



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 14th DAY OF JUNE 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
LINDA C. FRITSCH	DEPUTY 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.

PUBLIC COMMENT

Charles O'Dell (Hays CAN) spoke of pursuing a new vision in Hays County and he spoke of being involved in the Regional Water Study Plan.

22646 APPROVE BUDGET AMENDMENT # 05-30

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment #05-30 as proposed by the County Auditor. All voting "Aye".

22647 APPROVE PAYMENT OF COUNTY INVOICES

The Invoice from Leonard Frost Levin (\$2,284.76) was pulled. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$1,028,326.02 (less \$2,284.76) as presented by the County Auditor. All voting "Aye".

22648 APPROVE UTILITY PERMITS #01809 – 01814

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Utility Permit #01809 on CR122/Bebee Road issued to Guadalupe-Blanco River Authority (GBRA), #01810 on Sunrise Circle issued to GBRA, #01811 on Sunrise Drive issued to GBRA, #01812 on CR131/Windy Hill Rd. issued to GBRA, #01813 on CR133/Hillside Terrace issued to GBRA, and #01814 on CR119/Old Goforth Road issued to GBRA. All voting "Aye".

22649 ACCEPT \$5,000.00 GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR PURCHASE OF CASE MANAGEMENT SOFTWARE NECESSARY TO ACHIEVE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REPORTING REQUIREMENTS FOR THE JUSTICE OF THE PEACE PRECINCT 3 OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept \$5,000.00 Grant from the Texas Department of Public Safety for purchase of Case Management Software necessary to achieve Federal Motor Carrier Safety Administration Reporting requirements for the Justice of the Peace Precinct 3 office. All voting "Aye".

22650 AUTHORIZE COUNTY JUDGE TO SUBMIT A GRANT UP TO \$33,130 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AND TO EXECUTE CONTRACT

Grant and matching funds will be used by Juvenile Probation to continue to pay the salary and benefits of the two drill instructors for the "Day Boot Camp" at Hays CISD. The County will provide a 10% match. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for up to \$33,130 from the Office of the Governor, Criminal Justice Division, Juvenile Accountability Block Grant Program and to execute contract. All voting "Aye".

22651 APPROVE AMENDMENT TO THE AGREEMENT BETWEEN HAYS COUNTY AND THE OFFICE OF THE ATTORNEY GENERAL RELATING TO CHILD SUPPORT ORDERS PROCESSED BY THE HAYS COUNTY DISTRICT CLERK'S OFFICE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Amendment to the Agreement between Hays County and the Office of the Attorney General relating to Child Support Orders processed by the Hays County District Clerk's Office. All voting "Aye".



22652 AUTHORIZED COUNTY JUDGE TO EXECUTE CONTRACT BETWEEN HAYS COUNTY AND HALFF ASSOCIATES FOR THE LANDSCAPE ARCHITECT FOR THE FIVE MILE DAM COMPLEX PROJECT

Halff Associates was selected by the review committee after evaluation of all RFP's received as the most competent and qualified firm to perform the project and was approved by Commissioners' Court on March 15, 2005. The contract was negotiated by Grants Director Richard Salmon, Purchasing Agent Cindy Maiorka, and Project Manager Judy Langford. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute contract between Hays County and Halff Associates for the landscape architect for the Five Mile Dam Complex Project. All voting "Aye".**

22653 APPROVE OFFICIAL BOND FOR CONSTABLE PCT. 3 DARRELL W. AYRES (2005-2008 TERM)

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve the Official Bond for Constable Precinct 3 Darrell W. Ayres (2005-2008 term). All voting "Aye".

22654 APPROVE ACTIVATION OF EXISTING MAINTENANCE DEPARTMENT NEXTEL RADIO AT THE COST OF \$26.99 A MONTH

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve activation of existing Maintenance Department Nextel Radio at the cost of \$26.99 a month. All voting "Aye".

Clerk's Note: Agenda Item #10 RE: [PCT. 3 #05-3-54, 2 LOTS] REPLAT OF TIMMERON SECTION ONE, A PORTION OF RESERVES 1.2 AND 1.3 was PULLED. NO DISCUSSION & NO ACTION TAKEN

22655 [PCT. 3 #05-3-046, 2 LOTS] SHADOW VALLEY TRACT 49 RESUBDIVISION – APPROVE FINAL PLAT

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Shadow Valley Resubdivision of Tract 49". All voting "Aye".**

22656 [PCT. 4 #05-4-053, 2 LOTS] HIDDEN CREEK PHASE ONE REPLAT OF LOT 18-A – PRELIMINARY PLAN APPROVAL [T1-88]

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 "Hidden Creek Phase One Replat of Lot 18-A". All voting "Aye".**

22657 [PCT. 4 #05-4-052, 2 LOTS] ROLLING OAKS SECTION 2 LOT 4 RESUBDIVISION – APPROVE PRELIMINARY PLAN [T1-97]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. The small lot will be platted for rainwater collection only. Commissioner Carter voiced her concern about the lot restricted to rainwater collection. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Rolling Oaks Section 2 Resubdivision of Lot 4". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22658 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON TWO SECTIONS OF OLD BASTROP HIGHWAY: 1) BETWEEN HWY 80 AND HWY 21 -- 2) BETWEEN HWY 80 AND THE SAN MARCOS RIVER [T1-158]

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 the recommended speed on these two sections of roadway is 30 MPH. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to establish a speed limit of 30 MPH on the section of Old Bastrop Highway between State Highway 80 and State Highway 21 and between State Highway 80 and the San Marcos River. All voting "Aye".**

Clerk's Note: Agenda Item #15 RE: ESTABLISH NO PARKING AREAS ALONG JACOBS WELL ROAD NEAR THE VFW HALL was PULLED. NO DISCUSSION AND NO ACTION TAKEN

22659 CALL FOR A PUBLIC HEARING ON JULY 12, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS IN HUBER ESTATES SUBDIVISION, PHASE 4 [T1-1789]

A motion was made by Commissioner Carter, seconded by Commissioner Conley to call for a public hearing on July 12, 2005 to consider establishing traffic regulations in Huber Estates Phase 4 Subdivision. All voting "Aye".



22660 PUBLIC HEARING AND ACTION TO POSTPONE EXCLUSION OF CERTAIN REAL PROPERTY FROM THE WOODCREEK NORTH ROAD DISTRICT AND REDEFINING THE BOUNDARIES OF SUCH DISTRICT [T1-197]

Judge Powers declared the public hearing open. David Glenn spoke in support of creation of a stakeholder committee to resolve the problems in Woodcreek North – he spoke in opposition to the Woodcreek North Road District. David Baker (Hays-Trinity Groundwater Conservation District) spoke of ground water usage in the county and opposes anything that encourages new development. Jack Hollon (Hays Trinity GCD) spoke of the Hays Trinity Groundwater Conservation District and data that they are compiling. He supports more planning before proceeding with improvements. Andrew Backus (Hays Trinity GCD) spoke of deficit of water in this area – there is insufficient water for the proposed development. Thomas Toporowski submitted a petition in opposition to excluding property from the Woodcreek North Road District. Karen Toporowski spoke in opposition to exclusions from the road district. Pokey Rehmet (Manager of Eagle Rock Ranch) spoke of Eagle Rock Ranch being used to educate people regarding water conservation, etc. He stated that a well thought out master plan is needed. [T1-653] Demetria Wilson (Woodcreek POA) does not favor excluding portions of the subdivision from the district – they are agreeable to excluding Woodcreek Estates Subdivision. [T2-688] Pat Booth spoke of opposition to the way the road district was structured – need to adequately form this district. Glenn Fryer spoke in opposition to dense development in this area – a conservation plan is needed. [T1-802] Louis Willard spoke of need to consider ramifications of this issue – he is concerned about Cypress Creek and the Blanco River. Linda Kaye Rogers spoke of water being a major issue – development needs to be managed – there are other options to approve roads. [T1-890] Tracy Bratton (Quicksand Partners) spoke of this being a solution to transportation issues in the area. Charles Ray spoke of 61% of people in favor of the election and he spoke of people opposed to the road district. He spoke of using gray water for the proposed golf course and he spoke of undeveloped lots in the subdivision. Mr. Ray spoke of increasing lot sizes, thereby reducing the number of lots. [T1-1094] Steve Brown (Attorney for Quicksand) spoke of this public hearing not being about groundwater but being about road improvements. All required notices have been posted. [T1-1251] Thomas Davis spoke of this subdivision being created in 1974 – the roads and water are separate issues – development can still occur even without road improvements. He stated that quality roads are needed and he supports exclusion of the proposed property. Phillip Stribling advised that people will continue to buy and build on the existing lots. Marilyn Trent spoke of need for safer roads. [T1-1435] Barbara Hopson spoke in favor of the road bond election – over 60% voted in favor of the election already held and she supports exclusion of proposed property. The public hearing was closed. Commissioner Conley spoke of being well aware of regional water concerns – this is a platted subdivision with roads that are falling apart - the issue being addressed is exclusion of certain properties and redefining the boundaries of the district. He suggested postponement of vote because of petition presented today and action taken by the Woodcreek North POA. The conditions of the roads are affecting the safety of families and value of the property. [T1-1565] **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to postpone action on exclusion of certain real property from the Woodcreek North Road District and redefining the boundaries of such district; and other matters in connection therewith. All voting “Aye”.**

22661 PUBLIC HEARING PURSUANT TO CHAPTER 1471, TEXAS GOVERNMENT CODE AND ACTION CALLING FOR A BOND ELECTION FOR THE WOODCREEK NORTH ROAD DISTRICT [T1-1565]

Clerk's Note: See public hearing in previous item (#22660) which covers both Agenda Items #22 & 23. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to postpone action calling for a bond election for the Woodcreek North Road District. All voting “Aye”.**

22662 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OPERATION AND MANAGEMENT AGREEMENT BETWEEN THE HAYS COUNTY JUVENILE BOARD AND THE HAYS COUNTY COMMISSIONERS' COURT RELATING TO THE OPERATION AND MANAGEMENT OF THE HAYS COUNTY JUVENILE DETENTION FACILITY [T1-1657]

Special Counsel Jacqueline Cullom Murphy advised that a juvenile board meeting was held on Friday and they approved this agreement. The purpose of this agreement is to memorialize the understanding between the Commissioners' Court and the Juvenile Board regarding the day-to-day operation of the juvenile facility. The Juvenile Board shall cause the facility to be operated in compliance with applicable laws, codes, standards and regulations; monitor the operations of the facility; establish appropriate programs for treatment of juveniles; and shall appoint, manage and evaluate the Director of the Facility. The Commissioners' Court approves the budget of the facility, sets salaries and benefits of facility employees; and approves any contract involving an expenditure or collection of money. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an Operation and Management Agreement between the Hays County Juvenile Board and the Hays County Commissioners' Court relating to the Operating and Management of the Hays County Juvenile Detention Facility. All voting “Aye”.**



- 22663 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF “HAYS COUNTY, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2005”; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE COUNTY; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY’S LETTER OF REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE [T1-740] & T1-1684]

Dan Wegmiller (First Southwest Co. Financial Adviser) spoke of bond rating for the county that was lowered and has now been raised back to the A+ level (S&P) and Aa3 (Moody's) and should increase in the future. He provided the court with details regarding \$5,230,000 Combination Tax & Revenue Certificates of Obligation, Series 2005. County will be paying \$29,000 per month. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an Order Authorizing the Issuance of “Hays County, Texas Certificates of Obligation Series 2005”; providing for the payment of said Certificates by the levy of an ad valorem tx upon all taxable property within the County; providing the terms and conditions of said Certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said Certificates, including the approval and distribution of an Official Statement; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements of the Depository Trust Company’s Letter of Representations; and providing an effective date. All voting “Aye”.**

- 22664 APPROVAL OF AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS APPROVING AND AUTHORIZING THE ACQUISITION OF A JUVENILE DETENTION FACILITY, EXECUTION OF A PURCHASE AND SALE AGREEMENT, AND ACCEPTING TITLE TO SUCH JUVENILE DETENTION FACILITY; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH [T1-747] & 1993]

Bond Counsel advised that these documents delegate to the County Judge the authority to execute the paperwork necessary to accept title to the juvenile detention facility. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an Order by the Commissioners’ Court of Hays County, Texas approving and authorizing the acquisition of a Juvenile Detention Facility, execution of a Purchase and Sale Agreement, and accepting title to such Juvenile Detention Facility; and resolving other matters in connection therewith. All voting “Aye”.**

- 22665 APPROVE A RESOLUTION RELATING TO HOUSE BILL 2438 [T1-2082]

Commissioner Molenaar spoke of proposed resolution requesting the Governor to VETO House Bill 2438 due to its detrimental effect on local government finance and unreasonably favored treatment of manufactured homes in the scheme of ad valorem taxation. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve a Resolution relating to House Bill 2438. All voting “Aye”.**

- 22666 APPROVE THE LEASE PURCHASE OF THE COUNTY WIDE RADIO SYSTEM AND JUSTICE CENTER SOFTWARE & HARDWARE SYSTEM; AND PURCHASE OF SOFTWARE/HARDWARE NECESSARY TO ALLOW INTERNET COVERAGE OF COMMISSIONER’S COURT MEETINGS [T1-2107]

Commissioner Molenaar spoke of need to replace the countywide radio system. Information Technology Director Jeff McGill spoke of current system that is 11 years old and needs to be upgraded – he spoke of integrated system that far exceeds what we expected to find – the technology we are on now is outdated (early 80’s technology) and we are unable to move forward. County Auditor Bill Herzog advised that action is being taken today to lock in on the current interest rate. Jeff McGill spoke of internet coverage of Commissioners’ Court meetings (archival broadcast like the one used by Travis County) – will cost about \$10,000 – will require staff time to set up video camera (start and stop) and time to edit and prepare for public view. Commissioner Carter and Commissioner Conley spoke in support of internet coverage of court meetings. Commissioner Molenaar stated that he is opposed only because of this being in the finance package – it should be budgeted in the next fiscal year. [T1-2555] **A motion was made by Judge Powers, seconded by Commissioner Conley to approve the lease purchase of the countywide radio system and justice center software & hardware system; and purchase of software/hardware necessary to allow internet coverage of Commissioners’ Court meetings out of contingency funds subject to legal review by staff. All voting “Aye”.**



22667 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH ENTERPRISE PRODUCTS OPERATING, L.P. FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-18)– HAYS COUNTY / TC&B / ENTERPRISE PRODUCTS OPERATING, L.P. (POSEY ROAD) [T1-2594]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval of this utility adjustment agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Adjustment Agreement with Enterprise Products Operating, L.P. for the Hays County Road Bond Program (HC-Bond 18) – Hays County/TC&B/Enterprise Products Operating, L.P. (Posey Road). All voting “Aye”.**

22668 APPROVE UTILITY ADJUSTMENT AGREEMENT WITH ENTERPRISE PRODUCTS OPERATING, L.P. FOR THE HAYS COUNTY ROAD BOND PROGRAM (HC-BOND-14)– HAYS COUNTY / TC&B/ ENTERPRISE PRODUCTS OPERATING, L.P. (REDWOOD ROAD) [T1-2634]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval of this utility adjustment agreement. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Adjustment Agreement with Enterprise Products Operating, L.P. for the Hays County Road Bond Program (HC-Bond-14) Hays County/TC&B/Enterprise Products Operating, L.P. (Redwood Road). All voting “Aye”.**

22669 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS RELATING TO THE OPERATION AND MAINTENANCE OF THE FORTY-THREE ACRE TRACT OF THE FIVE MILE DAM COMPLEX [T1-2660]

Grants Administrator Richard Salmon explained the agreement – the City of San Marcos will operate and maintain the park. Commissioner Carter spoke of need to clarify that the city of San Marcos will pay the electric bill and other utility bills. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute an interlocal agreement with the City of San Marcos relating to the operation and maintenance of the forty-three acre tract of the Five Mile Dam Complex with understanding that the City of San Marcos will pay the electric and other utility bills. All voting “Aye”.**

1.

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 JUNE 14 , 2005.



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



