was made by Commissioner Ford, seconded by Judge Sumter to approve \$500 to pay down overtime to Constable Deputies from salary savings and allow the deputies to exceed the 120 hour comp time cap for FY08 and to use the \$2500 from FY09 to pay remainder of comp time. All present voting "Aye". MOTION PASSED

25572 APPROVE THE PURCHASE OF LAPTOPS FROM INFORMATION TECHNOLOGY DEPT BUDGET [T1-1936]

IT Director Jeff Magill spoke of need for 5 laptops for the court plus 2 for the auditor's office. A motion was made by Judge Sumter, seconded by Commissioner Ford to approve the purchase of seven laptops in an amount not to exceed \$9,000 from line item 01-456-5712. Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

DISCUSSION REGARDING THE CONTENT FOR AN INFORMATIONAL HAYS COUNTY WEBSITE AND/OR PRINTED MATERIAL FOR THE ROAD BOND PACKAGE [T1-2140]

Jim Harvey, Alliance Transportation, provided information for the Hays County website and printed material for the road bond package. A powerpoint presentation will be part of the information packet and amendments were made to that document. Changes will be made and brought back for the Court's approval.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 SEPTEMBER 16, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23RD DAY OF SEPTEMBER , 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
GINA ISLAS MENDOZA	DEPUTY COUNTY CLERK

WITH COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Randy Bryan, Fellowship of San Marcos Church, gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PUBLIC COMMENTS

Charlie Johnson made a public comment.

25573 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve payment of county invoices in the amount of \$276,264.60 as presented by the County Auditor. All present voting "Aye". MOTION PASSED

25574 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 3, 2008; SEPTEMBER 9, 2008; SEPTEMBER 10, 2008; AND SEPTEMBER 16, 2008

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Commissioner Court Minutes of September 3, 2008; September 9, 2008; September 10, 2008; and September 16, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25575 APPROVE A COMMERCIAL ON SITE SEWAGE FACILITY PERMIT FOR ANDY THOMPSON (FS DEVELOPMENT) FOR AN OFFICE/WAREHOUSE LOCATED AT 241 WELDON JOHNSTON WAY IN KYLE

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve a commercial on-site sewage facility permit for Andy Thompson (FS Development) for an office/warehouse located at 241 Weldon Johnston Way in Kyle. All present voting "Aye". MOTION PASSED

25576 APPROVE UTILITY PERMIT #01975

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Utility Permit #01975 on CR136/Stagecoach Road issued to Westar Construction Inc. All present voting "Aye". MOTION PASSED

25577 APPROVE BUDGET AMENDMENT 08-23 FOR GENERAL FUND

Budget Amendment 08-23 increases the budgets of Indigent Care (\$87,000), Transfer Station (\$30,000), Civic Center (\$18,000), Jail (\$135,500), and Animal Control (\$66,875) for items unable to balance within those department from the countywide insurance and maintenance line items. A motion was made by Commissioner Barton, seconded by Judge Sumter to approve Budget Amendment 08-23 for General Fund. All present voting "Aye". MOTION PASSED

25578 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR A REGIONAL AUTO THEFT ENFORCEMENT TASK FORCE; AND TO ACKNOWLEDGE THE DISTRICT ATTORNEY'S AUTHORITY TO EXECUTE THE "SPECIAL CONDITION-DISTRICT ATTORNEY CONTRACT" AS PART OF THE AGREEMENT

A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute an interlocal assistance agreement for a Regional Auto Theft Enforcement Task Force; and th acknowledge the District Attorney's authority to execute the "Special Condition=District Attorney Contract" as part of the agreement. All present voting "Aye". MOTION PASSED



25579 APPROVE AN INTERLOCAL COOPERATION AGREEMENT FOR ASSESSMENT AND COLLECTION OF TAXES WITH THE SUNFIELD MUNICIPAL UTILITY DISTRICT NUMBERS 2 & 3

A motion was made by Commissioner Barton, seconded by Judge Sumter to approve an Interlocal Cooperation Agreement for Assessment and Collection of Taxes with the Sunfield Municipal Utility District Numbers 2 & 3. All present voting "Aye". MOTION PASSED

25580 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON VESPER LANE [T1-63]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation to establish a stop sign on Vesper Lane at Clear Lake Drive and a speed limit of 20 MPH. A motion was made by Commissioner Conley, seconded by Judge Sumter to establish traffic regulations of a STOP sign on Vesper Lane at Clear Lake Drive and a speed limit of 20 mph on Vesper Lane. All present voting "Aye". MOTION PASSED

25581 [#08-4-14] DEER CREEK RANCH SECTION 1 BLOCK A RESUBDIVISION OF LOT 11A-R - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-76]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. This is a 6.3 acre tract that is being resubdivided into 2 tracts (4.1 acres & 2.2 acres). Subdivision Coordinator Clint Garza gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat of Deer Creek Ranch Section 1 Block A Resubdivision of Lot 11A-R. All present voting "Aye". MOTION PASSED

25582 [#08-3-34, 2 LOTS] RESUBDIVISION OF LOT 48 BRIDLE WOOD RANCHES SECTION 3 -APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON OCTOBER 14, 2008 [T1-94]

This is a 43.18 acre lot which will be divided into 2 lots (20.005 acres and 23.160 acres). There is a variance request to eliminate the need for a benchmark limiting the owner to no development in the floodplain and a request to eliminate need to establish base flood elevation. Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Conley seconded by Commissioner Ford to approve preliminary plan on Resubdivision of Lot 48 Bridle Wood Ranches Section 3 and call for a public hearing on October 14, 2008 All present voting "Aye". MOTION PASSED

25583 [#08-3-46, 2 LOTS] RESUBDIVISION OF LOT 2 HYDE SUBDIVISION - APPROVE PRELIMINARY PLAN AND CALL FOR A PUBLIC HEARING ON OCTOBER 14, 2008

[T1 - 153] This is a 9.92 acre lot being divided in to 2 lots (4.92 acres & 5.00 acres) - both lots are to have water service from LCRA. Subdivision Coordinator Clint Garza gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve preliminary plan on Resubdivision of Lot 2 Hyde Subdivision and call for a public hearing on October 14, 2008 All present voting "Aye". MOTION PASSED

25584 AUTHORIZE THE COUNTY JUDGE TO SIGN A RESOLUTION CERTIFYING THAT HAYS COUNTY HAS MADE A GRANT TO COMBINED COMMUNITY ACTION, INC. AND HAS APPROVED THE ORGANIZATION'S ACCOUNTING SYSTEM, AS REQUIRED FOR COMBINED COMMUNITY ACTION TO APPLY FOR GRANT FUNDS FROM THE TEXAS DEPARTMENT OF AGRICULTURE, HOME-DELIVERED MEAL GRANT PROGRAM [T1 - 170]

Grants Administrator Jeff Hauff, Special Counsel Mark Kennedy, and County Auditor Bill Herzog spoke. Commissioner Barton asked that the record reflect that court approval is based on the judgment of the court, not the County Auditor, and the courts interaction with CCA Inc., their program and their outside audits. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to sign a resolution certifying that Hays County has made a grant to Combined Community Action, Inc. and has approved the Organization's accounting system, as required for Combined Community Action to apply for Grant Funds from the Texas Department of Agriculture, Home-Delivered Meal Grant Program. All present voting "Aye". MOTION PASSED



25585 RATIFY THE COUNTY JUDGE TO EXECUTE A HAYS COUNTY PURCHASE CONTRACT TO JJJN PARTNERSHIP, LTD BY ITS MEMBER, NYM BARKER FOR RIGHT-OF-WAY ACQUISITION ON MCCARTY LANE [T1-256]

A motion was made by Judge Sumter, seconded by Commissioner Barton to ratify the County Judge to execute a Hays County Purchase Contract to JJJN Partnership, Ltd by its member, Nym Barker for Right-of-Way acquisition on McCarty Lane. All present voting "Aye". MOTION PASSED

25586 AWARD A CONTRACT TO BEVIS PEST CONTROL FOR \$9,000.00 TO PROVIDE TERMITE PEST CONTROL AT THE ANNEX BUILDING [T1-288]

A motion was made by Judge Sumter, seconded by Commissioner Barton to award a contract to Bevis Pest Control for \$9,000.00 to provide termite pest control at the Annex Building. All present voting "Aye". MOTION PASSED

25587 APPROVE AN EXPENDITURE OF \$5,650.00 TO TED BREIHAN ELECTRIC COMPANY [T1-385]

No purchase order was obtained for this expenditure (work done at new IT Dept. location) and it exceeded the amount authorized by the Court. County Auditor recommends amending the budget and transfer funds from the Precinct 2 relocation line item. A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve an expenditure of \$5,650.00 to Ted Breihan Electric Company. All present voting "Aye". MOTION PASSED

25588 APPROVE A RESOLUTION REGARDING APPROVAL OF BONDS FOR SAN MARCOS HEALTH CARE PROPERTIES, INC. PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE [T1-514]

A motion was made by Judge Sumter, seconded by Commissioner Barton to approve a resolution regarding approval of Bonds for San Marcos Health Care Properties, Inc. pursuant to Section 147 (f) of the Internal Revenue Code. All present voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE PURCHASE OR VALUE OF REAL PROPERTY CURRENTLY OWNED BY MR. IRV WOOLSEY AT 1671 RANCH ROAD 3237, WIMBERLEY, TEXAS 78676. POSSIBLE ACTION TO FOLLOW IN OPEN COURT

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS THE POSSIBLE ACQUISITION OF THE DAHLSTROM RANCH AND FUNDING OPTIONS. DISCUSSION AND ACTION IN OPEN COURT MAY FOLLOW. BARTON

[T1-562] Court convened into closed executive sessions at 9:34 A.M. and reconvened into open court at 10:50 P.M. No discussion and no action was taken in open court.

25589 ACTION REGARDING APPROVAL OF CONTENT/DELIVERY SYSTEMS FOR HAYS COUNTY'S PUBLIC INFORMATION EFFORT FOR NOVEMBER 2008 ROAD BOND

[T1-564] The court reviewed the latest version of informational materials. [T1-1543] A Motion was made by Judge Sumter, seconded by Commissioner Barton to authorize Commissioner Ford to give approval for final product that will be mailed out for Hays County's public information effort for the November 2008 Road Bond. All present voting "Aye". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 SEPTEMBER 23, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





SEPTEMBER 30, 2008

VOLUME T PAGE 873

STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 30TH DAY OF SEPTEMBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Mike Schlimgen of Solid Rock Church gave the invocation and Commissioner Ingalsbe led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

25590 APPROVE A PROCLAMATION DECLARING OCTOBER 7TH AS NATIONAL NIGHT OUT [T1-50]

Deputy Sheriff Pam Robinson spoke of events being held. A motion was made by Judge Sumter, seconded by Commissioner Conley to approve a Proclamation declaring October 7th as National Night Out. All voting "Aye". MOTION PASSED

25591 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 585,147.52 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25592 APPROVE COMMISSIONER COURT MINUTES OF SEPTEMBER 23, 2008

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of September 23, 2008. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25593 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Utility Permits #01980 on Mt. Oliver Road and Red Sky Road issued to PEC, #01981 on Francis Harris Lane issued to PEC, and #01983 on Old Bastrop Highway issued to Crystal Clear Water Supply. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25594 APPROVE BUDGET AMENDMENT #08-24 FOR THE GENERAL FUND, PARK FUND, LAW LIBRARY & HAYS COUNTY I & S

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-24 for the General Fund, Park Fund, Law Library Fund and Hays County I&S as proposed by the Auditor's office. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25595 AUTHORIZE A COMMERCIAL ON SITE SEWAGE FACILITY PERMIT FOR KEN CHRISTOPHER FOR AN OFFICE BUILDING LOCATED AT 3975 EAST HWY 290, DRIPPING SPRINGS, IN PRECINCT 4

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe authorize a Commercial on Site Sewage Facility Permit for Ken Christopher for an office building located at 3975 East Hwy. 290, Dripping Springs, in Precinct 4. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED



25596 APPROVE A DRIVEWAY VARIANCE AT 350 JENNIFER LANE IN ROLLING OAKS SUBDIVISION [T1-128]

RPTP Director Jerry Borcharding gave staff recommendation for approval. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve a driveway variance at 350 Jennifer Lane in Rolling Oaks. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25597 ACCEPT FISCAL SURETY IN THE AMOUNT OF THIRTY-FIVE THOUSAND, ONE HUNDRED AND ELEVEN DOLLARS IN UNITED STATES CURRENCY (\$35,111.00 USD) FOR CONSTRUCTION OF A SEWER FORCE MAIN IN SAWYER RANCH ROAD IN HAYS COUNTY, WHICH IS RELATED TO COMMERCIAL DEVELOPMENT AT THE SHOPS AT HIGHPOINTE [T1-150]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to accept fiscal surety in the amount of 35,111 for construction of a sewer force main in Sawyer Ranch Road in Hays County, which is related to commercial development at the Shops at Highpointe. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25598 AUTHORIZE THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT TO PROVIDE FLU SHOTS TO HAYS COUNTY EMPLOYEES, INSURED RETIREES, AND DEPENDENTS WHO ARE COVERED BY HAYS COUNTY HEALTH INSURANCE AT NO COST [T1-160]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the Hays County Personal Health Department to provide flu shots to Hays County Employees, Insured retirees, and dependents who are covered by Hays County Health Insurance at no cost. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley not present to vote. MOTION PASSED

25599 AUTHORIZE THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA RELATING TO THE REGULATION OF SUBDIVISION PLATS AND RELATED PERMITS IN THE CITY'S ETJ AS REQUIRED BY HB 1445, 77TH LEGISLATURE (2001), CODIFIED AT CHAPTER 242 OF THE LOCAL GOVERNMENT CODE [T1-215]

Special Counsel Mark Kennedy spoke of agreements with cities relating to subdivision plats – they will collect fees for the county. Changes will need to be made when the new county regulations are adopted. He spoke of Article 3 (pg 4) and Section K. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to sign an Interlocal Agreement with the City of Buda relating to the regulation of Subdivision plats and related permits in the City's ETJ as required by HB 1445, 77th Legislature (2001), codified at Chapter 242 of the Local Government Code. All voting "Aye". MOTION PASSED

25600 AUTHORIZE PRIME STRATEGIES, INC. AND COMMISSIONER BARTON TO WORK WITH SPECIAL COUNSEL'S OFFICE TO PREPARE CONTRACTS WITH A TEAM LED BY LOPEZGARCIA GROUP/URS, AND A TEAM LED BY CP&Y, INC., FOR PROFESSIONAL ENGINEERING SERVICES ON THOSE PORTIONS OF THE PASS THROUGH FINANCING PARTNERSHIP ROADS KNOWN AS INTERSTATE 35 PHASE 2A AND PHASE 2B [T1-352]

Commissioner Barton advised that 17 responses were received from the RFQ. The committee recommends dividing it into at least two projects: Phase 2A (FM150 realignment) – Professional Team led by LopezGarcia Ground and Phase 2B (Southbound frontage roads and related work) – Professional Team led by CP&Y. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Prime Strategies, Inc. and Commissioner Barton to work with Special Counsel's office to prepare contracts with a team led by LopezGarcia Group/URS, and a team led by CPY, Inc. for professional engineering services on those portions of the Pass Through Financing partnership roads known as Interstate 35 Phase 2A and Phase 2B and accept the committee's recommendation. All voting "Aye". MOTION PASSED



25601 AUTHORIZE COMMISSIONER FORD TO APPROVE MINOR CHANGE ORDERS REGARDING CONSTRUCTION OF THE NEW PCT. 4 BUILDING [T 1-650]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to authorize Commissioner Ford to approve minor change orders regarding construction of the new Pct. 4 building not to exceed a total amount of \$10,000. All voting "Aye". MOTION PASSED

25602 APPROVE UNBUDGETED, OWNER-RELATED COSTS FOR NEW PCT. 4 OFFICE BUILDING [T1-973]

Commissioner Ford requested the following: Knox Box (equipment only) - \$418, B Alert Security Systems = \$1347, and E. R. Floyd Telephone = \$2324. A motion was made by Commissioner Conley, seconded by Commissioner Ford to approve unbudgeted, owner-related costs for new Pct. 4 office building as requested. All voting "Aye". MOTION PASSED

25603 ACTION TO SUBMIT HAYS COUNTY PASS-THROUGH AND PRIORITY ROAD PROJECTS AS STIPULATED IN THE '08 ROAD BOND PROPOSITION FOR INCLUSION IN THE CAPITAL AREA METROPOLITAN TRANSPORTATION ORGANIZATION'S (CAMPO) 2010 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) [T1-1068]

A motion was made by Commissioner Ford, seconded by Judge Sumter to submit Hays County Pass Through and priority road projects as stipulated in the '08 Road Bond proposition for inclusion in the Capital Area Metropolitan Transportation Organization's (CAMPO) 2010 Transportation Improvement program (TIP). All voting "Aye". MOTION PASSED

25604 ADOPT RESOLUTION REGARDING APPROVAL OF BONDS FOR ADVENTIST HEALTH SYSTEM/SUNBELT PURSUANT TO SECTION 147 (F) OF THE INTERNAL REVENUE CODE [T1-1140]

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Resolution approval of Bonds for Adventist Health System/Sunbelt pursuant to Section 147(f) of the Internal Revenue Code. All voting "Aye". MOTION PASSED

DISCUSSION TO ALLOW DRIPPING SPRINGS YOUTH SPORTS ASSOCIATION (DSYSA) TO COME BEFORE CPAT AND/OR COURT TO HAVE ITS URGENT NEEDS REQUEST HEARD AND CONSIDERED [T1-1150]

Clint Giles spoke representing the Dripping Springs Youth Sports spoke of improvements needed to Founders Park in Dripping Springs. Request is for \$266,919 to complete construction and sod establishment. James Murray, Dripping Springs Youth Sports Association Treasurer, spoke. Discussion was had to have this request go through CPAT before court action. Commissioner Ford advised that she will continue to advocate that this organization receive funds. No action was taken.

25605 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS THE POSSIBLE ACQUISITION OF THE DAHLSTROM RANCH AND FUNDING OPTIONS. RESOLUTION ADOPTED IN OPEN COURT [T1-2488]

Clerk's Note: Closed executive session was not held. The following discussion was had in open court: Commissioner Barton spoke of this item coming before the court last fall. The Barton Springs Edwards Aquifer Conservation District has concluded that the ranch is a premier uplands recharge area with water quality features and educational value. Hill Country Conservancy and the City of Austin have agreed to contribute more than \$5 million. LCRA donated park planning and designed a prospective trails plan, estimated at \$375,000, for the portion of the ranch that will be open to public access. Funding partners now include the Dahlstrom family (approx. \$10 million), Hill Country Conservancy (\$4 million), and the City of Austin (\$1 million plus staff time, scientists, and appraisal). This leaves \$4.9 million for the County, plus an additional \$375,000 for trails. The family plans to donate materials for a parking lot and trails. CPAT has since reviewed the details and given their recommendation with a high score. There is also support from a number of local government and civic organizations. A powerpoint presentation was given by representative of Braun & Associates. Julie Jenkins and George Cofer (Exec. Director of Hill Country Conservancy) spoke in support of this project. [T2-222] A motion was made by Commissioner Barton, seconded by Judge Sumter to adopt resolution declaring the county's interest and intent to co-purchase and co-hold a conservation easement on the Dahlstrom Ranch, negotiate a final contract with the partners based on the proposed terms and conditions, including \$4.9 million from the county's park bond fund for the purchase of the easement and at least \$350,000 for trails planning and enhancement. All voting "Aye". MOTION PASSED



25606 WORKSHOP REGARDING APPOINTMENT OF A CITIZENS COMMITTEE TO REVIEW PAY FOR ELECTED OFFICIALS, TO IDENTIFY SCOPE OF REVIEW, SCHEDULE AND DUTIES AND DISCUSS OTHER RELATED ISSUES OF A COMMUNICATIONS OFFICER - WITH ACTION [T2-452]

Human Resources Director Dee Dee Baen spoke of creating a citizens committee to review pay for elected officials and she presented a Letter of Agreement for professional services to develop elected official compensation plan was submitted by Ray Associates Inc. Committee members would be selected from school districts, cities, chamber of commerce, and employees from various local employers throughout the county. Discussion was had regarding process for selecting members of the committee. [T1-1346] **A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the Human Resource Director to assemble an advisory committee of citizens to study and make recommendation on elected official pay in Hays County said committee to consist of 2 people drawn at random from the Hays County Grand Jury Pool, 1 person from school districts, and 1 person from the 5 largest cities in the county and 1 from Texas State University, 1 from the larger employers in Hays County – to be determined by Human Resources in consultation with 5 members of court, and 1 person from small business to be designated from Chamber of Commerce drawn at random. Committee to be submitted to consultant for independent review to make sure it is balanced across demographic and geographic lines. The seven member committee will have no more than three members of the committee to be from any one precinct. All voting "Aye". MOTION PASSED**

[T2-1453] **A motion was made by Commissioner Barton, seconded by Judge Sumter to ask Human Resources and Special Counsel Mark Kennedy to prepare a contract based on RFQ presented today and ask Ray Associates to appear before the court next week and post an agenda item so that we can hire them for professional services if the court decides after interviewing them.**

Human Resources Director Dee Dee Baen spoke regarding the PIO/Communications Director. She provided a copy of the "Communications Manager" position at the City of San Marcos, "Public Information Specialist" at Texas State University, "Public Information Officer" position at Williamson County, and "Public Information Specialist" at the City of Austin. Commissioner Conley and Judge Sumter left the meeting during this discussion.

DISCUSSION OF REQUEST FROM COMMUNICARE TO CO-LOCATE WITH HAYS COUNTY HEALTH DEPARTMENT [T2-2218]

Herb Dyer (VP-Seton Medical Center) spoke to the court and presented a copy of the agenda and minutes from the Hays County ICC Committee meeting held August 20, 2008. Bobbi Ryder (CEO National Center for Farmworkers Health) spoke of original plans to co-locate in the Hays County Health Department space – she withdrew that request because they have located another space near the hospital (CTMC). Debbora Thompson (CEO – Communicare Health Centers) spoke. Erica Swanholm, Texas Association of Community Health Centers Spoke. Nick IcoSSIPentarios made public comment. Priscilla Hargraves (Hays County Interim Health Director) spoke of concerns at the health department – request for services have increased – she welcomed the opportunity to refer services to Communicare and in turn receive referrals to the county health department from them. Herb Dyer spoke of demand for services in Hays County – he advised the county health department employees that were present that there was no intent to take over the county clinic. Margie Rodriguez (Indigent Health Care) spoke of indigents that will be served (Hays, Guadalupe, Comal & Caldwell counties). Debbora Thompson spoke of funding and services to be provided – they will be serving medicare patients. Discussion was had between health department employees and Communicare representatives. Commissioner Barton spoke of health study (by Seton) taking place at this time in Hays County and need for health care services. Commissioner Ford spoke of open lines of communication that have started. Dr. Ray Jacobson spoke. Bobbi Ryder spoke of original plan was for two clinics (San Marcos and Kyle) – numbers were not strong enough in Kyle – plan was then to open the second location in northern Hays County within one year. Gary Jepson (CTMC) spoke of number of uninsured citizens (25%) in the county and the state and he spoke of number of people who are going to the emergency room for non-emergency services. He spoke of primary care physicians being in favor of incoming services and he spoke of expansion at the hospital.

25607 APPROVE CHANGE ORDER REQUEST FOR VARIOUS ITEMS (CREDITS AND DEBITS) FOR PRECINCT 4 NEW OFFICE BUILDING [T1-732]

Change Order: Eliminate restroom hand dryers in 4 restrooms - \$1406; revise restroom wall & floor tile manufacturer - \$203; revised electrical work in accordance with CODS Code Reviewer + \$1308; add alarm system to exterior condensing units (watchdog warning system) + \$1576; eliminate the unnecessary fire dampers and associated electrical work - \$1154; add wiring, boxes, conduits, supports for six future ceiling fans + \$2041; relocation of window "J" from Sheriff to Constable's office + \$1308; and add fire alarm system +\$21,628. [T3-585] Commissioner Ford advised that she spoke with Fire Marshal Mark Chambers regarding the fire alarm system. She advised that she will remove the watchdog warning system at this time (\$1576) and will take a second look at the fire alarm system. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve change order request for various items (credits and debits) for precinct 4 new office building in the amount of \$23,522. All present voting "Aye". MOTION PASSED**



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25608 AMEND CONTRACT WITH SANDRA TASSEL/TPL WITH REGARD TO DEVELOPMENT OF POLICIES AND PROCEDURES TO FURTHER GUIDE THE PARKS AND OPEN SPACE BOND INVESTMENT AND TO UPDATE OR REVISE THE HAYS COUNTY PARKS AND OPEN SPACE MASTER PLAN [T3-673]

Commissioner Ford spoke of next steps: (1) Choosing a local landmark project. (2) Development of ranking criteria for recreation projects. (3) Refinement of CPAT roles and responsibilities, committee work. Review and develop BMPs for citizens groups and may include revisions/updates to county's Master Plan. (4) Explore examples and strategies for county to own, manage, steward parks and open space. (5) Develop guidelines for small grants program for park bond funds. Recommends paying Sandra Tassel a consultant fee at the rate of \$80 per hour not to exceed \$10,000 (125 hours) plus travel expenses, if any. **A motion was made by Commissioner Ford, seconded by Commissioner Barton to amend contract with Sandra Tassel/TPL with regard to development of policies and procedures to further guide the parks and open space bond investment and to update or revise the Hays County Parks and Open Space Master Plan in an amount not to exceed \$10,000 to be paid out of 2007 park bond funds. All present voting "Aye". MOTION PASSED**

[T3 - 823] Court convened into closed executive session at 5:03 P.M. and reconvened into open court at 7:00 P.M.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, L.L.C. VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

EXECUTIVE SESSION PURSUANT TO 551.074, OF THE TEXAS GOVERNMENT CODE, TO DISCUSS PERSONNEL MATTERS INVOLVING EVALUATION OF INDIVIDUAL DEPARTMENT HEADS

No action was taken.

Court was adjourned.

I, LINDA C. FRITSCHKE, 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 SEPTEMBER 30, 2008.



Linda C. Fritsche

 LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7TH DAY OF OCTOBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

WITH COMMISSIONER PRECINCT 3 WILL CONLEY ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton led the court in a moment of silence/recognition and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

PRESENTATION OF THE TAC GOLD STAR SAFETY AWARD [T1-27]

Human Resources Director Dee Dee Baen introduced Larry Boccacio and Victor Ubalde from the Texas Association of Counties and they presented the county with a TAC Gold Star Safety Award. They spoke of savings of \$250,000 for the county. County Safety Officer Abel Velasquez spoke.

25609 PRESENTATION BY RAY ASSOCIATES, INC. TO INTRODUCE FIRM AND REVIEW SCOPE OF PROJECT FOR EVALUATION OF ELECTED OFFICIAL PAY [T1-117]

Kathryn Ray (Ray Associates Inc.) spoke of professional services they provide to develop elected officials compensation plans. She spoke of methodology, schedule, products, and cost. Working with the Human Resource's Office will keep the cost to \$10,000 for professional service hours. Discussion was had regarding inclusion of a citizens committee in the process. This service would be funded out of the consultant line item and salaries would be a consideration for FY2010 budget. **A motion was made by Commissioner Barton, seconded by Commissioner Ford to select Ray Associates to work with Human Resources Department and a citizens committee to evaluate and make recommendation on elected official pay and based on qualifications that we waive any requirement for multiple quotes based on a one time bases and authorize the County Judge to sign a contract with Ray Associates based on today's presentation. All present voting "Aye". MOTION PASSED**

PUBLIC COMMENT

[T1-396] Charlie Johnson made public comment.

25610 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,646,710.78 as presented by the County Auditor. All present voting "Aye". **MOTION PASSED**

25611 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 30, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioners Court Minutes of September 30, 2008. All present voting "Aye". **MOTION PASSED**

25612 APPROVE RESOLUTION TO AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR \$67,100.00

This is a formula grant available annually to the County to assist in the implementation of the provisions of the Fair Defense Act and the improvement of indigent criminal defense services. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve resolution to authorize the County Judge to submit a grant application to the Texas Task Force on Indigent Defense for \$67,100.00. All present voting "Aye". MOTION PASSED**



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- 25613 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT WITH LANGFORD COMMUNITY MANAGEMENT SERVICES IN THE AMOUNT OF \$30,000 FOR PROJECT MANAGEMENT FOR THE CEDAR OAKS MESA WATER SYSTEM IMPROVEMENT PROJECT, FUNDED UNDER A GRANT FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

On July 29, 2008 the Commissioners Court accepted a grant of \$250,000 from the Office of Rural Community Affairs, Texas Community Development Block Grant program for water system improvements for the Cedar Oaks Mesa Water Supply Corp (WSC), serving approximately 300 lots in the Campfire No. 2 subdivision near Wimberley. Matching funds of \$25,000 are provided through the Cedar Oak Mesa WSC. Management services were awarded to Langford Community Management Services on September 16, 2008 and action is needed to formally execute the contract for this grant project. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute contract with Langford Community Management Services in the amount of \$30,000 for Project Management for the Cedar Oaks Mesa Water System Improvement Project, funded under a grant from the office of Rural Community Affairs, Texas Community Development Block Grant Program. All present voting "Aye". MOTION PASSED**

- 25614 APPROVE OUT OF STATE TRAVEL FOR SERGEANT ON SWAT TEAM**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve out of state travel for Sheriff's Department Sergeant on SWAT Team to attend training in Tennessee. All present voting "Aye". **MOTION PASSED**

- 25615 APPROVE BUDGET AMENDMENT #08-25 FOR GENERAL FUND**

\$100,000 budget transfer from County-wide Operations for Court appointed Attorneys in the County Court (\$25,000) and District Court (\$75,000). **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Budget Amendment #08-25 for General Fund. All present voting "Aye". MOTION PASSED**

- 25616 APPROVE UTILITY PERMITS #01979 & #01982**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Utility Permits #01979 on Canyon Wren and Longspur issued to P.E.C. and #01982 on Chaparral Road issued to Crane Homebuilders as submitted by the Road Department. All present voting "Aye". **MOTION PASSED**

- 25617 APPROVE RENEWAL OF CONTRACT FOR DR. SARAH RODRIGUEZ, M.D. TO PROVIDE SERVICES FOR THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT FAMILY CLINIC PRO BONO (WITHOUT PAY)**

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of contract for Dr. Sarah Rodriguez M.D. to provide services for the Hays County Personal Health Department Family Clinic Pro Bond (without pay) for services to be provided from September 1, 2008 through August 31, 2009. All present voting "Aye". **MOTION PASSED**

- 25618 APPROVE CONTRACT FOR MR. JOHN CARSON, R.PH TO PROVIDE PHARMACY SERVICES TO HAYS COUNTY PERSONAL HEALTH DEPARTMENT**

The current Pharmacist had to resign his contractual position due to health issues. John Carson will provide services from the date of approval of this contract through August 31,2009. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve contract for John Carson R.PH to the Hays County Personal Health Department. All present voting "Aye". MOTION PASSED**

- 25619 APPROVE PURCHASE OF TWO RADAR SIGNS FOR THE ROAD & BRIDGE DEPT. FROM SPEEDMINDER RADAR TECHNOLOGY, LLC IN THE AMOUNT OF \$4,546 [T1-448]**

RPTP Director Jerry Borcharding spoke of previous approval of this item in FY08 – he needs to get approval from FY09 budget. These are mobile units that can be transported throughout the county and data can be exported for traffic studies. **A motion was made by Commissioner Barton, seconded by Judge Sumter to approve the purchase of two radar signs for the Road & Bridge Department from Speedminder Radar Technology LLC in the amount of \$4,546 to be paid out of line item 03-438-5714 (road equipment line item). All present voting "Aye". MOTION PASSED**



25620 [#03-4-089, 123 LOTS] – **RIM ROCK PHASE 3 SECTION 3 – APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY IN THE AMOUNT OF \$41,490.19 FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS** [T 1-499]

There are 122 single family residential lots and 1 Commercial Park – total acreage is 174 acres with 159 lot acreage. Water utility services will be provided by the Greenhawe WCID #2 and all lots are limited to the use of Class I OSSFs. Dripping Springs City Council approved the final plat on June 12, 2007. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety in the amount of \$41,490.19 for re-vegetation of the street and drainage improvements for Rim Rock Phase 3 Section 3. All present voting "Aye". MOTION PASSED**

25621 **CALL FOR A PUBLIC HEARING ON OCTOBER 21, 2008 TO ESTABLISH TRAFFIC REGULATIONS ON WREN HAVEN DRIVE** [T1-536]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on October 21, 2008 to establish traffic regulations of "No Parking" signs on Wren Haven Drive. All present voting "Aye". MOTION PASSED

25622 **ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK SUBDIVISION, PHASE 3, SECTION 3** [T1-548]

RPTP Director Jerry Borchering gave staff recommendation for acceptance. The Road Department has inspected and approved the improvements. Maintenance bond is in the amount of \$237,428.99 for a period of two years. **A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and accept maintenance bond for two years for "Rim Rock Subdivision Phase 3 Section 3". All present voting "Aye". MOTION PASSED**

25623 [#08-3-34, 14 LOTS] – **CONSTELLATION SUBDIVISION – APPROVE PRELIMINARY PLAN AND GRANT VARIANCE FROM HAYS COUNTY ROAD STANDARDS** [T1-567]

This is a 14 lot subdivision (12 residential lots and 2 common areas). Lots will be served by individual rainwater collection systems and individual OSSFs. Variance request is to allow a country lane (50' R-O-W) instead of a local street (60' R-O-W). Diego Alcazar, Managing Director of Constellation Development LLC spoke. EMC Jeff Turner spoke of concerns regarding water availability in this area. Subdivision Coordinator Clint Garza gave staff recommendation for approval. **A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to approve preliminary plan and grant variance to Hays County road standards for "Constellation Subdivision". All present voting "Aye". MOTION PASSED**

25624 **ACTION TO ACTIVATE BURN BAN** [T1-869]

Carroll Czichos appeared on behalf of Fire Marshal Mark Chambers and spoke in support of activating the burn ban. He advised that the KBI goes from 680 to 746 and the main is 549. **A motion was made by Judge Sumter, seconded by Commissioner Ford to activate the Burn Ban based on possibility of eminent threat of wildfire. All present voting "Aye". MOTION PASSED**

25625 **APPROVE THE RESALE OF PROPERTY KNOWN AS LOT 9 BLOCK 34 SECOND SECTION OF VICTORY GARDENS, HELD IN TRUST** [T1-912]

Tax Assessor/Collector Luanne Caraway advised that the San Marcos CISD and City of San Marcos have approved the resale of this lot being held in trust. Action is needed to put this property back on the tax roll. Adjudged value is \$2,340 with a bid offer of \$1,000. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the resale of property known as Lot 9 Block 34 Second Section of Victory Gardens held in trust. All present voting "Aye". MOTION PASSED**

25626 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH MUSCO SPORTS LIGHTING, LLC FOR THE MANUFACTURE AND INSTALLATION OF SOCCER FIELD LIGHTING AT FIVE MILE DAM PARK** [T1-932]

Grants Administrator Jeff Hauff spoke of Five Mile Dam Park complex. Two of the 10 soccer fields will be lighted under the current phase of the work. MUSCO will manufacture and install six light poles with controls and Westar will provide electrical service to the poles and control devices. Total cost is \$137,855 with a grant from the U.S. Soccer Foundation of \$50,000 for a total due to MUSCO of \$87,855. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to execute an Agreement with Musco Sports Lighting LLC for the Manufacture and installation of soccer field lighting at Five Mile Dam Park. All present voting "Aye". MOTION PASSED**



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25627 AUTHORIZE COUNTY JUDGE TO EXECUTE AGREEMENT WITH FUGRO IN THE AMOUNT OF \$5,000 FOR THE MATERIALS TESTING SERVICES FOR 5-MILE DAM PARK [T1-994]

Grants Administrator Jeff Hauff explained. A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute an agreement with Fugro in the amount of \$5,000 for the materials testing services for Five Mile Dam Park. All present voting "Aye". MOTION PASSED

25628 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$4,500 TO THE TEXAS SECRETARY OF STATE UNDER THE HELP AMERICA VOTE ACT PROGRAM [T1-1016]

Grant funds of up to \$4500 are to be requested from the Texas Secretary of State under the HAVA program to provide interpreter services for the visually impaired to provide assistance during the early voting period. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application for up to \$4,500 to the Texas Secretary of State under the Help America Vote Act Program. All present voting "Aye". MOTION PASSED

25629 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A DEVELOPMENT AGREEMENT WITH 2428 PARTNERS, L.P. REGARDING THE REALIGNMENT OF CR 118 AND MATTERS RELATED THERETO [T1-1028]

Commissioner Barton spoke of this being in the Sunfield MUD area. Developer requested consideration of realignment and improvement of CR118 as part of its overall site plan. Proposal is to abandon the old segment of CR118 and convey that property to developer who will construct and dedicate a new segment of CR118 that is proposed to be called Fire Cracker Drive. [T1-1096] Mike Boswell explained the proposal. Special Counsel Mark Kennedy spoke of change in date of interlocal agreement with City of Buda (1445 agreement) which is changed to October 7, 2008. A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the County Judge to execute a Development Agreement with 2428 Partners LP regarding the realignment of CR 118 and matters related thereto. All present voting "Aye". MOTION PASSED

25630 AUTHORIZE THE COUNTY JUDGE TO SIGN A NOTICE OF RATE CHANGE AGREEMENT WITH THE CITY OF BUDA RELATING TO THE MONTHLY AMOUNT DUE FOR LAW ENFORCEMENT SERVICES PROVIDED BY THE SHERIFF'S OFFICE TO THE CITY OF BUDA PURSUANT TO A PRIOR INTERLOCAL AGREEMENT [T1-1283]

In 2007, the City of Buda and the Hays County Sheriff's Dept. entered into an interlocal agreement whereby the City of Buda agreed to pay a monthly rate to Hays County for certain law enforcement services provided by the Sheriff's Department. Commissioner Barton spoke of amendment to that agreement that was discussed during the budget process. Deputy Sheriff Capt. Bo Kidd spoke of additional cost of services: from \$31,300 to \$35,373. A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to sign a Notice of Rate Change Agreement with the City of Buda raising to the monthly amount due for Law Enforcement services provided by the Sheriff's Office to the City of Buda pursuant to a prior Interlocal Agreement. All present voting "Aye". MOTION PASSED

25631 PROVIDE GRANT FUNDS TO DRIPPING SPRINGS YOUTH SPORTS ASSOCIATION (DSYSA) FOR THE TIMELY COMPLETION OF GAME QUALITY BALL FIELDS AT FOUNDERS PARK IN DRIPPING SPRINGS [T1-1369]

Carl Owens (Swimberley Inc.) spoke. Commissioner Ford spoke of DSYSA taking this matter before CPAT and CPAT recommended that DSYSA should bring this matter before the Court. CPAT is still honoring the moratorium. Commissioner Barton spoke of why he will oppose approval at this time. It was stated by Commissioner Barton and Commissioner Ingalsbe that this consideration is outside of the process and moratorium at this time. It was felt that this is a worthy project. Commissioner Barton spoke of projects in his precinct that he has delayed because of the moratorium. A motion was made by Commissioner Ford, seconded by Judge Sumter to provide grant funds to Dripping Springs Youth Sports Association (DSYSA) for the timely completion of game quality ball fields at Founders Park in Dripping Springs in the amount of \$266,919 to be paid out of 2007 Bonds for Parks and Open Space. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED



25632 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HRM CONSULTANTS, INC. FOR RIGHT-OF-WAY SERVICES ON IH 35 [T1-1947]

On July 22, 2008 the Court authorized Commissioner Barton and Commissioner Ingalsbe to negotiate with one of the pre-selected ROW firms on the State Pass Through list and prepare a contract for ROW work on IH35 and related projects. Judge Sumter requested that she be allowed to also sign off on the invoices or receive a monthly report. She would like to receive notices (Page 10 Section E) and receive a copy of work authorizations (Pg 5 Section B). County Auditor Bill Herzog spoke of need to have an auditing clause. **A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Professional Services Agreement with HRM Consultants, Inc. for R-O-W services on IH 35 provided that Special Counsel add a paragraph giving the County audit ability on timesheets and add requirement for notice to the County Judge's Office and that the County Judge receive copies of changes as discussed this date. All present voting "Aye". MOTION PASSED**

25633 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CIVIC CENTER LEASE AGREEMENT WITH TEXAS STATE RALLY, INC. THAT MODIFIES THE STANDARD LEASE FORM FOR THE CIVIC CENTER; AND TO PERMANENTLY MODIFYING THE LEASE FORM FOR FUTURE EVENTS AT THE CIVIC CENTER [T1-2566]

Special Counsel Mark Kennedy spoke of replacing the unilateral indemnity clause for all liability with a mutual indemnity clause limited to negligence. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to authorize the County Judge to execute a Civic Center Lease Agreement with Texas State Rally, Inc. that modifies the standard lease form for the Civic Center; and to permanently modify the lease form for future events at the Civic Center. All voting "Aye". MOTION PASSED**

25634 ACTION TO WAIVE OSSF PERMIT FEES FOR THE PACTO CON DIOS MINISTRIES

[T1-2663] The amount to be waived is the \$650 fee [\$500 for permit + \$150 review fee] – the State fee of \$10 will be paid. Pacto Con Dios Ministries is a non-profit 501c# organization/church. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to waive OSSF permit fees for The Pacto Con Dios Ministries. All present voting "Aye". MOTION PASSED**

25635 ADOPT A RESOLUTION IN SUPPORT OF THE TEXAS RAIL RELOCATION AND IMPROVEMENT FUND [T1-2689]

Commissioner Ingalsbe spoke of train traffic through Hays County. The resolution calls for pass-through freight traffic to be relocated outside heavily-populated areas of urban Texas, whereby relieving traffic congestion, improving freight movement mobility and removing hazardous materials from these areas, thus improving the economy and quality of life in Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to adopt a resolution in support of the Texas Rail Relocation and Improvement Fund. All present voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE, REGARDING THK, LLC VS. HAYS COUNTY AND PENDING LITIGATION RELATED THERETO

[T1-2959] Court convened into closed executive session at 11:50 a.m. and ended that session at 12:05 p.m. No action was taken. Court recessed for lunch and reconvened into open meeting at 1:30 p.m.

PRESENTATION OF ARCHITECTS ON THE JAIL FACILITIES [T1-2981]

Presentation was given by Winginton Hooker Jeffry Architects regarding their goals, team overview, consultant team, and cost factors. The following appeared and/or spoke: Don Greer, Jim Winginton, Don Olson, and Steve Ramsay.

Presentation was given by Wayne Gondeck, Registered Architect and President of DRG Architects, PLLC and Gary Adams of Adams & Associates, Planner & Consultant, regarding their jail experience, renovation/addition design, similar projects, special projects, multiple building systems, construction delivery methods, budgets/cost controls, Hays County site/plan, and ability to meet Hays County's needs.

[T2-1438] Presentation was given by Terry Julian and Kenneth C. Burns of Burns Architecture Inc. regarding their experience, Texas projects, and what they will do for Hays County.

[T2-2297] Presentation was given by Armand Fisher of AF Architects regarding their experience, Montgomery County Jail, Adair County Oklahoma Jail, Parker County Jail, Hays County site and plan study.

[T2-3187] Committee made some site visits: Bell County Facility (WHJ) – looked at a DRG facility, Aransas County (Burns facility), Parker County (AF). Deputy Sheriff Brad Robbins advised that they liked the Bell County facility the best.



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Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 OCOTOBER 7, 2008.

A handwritten signature in cursive script that reads "Linda C. Fritsche".

LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF OCTOBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton asked for a moment of silence and led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

25636 ADOPT A PROCLAMATION DECLARING THE WEEK OF OCTOBER 18 - 24, 2008 AS "RED RIBBON WEEK" IN HAYS COUNTY [T1-44]

Sue Cohen and student representatives from Hernandez Intermediate School appeared before the court and spoke of events to be held during the Red Ribbon Week. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to adopt a Proclamation declaring the week of October 18 - 24, 2008 as "Red Ribbon Week" in Hays County. All voting "Aye". MOTION PASSED

VETERAN SERVICES DEPARTMENTAL PRESENTATION [T1-125]

Veterans Service Officer Tom Tvrdik spoke of duties of Veterans Services Officer and of the office. He spoke of services available to veterans of the Iraq War.

25637 ACCEPT LETTER OF RESIGNATION FROM PRECINCT 5 JUSTICE OF THE PEACE, LAMONT RAMAGE, EFFECTIVE MIDNIGHT DEC 31, 2008 AND APPOINT TOMMY RATLIFF AS HIS REPLACEMENT, EFFECTIVE JAN 1, 2009, AS PROVIDED FOR UNDER SECTION 87.041, TEXAS LOCAL GOVERNMENT CODE [T1-257]

Commissioner Barton spoke of resignation of JP5 Lamont Ramage and he spoke of Judge Ramage's involvement in his community. He recommended appointment of Tommy Ratliff, former Texas Ranger. JP2 Beth Smith and Sheriff Allen Bridges spoke in support of this appointment. Judge Ramage spoke in support of this appointment and thanked the court for their support over the years. Tommy Ratliff thanked the court for their support. Members of the court thanked Judge Ramage and welcomed Tommy Ratliff. A motion was made by Commissioner Barton, seconded by Judge Sumter to accept a letter of resignation from Precinct 5 Justice of the Peace Lamont Ramage, effective midnight December 31st, 2008, and to appoint Tommy Ratliff effective January 1, 2009, as provided for under Section 87.041, Texas Local Government Code. All voting "Aye". MOTION PASSED

PUBLIC COMMENT

[T1-502] Charlie Johnson made public comment regarding job surveys. Bob Kidnew invited the court to a 30th birthday party for Texas Lehigh Cement on October 25th from 10:00 a.m. until 2:00 p.m.

25638 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payment of county invoices in the amount of \$ 705,950.95 as presented by the County Auditor. All voting "Aye". MOTION PASSED

25639 APPROVE COMMISSIONERS COURT MINUTES OF OCTOBER 7, 2008

Commissioner Ford requested amendment to Resolution #25623 regarding variance to road standards: Variance was to allow 18 feet of paved surface on a 60 foot dedicated right-of-way. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioners Court Minutes of October 7, 2008 as amended. All voting "Aye". MOTION PASSED



25640 APPROVE SPECIFICATIONS FOR BID #2009-B02 "POLICE MOTORCYCLES FOR HAYS COUNTY SHERIFF'S DEPARTMENT" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid #2009-B02 "Police Motorcycles for Hays County Sheriff's Department" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25641 APPROVE SPECIFICATIONS FOR BID #2009-B03 "TRACTOR & SIDE MOUNT MOWER FOR HAYS COUNTY ROAD DEPARTMENT" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid #2009-B03 "Tractor & Side Mount Mower for Hays County Road Department" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25642 APPROVE RENEWAL OF FIRE ALARM AGREEMENT WITH METROPLEX CONTROL SYSTEMS, INC. FOR THE HAYS COUNTY JUVENILE DETENTION CENTER IN THE AMOUNT OF \$2,240.00 FOR ONE YEAR AND AUTHORIZE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve renewal of fire alarm agreement with Metroplex Control Systems, Inc. for the Hays County Juvenile Detention Center in the amount of \$2,240.00 for one year and authorized County Judge to execute same. All voting "Aye". MOTION PASSED

25643 APPROVE SPECIFICATIONS FOR BID #2009-B01 "ROAD BUILDING MATERIALS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for Bid #2009-B01 "Road Building Materials" and authorize Purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

25644 APPROVAL TO HOLD ON-LINE AUCTION WITH RENE BATES AUCTIONEERS FOR AUCTION OF THREE (3) MOSQUITO FOGGING MACHINES

Amended to read "three" fogging machines instead of "two" as show on the agenda. A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve holding an on-line auction with Rene Bates Auctioneers for auction of three (3) Mosquito Fogging Machines. All voting "Aye". MOTION PASSED

25645 AUTHORIZE COUNTY JUDGE TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH GOMILLION KESTER ZIMMERMAN, INC. FOR ARCHITECTURAL SERVICES FOR THE PROPOSED CLASSROOM BUILDING AT 2250 CLOVIS BARKER, WHERE THE JUVENILE DETENTION CENTER IS LOCATED

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize County Judge to execute professional services agreement with Gomillion Kester Zimmerman Inc. for architectural services for the proposed classroom building at 2250 Clovis Barker, where the Juvenile Detention Center is located. All voting "Aye". MOTION PASSED

25646 APPROVE UTILITY PERMITS #01984 & #01985

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Utility Permit #01985 on CR205/Dacy Lane issued to Goforth Water Supply and #01984 on Darden Hill Road issued to Time Warner Cable as submitted by the Road Department. All voting "Aye". MOTION PASSED



25647 APPROVE RECOMMENDATION FROM THE BUILDING COMMITTEE TO SELECT PSI TO PERFORM GEOTECHNICAL SERVICES FOR THE HAYS COUNTY GOVERNMENT OFFICE COMPLEX

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve recommendation from the Building Committee to select PSI to perform geotechnical services for the Hays County Government Office Complex. All voting "Aye". MOTION PASSED

25648 AUTHORIZE A COMMERCIAL ON SITE SEWAGE FACILITY PERMIT FOR JAMES BAILEY TO SERVE TWO OFFICE/WAREHOUSE BUILDINGS LOCATED AT 13477 FITZHUGH RD., AUSTIN, TX IN PRECINCT 4

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize a commercial on-site sewage facility permit for James Bailey to serve two office/warehouse buildings located at 13477 Fitzhugh Road, Austin, Texas in Precinct 4. All voting "Aye". MOTION PASSED

25649 APPROVE CANCELLATION OF COMMISSIONERS' COURT ON NOVEMBER 4, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve cancellation of Commissioners Court on November 4, 2008. All voting "Aye". MOTION PASSED

25650 CALL FOR A PUBLIC HEARING ON OCTOBER 28, 2008 TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION, PH 3 SEC 3 [T1-650]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to call for a public hearing on October 28, 2008 to establish traffic regulations in Rim Rock Subdivision Ph 3 Sec 3. All voting "Aye". MOTION PASSED

25651 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CR 158 FOR OCTOBER 28, 2008 [T1-660]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to call for a public hearing to establish traffic regulations (speed limit) on CR 158 for October 28, 2008. All voting "Aye". MOTION PASSED

25652 MODIFY THE HAYS COUNTY FLOOD DAMAGE PREVENTION ORDER, LAST MODIFIED ON OR ABOUT JULY 19, 2005 [T1-675]

Special Counsel Mark Kennedy spoke of error found in the current order. He recommended the following: Delete Article III, Section A entirely and replace it with "This Hays County Flood Damage Prevention Order shall apply to all unincorporated areas of Hays County, Texas, including but not limited to areas of special flood hazard." Steven Kuhns and Gernot Burmetster spoke in opposition to a proposed Verizon tower location. Discussion was had regarding possible process for appeal from area property owners – this would require an additional modification to the Order. Camilla Hughes, Melody Kuhns, and Don Rogers spoke in opposition to the Verizon tower location. Brock Bailey, Attorney for Verizon Wireless, spoke of process and rules that have been followed. A motion was made by Commissioner Ford, seconded by Judge Sumter to modify the Hays County Flood Damage Prevention Order, as recommended by Special Counsel, last modified on or about July 19, 2005. All voting "Aye". MOTION PASSED

25653 [#08-3-34, 2 LOTS] RESUBDIVISION OF LOT 48 BRIDLE WOOD RANCHES SECTION 3 – PUBLIC HEARING AND APPROVE FINAL PLAT AND GRANT VARIANCE FROM COUNTY FLOOD DAMAGE PREVENTION ORDER [T1-1648]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for approval. Variances are: (1) To eliminate the need for a benchmark on this replat limiting the owner to no development in the flood plain ;(2) To eliminate need to establish base flood elevation due to floodplain being contained within an easement. A motion was made by Commissioner Conley, seconded by Judge Sumter to approve final plat and variances from County Flood Damage Prevention Order for Resubdivision of Lot 48 Bridle Wood Ranches Section 3. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #18 RE: 00-4-071 RIM ROCK PHASE 1 SECTION 4 (123 LOTS) – APPROVE FINAL PLAT & ACCEPT FISCAL SURETY IN THE AMOUNT OF \$16,782.70 FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS was PULLED.



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25654 [#08-3-46, 2 LOTS] **RESUBDIVISION OF LOT 2 HYDE SUBDIVISION – PUBLIC HEARING AND APPROVAL OF FINAL PLAT** [T1-1717]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve final plat of Resubdivision of Lot 2 Hyde Subdivision. All voting "Aye". MOTION PASSED**

25655 **AUTHORIZE THE COUNTY JUDGE TO SIGN SUPPLEMENTAL WORK AUTHORIZATION NO. 1 WITH REGARD TO WORK ORDER #1 FOR HNTB IN REGARDS TO RE-ALIGNMENT OF OAK BRANCH DRIVE AND NUTTY BROWN ROAD** [T1-1739]

A motion was made by Commissioner Ford, seconded by Judge Sumter to authorize the County Judge to sign supplemental Work Authorization No. 1 with regard to WO #1 for HNTB in regards to re-alignment of Oak Branch Drive and Nutty Brown Road. All voting "Aye". MOTION PASSED

25656 **WAIVE DEVELOPMENT FEES FOR THE WIMBERLEY VALLEY HABITAT FOR HUMANITY** [T1-1775]

Janelle Delany, Office Manager for Woodcreek Property Owners Association, spoke of work done by the Wimberley Valley Habitat for Humanity organization. **A motion was made by Commissioner Conley, seconded by Judge Sumter to waive development fees for the Wimberley Valley Habitat for Humanity. All voting "Aye". MOTION PASSED**

25657 **APPROVE THE COUNTY HOLIDAYS FOR CALENDAR YEAR 2009** [T1-1854]

Commissioner Ingalsbe spoke of recommended change being to replace the personal day with a holiday on January 2, 2009. **A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to approve the County Holidays for Calendar Year 2009. All voting "Aye". MOTION PASSED**

25658 **TOUR AND UPDATE OF CONSTRUCTION ACTIVITIES AT FIVE-MILE DAM PARK WITH ACTION** [T1-1930]

Court took a bus tour out to the Five-Mile Dam Park. Grants Administrator Jeff Hauff spoke of Phase I that is currently in progress. Parks Director Jerry Pinnix spoke of possible amendment to the park ordinance to allow motors (NTE 2.5 hp/5 hp). Discussion was had regarding a boat ramp and park hours. Jerry Pinnix spoke of full-time county employee at the park and possibility of an interlocal agreement with the City of San Marcos for park ordinance enforcement. RTP Director Jerry Borcharding spoke of building a wall and steps at the existing boat ramp area. Discussion was had regarding requirement of motorized boat motors in accepting grant funding. [T1-2442] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to turn down boat ramp grant funds from Texas Parks & Wildlife. All voting "Aye". MOTION PASSED**

DEVELOPMENT REGULATIONS WORKSHOP AND DISCUSSION [T1-2660]

Grant Jackson (Naismith Engineering) spoke of OSSF setbacks. Chief Sanitarian Tom Pope spoke of problem with smaller lots – could create a lot which is not buildable. Discussion was had regarding State setbacks and proposed setbacks and problems with existing lots. Discussed health and safety issues. Grant Jackson went through the "Takings Impact Assessment" [Tab 1], various scenarios considered at the charrette, hydrology summary, etc. Primary issue was water availability. Commissioner Barton left the meeting at this time. Grant Jackson spoke of recommended changes: require building 1 foot above floodplain, registering driveways at Commissioners offices, and enforcement. Court agreed to requiring buildings to be 1 foot above floodplain. RTP Director Jerry Borcharding spoke of enforcement – he will need at least four additional people. Discussion was had regarding publication of required notices.

Court was adjourned.

I, LINDA C. FRITSCHÉ, 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 14, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHÉ, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21ST DAY OF OCTOBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and Commissioner Ford led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Commissioner Ingalsbe was not present at this time.

25659 ADOPT A PROCLAMATION DECLARING OCTOBER 26, 2008 AS LIVESTRONG CHALLENGE DAY IN HAYS COUNTY

A motion was made by Commissioner Ford, seconded by Judge Sumter to adopt a Proclamation declaring October 26, 2008 as Livestrong Challenge Day in Hays County. All present voting "Aye". MOTION PASSED

Commissioner Ingalsbe came to the meeting at this time.

PARK/TRANSFER STATION DEPARTMENTAL PRESENTATION TO THE COURT BY JERRY PINNIX

Parks Director Jerry Pinnix spoke of property that was purchased for parkland next to the Dudley Johnson Park and Randall Vettters Park. The City of San Marcos is a partner in the project which will provide soccer fields. Phase 1 is currently 60% completed. Jerry Pinnix spoke of recycling throughout the county. He spoke of household hazardous waste disposal event that was held along with the City of San Marcos.

25660 AUTHORIZE THE ELECTIONS OFFICE TO INCREASE THE PAY OF ELECTION WORKERS [T1-340]

Elections Administrator Joyce Cowan requested increase in pay for election workers. A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the Election Office to increase the pay of election workers as follows: \$10 per hour for Early Voting Clerks, Central Count Workers and Election Day Judges, \$900 per hour for Alternate Judges, and \$8.00 per hour for Election Clerks. All voting "Aye". MOTION PASSED

Clerk's Note: Agenda Item #14 RE: {08-3-51 - 18 LOTS} MUSTANG VALLEY SUBDIVISION SECTION 1 APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY IN THE AMOUNT OF \$301,424.01, FOR STREET AND DRAINAGE IMPROVEMENTS was PULLED.

Clerk's Note: Agenda Item #15 RE: {08-3-52 - 4 LOTS} MUSTANG VALLEY SUBDIVISION SECTION 3 - APPROVE FINAL PLAT was PULLED.

PUBLIC COMMENTS

[T1-445] David Glenn and Jim McMeans made public comment regarding water availability in the Mustang Valley Subdivision. Jack Hollon (Hays Trinity Groundwater Conservation District) and David Baker (Executive Director of the Wimberley Valley Watershed Association) made public comment regarding water availability study for the Mustang Valley Subdivision. Commissioner Conley spoke of reasons for pulling Mustang Valley Subdivision action this date. A process is needed when there is a difference of opinion between scientists.

25661 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested the addition of invoice in the amount of \$266,919 for the Dripping Springs Youth Sports Association. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve county invoices in the amount of \$659,105.14 plus additional invoice in the amount of \$266,919 as presented by the County Auditor. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED



25662 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 14, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve Commissioner Court Minutes of October 14, 2008 as presented by the County Clerk Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25663 APPROVE SPECIFICATIONS FOR BID #2009-B04 "METAL PIPE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve specifications for Bid #2009-B04 "Metal Pipe" and authorize purchasing to solicit for bid and advertise. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25664 APPROVE UTILITY PERMITS ON TOM GREEN SCHOOL ROAD, GREEN MEADOWS DRIVE, AND OLD GOFORTH ROAD

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve utility permit #01989 on Tom Green School Road to Verizon Wimberley; permit #01990 on Green Meadows Drive to Verizon Wimberley; permit #01986 on Old Goforth Road to Verizon Wimberley. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25665 APPROVE CANCELLATION OF COMMISSIONERS COURT ON NOVEMBER 11, 2008

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve cancellation of Commissioners Court on November 11, 2008. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25666 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A QUIT CLAIM DEED FOR PROPERTY ON WAYSIDE DRIVE

During the early 90's a bond road program acquired property along Wayside Drive. One parcel seems to have never changed ownership. Action by the Court to accept this Quit Claim Deed will properly assign ownership of this property to the County and will remove the parcel from the tax roles. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to authorize the County Judge to execute a Quit Claim Deed for property on Wayside Drive. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

25667 APPROVE PURCHASE OF COURTROOM FURNITURE USING FUNDS FROM COUNTY-WIDE OFFICE EQUIPMENT

Purchase of courtroom chairs was intended from FY 2008 funds; however, delivery of chairs was not made until after fiscal year end 9/30/08. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to approve purchase of courtroom furniture using funds from county-wide office equipment. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford and Judge Sumter voting "Aye". Commissioner Conley voting "No". MOTION PASSED

Clerk's Note: Agenda Item #6 RE: APPROVE SPECIFICATIONS FOR RFQ #2009-P01 "ENGINEERING SERVICES FOR CONSTRUCTION OF TURN LANES ON BEEBEE ROAD AND DACY LANE" AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE was PULLED.

25668 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON WREN HAVEN DRIVE [T1-807]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borchering gave staff recommendation for "No Parking" signs on either side of Wren Haven Drive. A motion was made by Commissioner Ford, seconded by Commissioner Conley to establish traffic regulations of "No Parking" signs on either side of Wren Haven Drive. All voting "Aye". MOTION PASSED



25669 (00-4-071 - 68 LOTS) RIM ROCK PHASE 1 SECTION 4 - APPROVE FINAL PLAT ACCEPT FISCAL SURETY IN THE AMOUNT OF \$16,782.70 FOR RE-VEGETATION OF THE STREET AND DRAINAGE IMPROVEMENTS [T1-827]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. Phase 1 Section 4 consists of 68 single family residential lots. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve final plat and accept fiscal surety in the amount of \$16,782.70 for re-vegetation of the street and drainage improvements for Rim Rock Phase 1 Section 4. All voting "Aye". MOTION PASSED

25670 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF THE MAINTENANCE BOND FOR TWO YEARS FOR RIM ROCK SUBDIVISION PHASE 1 SECTION 4 [T1-870]

Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation. A motion was made by Commissioner Ford, seconded by Judge Sumter to accept road construction and drainage improvements and acceptance of the maintenance bond in the amount of \$141,894.30 for two years for Rim Rock Subdivision Phase 1 Section 4. All voting "Aye". MOTION PASSED

25671 ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND A CENTER FOR DOMESTIC PREPAREDNESS COURSE IN ANISTON, ALABAMA [T1-908]

Emergency Management Coordinator Jeff Turner spoke of there being no cost to the county for this training. A motion was made by Judge Sumter, seconded by Commissioner Conley to allow out of state travel for Jeff Turner Emergency Management Coordinator to attend a Center for Domestic Preparedness Course in Aniston, Alabama. All voting "Aye". MOTION PASSED

25672 ALLOW OUT OF STATE TRAVEL FOR JEFF TURNER, EMERGENCY MANAGEMENT COORDINATOR, TO ATTEND EMERGENCY MANAGEMENT INSTITUTE COURSE E915: IEMC: HOMELAND SECURITY PREP. & RESP. [T1-1006]

Emergency Management Coordinator Jeff Turner spoke of changes in the date from March 23-26, 2009 to March 2-5, 2009 and location from Emmitsburg Maryland to Aniston Alabama. A motion was made by Judge Sumter, seconded by Commissioner Ford to allow out of state travel for Jeff Turner Emergency Management Coordinator to attend Emergency Management Institute Course E915: IEMC: Homeland Security Prep. & Resp. on March 2-5, 2009 in Anniston Alabama. All voting "Aye". MOTION PASSED

25673 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AND MAINTENANCE AGREEMENT WITH PITNEY BOWES FOR A 3-STATION D1380 LETTER FOLDER/INSERTER FOR USE IN THE HAYS COUNTY TAX ASSESSOR/COLLECTOR'S OFFICE [T1-1103]

A motion was made by Judge Sumter, seconded by Commissioner Ford to authorize the County Judge to execute a Lease and Maintenance Agreement with Pitney Bowes for a 3-Station D1380 letter folder/inserters for use in the Hays County Tax Assessor/Collector's Office. All voting "Aye". MOTION PASSED

25674 RATIFY THE EXECUTION OF A NOTICE OF INTENT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER TPDES GENERAL PERMIT BY JERRY PINNIX, AS HAYS COUNTY PARKS ADMINISTRATOR [T1-1120]

Parks Administrator Jerry Pinnix spoke of 5-Mile Dam Park Project and need for him to have permission to sign the notice and makes him the contact person. A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to ratify the execution of a Notice of Intent for storm water discharges associated with construction activity under TPDES general permit by Jerry Pinnix as Hays County Parks Administrator. All voting "Aye". MOTION PASSED



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25675 (08-4-50 - 1 LOT) HURLBUT RANCH WEST TRACT 23 - APPROVE CONVEYANCE OF A PORTION OF TRACT 23 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, AS A VARIANCE TO PLATTING, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-1200]

Subdivision Coordinator Clint Garza gave history of illegal division of this property. Commissioner Ford spoke of current owners not being aware of the illegal subdivision and their request to approve conveyance of a portion of Tract 23 via a metes and bounds description without revision of the plat. Commissioner Conley and Commissioner Ingalsbe spoke of issues like this in their precincts. Sally Staudt spoke of Hurlbut Ranch West being conveyed by metes and bounds and there being no bearings on the recorded plat. Commissioner Ingalsbe and Commissioner Barton spoke of court requiring platting of Martinez property. Commissioner Ingalsbe spoke of need for consistency in these situations. Judge Sumter spoke of need for more information to see if there is a way to get these subdivisions in compliance. Special Counsel Mark Kennedy spoke of adding language to the motion to allow any additional permits to be granted. **A motion was made by Commissioner Ford, seconded by Commissioner Conley to approve conveyance of a portion of Tract 23 via a metes and bounds description without revision of the plat, as a variance to platting, pursuant to Section 232.010 of the Texas Local Government Code and to treat this property as a legal tract for future permitting. Commissioner Barton, Commissioner Conley, and Commissioner Ford voting "Aye". Commissioner Ingalsbe and Judge Sumter voting "No". MOTION PASSED**

Court was adjourned.

I, LINDA C. FRITSCHER, 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 21, 2008.



Linda C. Fritsche
 LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
 CLERK OF THE COMMISSIONERS' COURT OF
 HAYS COUNTY, TEXAS



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 28TH DAY OF OCTOBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Barton gave the invocation and led the court in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order. Commissioner Conley was not present at the beginning of the meeting.

Clerk's Note: Agenda Item #1 RE: ADOPT A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2008 HOME CARE AND HOSPICE MONTH was PULLED.

25676 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested addition of invoice in the amount of \$6,000 to AMG Printing for postage for tax statements and \$89,440.97 to SAM Inc. for surveying work on FM1626. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 899,408.54, with the addition of \$6,000 to AMG Printing and \$89,440.97 to SAM Inc., as recommended by the County Auditor. All present voting "Aye". MOTION PASSED

25677 APPROVE COMMISSIONER COURT MINUTES OF OCTOBER 21, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Commissioner Court Minutes of October 21, 2008 as presented by the County Clerk. All present voting "Aye". MOTION PASSED

25678 APPROVE RENEWAL OF BID #2007-B01 A/C AND HEATING SERVICES COUNTYWIDE WITH AVATT SERVICES INC. FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Bid #2007-B01 A/C and heating services countywide with Avatt Services Inc. for one (1) additional year as provided in original bid. All present voting "Aye". MOTION PASSED

25679 APPROVE RENEWAL OF BID #2007-B08 BRUSH CUTTING AND OTHER SERVICES WITH ASPLUNDH TREE EXPERT COMPANY FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL BID

All terms and conditions remain unchanged and in full force and effect as provided in the original bid. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve renewal of Bid #2007-B08 Brush Cutting and Other Services" with Asplundh Tree Expert Company for one (1) additional year as provided in the original bid. All present voting "Aye". MOTION PASSED

25680 APPROVAL TO PURCHASE REPLACEMENT OF 20' FLOOR MACHINE IN THE AMOUNT OF \$995.00 AND AMEND BUDGET ACCORDINGLY

Requires a budget amendment to transfer \$995 from line item 17-473-5241 to 17-473-5719. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase replacement of 20" floor machine in the amount of \$995.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED



25681 APPROVE PURCHASE OF A ROLL-A-WAY TABLE WITH BENCHES FOR THE JUVENILE DETENTION CENTER IN THE AMOUNT OF \$3,945.00 AND AMEND THE BUDGET ACCORDINGLY

Requires a budget amendment to transfer \$3,945 from line item 17-473-5232 to line item 17-473-5719. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase of a roll-a-way table with benches for the Juvenile Detention Center in the amount of \$3,945.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

25682 APPROVE PURCHASE OF A CAGE FOR TRANSPORT VAN FOR JUVENILE DETENTION CENTER IN THE AMOUNT OF \$600.00 AND AMEND THE BUDGET ACCORDINGLY

Requires a budget amendment to transfer \$600 from line item 17-473-5412 to line item 17-473-5719. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve purchase of a cage for transport van for Juvenile Detention Center in the amount of \$600.00 and amend the budget accordingly. All present voting "Aye". MOTION PASSED

25683 APPROVE SPECIFICATIONS FOR BID #2009-B05 "LIGHTBARS/SHERIFF DEPARTMENT POLICE VEHICLES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve specifications for bid #2009-B05 "Lightbars/Sheriff Department Police Vehicles" and authorize purchasing to solicit for bid and advertise. All present voting "Aye". MOTION PASSED

25684 AUTHORIZE COUNTY JUDGE TO SIGN THE RENEWAL CONTRACT BETWEEN HAYS COUNTY AND INDIGENT HEALTHCARE SOLUTIONS (IHS)

This contract is renewed every two years for software to bill, process claims, and maintain records on current and prior clients. Contract period is December 1, 2008 through December 1, 2010. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize County Judge to sign the renewal contract between Hays County and Indigent Healthcare Solutions (IHS). All present voting "Aye". MOTION PASSED

25685 APPROVE AND AUTHORIZE COUNTY JUDGE TO EXECUTE A COPIER CONTRACT WITH IKON OFFICE SOLUTIONS

This contract is for the copier located in the County Court at Law office. A non-appropriation form is being added to the contract. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve and authorize the County Judge to execute a copier contract, with addition of Non-appropriation form, with IKON Office Solutions. All present voting "Aye". MOTION PASSED

25686 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON CR 158 [T1-66]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection and Transportation Planning Director Jerry Borcharding gave staff recommendation to lower the speed limit from 45 mph to 35 mph on this narrow 2 lane road with no shoulders. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Ford to establish traffic regulation lowering the speed limit from 45 MPH to 35 MPH on CR 158. All present voting "Aye". MOTION PASSED

Commissioner Conley came to the meeting at this time.

25687 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN RIM ROCK SUBDIVISION PHASE 3 SECTION 3 [T1-77]

Judge Sumter declared the public hearing open. No public input was received and the public hearing was closed. Resource Protection & Transportation Planning Director Jerry Borcharding gave staff recommendation for stop signs and speed limits in Rim Rock Subdivision Phase 3 Section 3. A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to establish traffic regulations in Rim Rock Subdivision Phase 3 Section 3 of a 4-way stop on Towering Cedar Drive at Flint Rock Loop; stop signs on Southern Sunset Cove at Flint Rock Loop, on Serrato Cove at Flint Rock Loop, on Rodgers Ravine Cove at Flint Rock Loop; and set a speed limit of 35 MPH on Towering Cedar Drive and 25 MPH on Flint Rock Loop, Southern Sunset Cove, Serrato Cove and Rodgers Ravine Cove. All voting "Aye". MOTION PASSED



25688 [08-2-36 – 6 Lots] CARL DIETZ SUBDIVISION REPLAT OF LOT 1 - APPROVE FINAL PLAT [T1-94]

Subdivision Coordinator Clint Garza gave staff recommendation for final plat approval. This is a 20.01 acre one lot recorded plat being re-subdivided into six lots located off Engelke Road in the Niederwald ETJ. No public notice is required because there is only one owner/developer of the subdivision. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to approve Final Plat of "Carl Dietz Subdivision Replat of Lot 1". All voting "Aye". MOTION PASSED

25689 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH CTMC FOR REMOVAL OF DIRT AND DEBRIS TO ASSIST IN THE RELOCATION OF THE WALKING TRAIL [T1-113]

Special Counsel Mark Kennedy explained the agreement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to direct Special Counsel to draft an agreement and authorize the County Judge to execute that Agreement with CTMC for removal of dirt and debris to assist in the relocation of the walking trail. All voting "Aye". MOTION PASSED

DISCUSSION REGARDING SETTING ASIDE THE REMAINING \$8.7 MILLION IN PARKS AND OPEN SPACE BOND FUNDS FOR HABITAT PROTECTION FOR THE GOLDEN-CHEEKED WARBLER AND/OR BLACK-CAPPED VIREO [T1-313]

Carl Owens (Wimberley resident/Swimberley Inc.), Bill Johnson (Wimberley resident), Chuck Tise (Wimberley resident), and Gina Fulkerson (Wimberley resident) made public comment. Judge Sumter spoke of previous discussion by the court regarding \$13 million that was set aside and how it would be spent. She spoke of the moratorium and remaining funds. Discussion was had regarding process being followed. [T1-559] A motion was made by Commissioner Conley to not allocate any further park funds until the conditions of the moratorium are met including scoring criteria for recreational use. MOTION WAS WITHDRAWN. [T1-1120] Judge Sumter spoke of agreement that there continue to be a moratorium on \$1.82 million for recreational projects until the scoring is completed then when the scoring is completed between January and March that those dollars stay in a moratorium status provided there are no special circumstances that come forward and to have a commitment from the Commissioners that there aren't going to be any special circumstances on those funds coming forward until that is done and \$6.5 million stays in the open space category and it does not have a moratorium on it, in case we need to move forward with habitat land that may come available or any other open space that may become available. Commissioner Ford spoke of recreational projects to be considered by CPAT.

25690 PRESENTATIONS BY THE TWO HIGHEST RANKED ENGINEERING FIRMS FOR THE HAYS COUNTY WATER/WASTEWATER FACILITIES PLANNING STUDY AND ACTION TO HIRE HDR [T1-1215]

A review committee evaluated qualification statements and ranked seven firms according to the RFQ criteria and the two highest ranked firms (HDR and K. Friese & Associates) were asked to make a presentation to the court. HDR - Neil Graff (PE & Project Principal), Brandon Neal (PE & Project Manager), Herb Grubb (PhD, PE - Population Projection), John Marler (PE - Water/Wastewater Planning and Infrastructure), and Tony Bagwell (Financial Planning & Funding) gave a powerpoint presentation. K. Friese & Associates - President Karen Friese, Lead Engineer/PE Tom Owens, Groundwater Analysis/PG James Bene, Sr. Technical Advisor Joseph Beal (PBS&J), gave a powerpoint presentation. [T2-166] Grants Administrator Jeff Hauff advised that the committee's recommendation is for HDR. A motion was made by Commissioner Conley, seconded by Commissioner Ford to hire the firm of HDR for the Hays County Water/Wastewater Facilities Planning study. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE, REGARDING THE POSSIBLE PURCHASE, LEASE, OR VALUE OF REAL PROPERTY IN HAYS COUNTY FOR THE PURPOSES OF ENDANGERED SPECIES HABITAT PROTECTION [T2-301]

Court convened into closed executive session at 11:40 a.m. and reconvened into open meeting at 1:45 p.m. No action was taken in open court.

Commissioner Conley left the meeting at this time.



- 25691 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A JOINT FUNDING AGREEMENT WITH THE US GEOLOGICAL SURVEY FOR SUPPLEMENTAL WATER QUALITY MONITORING ON CERTAIN CONTRIBUTING ZONE CREEKS AND WATER WELLS IN THE BARTON SEGMENT OF THE EDWARDS AQUIFER [T2-307]**

LCRA, BSEACD, the City of Austin, City of Dripping Springs and possibly other entities intend to fund supplemental research within a USGS study commissioned by the TCEQ. Funding of \$10,000-15,000 is available in the LCRA service fee fund (25-457-5301). A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to enter into a Joint Funding Agreement with the US Geological Survey for supplemental water quality monitoring on certain contributing zone creeks and water wells in the Barton Segment of the Edwards Aquifer in an amount not to exceed \$15,000.00. All present voting "Aye". MOTION PASSED

- 25692 AUTHORIZE PURCHASING TO ACCEPT BIDS FOR THE SALE OF THE COURTHOUSE GENERATOR [T2-406]**

This generator was previously auctioned off, however, the buyer backed out of the purchase because he did not want to disassemble it for removal from the courthouse. There is currently someone interested in buying the generator knowing that it must be disassembled. Recommendation is that the county accept bids with a minimum bid of \$2,000.00. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to authorize Purchasing to accept bids for the sale of the Courthouse generator with a minimum bid of \$2,000.00. All present voting "Aye". MOTION PASSED

- 25693 AUTHORIZE COUNTY JUDGE TO SIGN CONTRACT AMENDMENT WITH TRUST FOR PUBLIC LAND (TPL) FOR SERVICES WITH SANDRA TASSELL AS APPROVED BY COURT ON 9/30/08 FOR AN AMOUNT NOT TO EXCEED \$10,000, PLUS REIMBURSEMENT FOR TRAVEL EXPENSES [T2-432]**

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to sign contract amendment with Trust for Public Land (TPL) for services with Sandra Tassell as approved by the Court on September 30, 2008 for an amount not to exceed \$10,000 plus reimbursement for travel expenses. All present voting "Aye". MOTION PASSED

- 25694 APPROVE CHANGE ORDER REQUESTS FOR ADDITIONAL, UNBUDGETED ITEMS RELATING TO SPECIAL NEEDS IN TAX ASSESSOR/COLLECTOR AND JUSTICE OF THE PEACE OFFICES FOR PCT 4 NEW OFFICE BUILDING [T2-456]**

CPR#28 – Add electrical outlets/circuits in Tax Office and JP Office = \$5,189 CPR#29 – Tax Office and JP Office millwork revisions, transaction window revisions and speaker systems at transaction windows = \$18,102. A motion was made by Commissioner Ford, seconded by Commissioner Barton to approve change order requests for additional, unbudgeted items relating to special needs in Tax Assessor/Collector and Justice of the Peace Offices for Pct 4 new office building in the amount of \$23,291.00. Commissioner Ingalsbe, Commissioner Barton and Commissioner Ford voting "Aye". Judge Sumter voting "No". MOTION PASSED

- 25695 ADOPT A RESOLUTION REQUESTING TCEQ TO CONSIDER THE PETITION FOR RULEMAKING AS SUBMITTED BY THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT AND THE CITY OF AUSTIN REGARDING PROHIBITION OF EFFLUENT DISCHARGE IN THE CONTRIBUTING ZONE OF THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER [T2-732]**

A Rulemaking Petition was filed by the Barton Springs/Edwards Aquifer Conservation District and the City of Austin with TCEQ with proposed all new text to be added to Chapter 311. Resolution will request prohibition of direct discharge to the Barton Creek and Onion Creek Watersheds in the Contributing Zone of the Barton Springs segment of the Edwards Aquifer. A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a Resolution urging TCEQ to consider the petition for rulemaking as submitted by the Barton Springs/Edwards Aquifer Conservation District and the City of Austin regarding prohibition of effluent discharge in the contributing zone of the Barton Springs segment of the Edwards Aquifer. All present voting "Aye". MOTION PASSED




25696 **DECLARE A "DISCRETIONARY EXEMPTION" UNDER SECTION 262.024 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF MAKING DIRECT PAYMENT TO SAM INC., A SUBCONTRACTOR OF JACOBS CARTER BURGESS ON THE FM 1626 IMPROVEMENT PROJECT** [T2-980]

Special Counsel Mark Kennedy explained the discretionary exemption being considered. A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to declare a "Discretionary Exemption" under Section 262.024 of the Texas Local Government Code for the purpose of making direct payment to SAM Inc., a subcontractor of Jacobs Carter Burgess on the FM 1626 improvement project. All voting "Aye". MOTION PASSED

I, LINDA C. FRITSCHER, 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 28, 2008.




LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS





NOVEMBER 17, 2008

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 17TH DAY OF NOVEMBER A.D., 2008, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
LIZ GONZALEZ	DEPUTY COUNTY CLERK

WITH COMMISSIONER PRECINCT 4 KAREN FORD ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Sumter called the meeting to order.

25697 CANVASS ELECTION RESULTS FOR THE GENERAL ELECTION HELD NOVEMBER 4, 2008

Elections Administrator, Joyce Cowan presented the results of the General Election held on November 4, 2008. Action is needed to finalize the election returns to elect presidential electors, Members of Congress, Members of the Legislature, and State, District, County, and Precinct Officers in Hays County. A motion was made by Commissioner Conley seconded by Judge Sumter to canvass election results for the General Election held November 4, 2008 as presented. All present voting "Aye". MOTION PASSED

25698 APPROVE A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS FOR THE BOND ELECTION HELD NOVEMBER 4, 2008 AND OTHER MATTERS IN CONNECTION THEREWITH

Joyce Cowan, Elections Administrator, presented results of the Bond Election: For = 33,023 Against = 17,474. Action is needed to finalize the election returns on Hays County proposition for: *"The issuance of \$207,110,000 of Hays County Road Bonds for county road and/or state highway construction and improvement, and for constructing and improving those roads that are the subject of an existing partnership agreement between the County and the Texas Department of Transportation (including sections of IH 35, FM 1626, FM 110, and US Hwy 290) pursuant to which the county expects to be reimbursed for a maximum amount of \$133,170,000 over time; and sections of Old Bastrop Highway, SH 21, Dacy Lane, Post Road, FM 967, Lakewood Drive, FM 150, RR 12, FM 2325, US Hwy 290, Lime Kiln Road, and RM/FM 1826; and the levying of a tax in payment thereof."* A motion was made by Commissioner Conley seconded by Commissioner Barton to approve a Resolution canvassing the returns and declaring the results for the Bond Election Held November 4, 2008 and other matters in connection therewith. All present voting "Aye". MOTION PASSED

25699 CANVASS ELECTION RESULTS FOR THE ADOPTION ELECTION HELD NOVEMBER 4, 2008

Joyce Cowan, Elections Administrator, presented the results of the collective bargaining adoption election held November 4, 2008: For = 30,987 Against = 17,226. Action is needed to finalize the election returns on Special Election for the following: *"Adoption of the state law applicable to fire fighters and police officers that establishes collective bargaining if a majority of the affected employees favor representation by an employees association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts."* A motion was made by Commissioner Ingalsbe seconded by Commissioner Barton to canvass election results for the adoption election held November 4, 2008. All present voting "Aye". MOTION PASSED



Court was adjourned.

I, LINDA C. FRITSCHER, 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 NOVEMBER 17, 2008.

A handwritten signature in cursive script that reads "Linda C. Fritsche".

LINDA C. FRITSCHER, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

