



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 12<sup>TH</sup> 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 (Misc. 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, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS

