



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.



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

