



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