



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.**

11594 **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 (NHCOC), limit term of commitment to 2 years, require NHCOC to commit to improvements and maintenance of property, require NHCOC to work with the Grants Office to locate additional funds, require NHCOC to acquire cash or in-kind matching funds, require NHCOC to work with the Grants office to verify all match, the Auditors office will make payments to NHCOC 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, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS’ COURT OF
HAYS COUNTY, TEXAS