



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 and 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] TEICHELMANN'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 sing 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 Carter suggested adding wording to section 2 of the agreement to add. 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**

