



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 10th DAY OF JANUARY A.D., 2006, 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 and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

23100 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley To approve payment of county invoices in the following amounts as presented by the County Auditor: December 27, 2005 = \$472,079.48, January 3, 2006 = \$448,083.27, and January 10, 2006 = \$391,187.59. All voting "Aye".

23101 APPROVE BUDGET AMENDMENT # 06-08

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #06-08 as proposed by the County Auditor. All voting "Aye".

23102 ACCEPT THE INTERNAL EXAMINATION REPORT FOR THE SHERIFF'S JAIL COMMISSARY

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept the internal examination report for the Sheriff's Jail Commissary. All voting "Aye".

23103 APPROVE INCREASE IN TITLE V GRANT FUNDS BY \$12,451.00 FOR FAMILY PRACTICE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve increase in Title V Grant funds by \$12,451.00 for Family Practice and authorize the County Judge to execute agreement. All voting "Aye".

23104 APPROVE AGREEMENT WITH JUSTICE BENEFITS, INC. FOR FEDERAL FUNDS-NATIONAL LUNCH PROGRAM AND TITLE IV REIMBURSEMENT FOR HAYS COUNTY JUVENILE PROBATION AND JUVENILE DETENTION CENTER AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve agreement with Justice Benefits, Inc. for Federal Funds – National Lunch Program and Title IV reimbursement for Hays County Juvenile Probation and Juvenile Detention Center and authorize the County Judge to execute same. All voting "Aye".

23105 APPROVE RENEWAL OF "ANNUAL STRIPING CONTRACT" WITH UNITED RENTALS HIGHWAY TECHNOLOGIES, L.P. FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve renewal of "Annual Striping Contract" with United Rentals Highway Technologies, L.P. for one additional year as provided in the original contract. All voting "Aye".

23106 AUTHORIZE REIMBURSEMENT OF EXPENSES TO ELEANOR GARY, RN, NPN, FOR CONTINUING EDUCATION CHILDBIRTH EDUCATOR'S COURSE IN NASHVILLE, TN ON 11-16-2005

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to authorize reimbursement of expenses to Eleanor Gary, RN, NPN, for continuing education Childbirth Educator's Course in Nashville, TN on November 16, 2005. All voting "Aye".



23106 RATIFY DISASTER DECLARATION ENACTED BY HAYS COUNTY JUDGE JIM POWERS PURSUANT TO SECTION 418.108, TEXAS GOVERNMENT CODE RELATING TO THE DANGEROUS CONDITIONS THAT EXIST DUE TO LACK OF PRECIPITATION AND HIGH WINDS [T1-31]

Emergency Management Coordinator recommends keeping this declaration ongoing. Commissioner Conley spoke in support of continuation of this declaration. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to ratify the Disaster Declaration enacted by Hays county Judge Jim Powers pursuant to Section 418.108 Texas Government Code relating to the dangerous conditions that exist due to lack of precipitation and high winds. All voting "Aye".**

Clerk's Note: Agenda Item #9 RE: CONSIDER A VARIANCE TO MAXIMUM GRADE IN THE RANCHES AT HAMILTON POOL SUBDIVISION was PULLED. No one appeared representing this request and staff recommended no action.

23107 CALL FOR A PUBLIC HEARING ON JANUARY 24, 2006 TO ESTABLISH TRAFFIC REGULATIONS (20 MPH SCHOOL ZONE) ON BEBEE RD, CR 122

The proposed traffic regulation is a 20 MPH school zone for Science Hall Elementary School on Bebee Road/CR122 east of Dacy Lane/CR205 and on Dacy Lane/CR205 south of Bebee Road/CR122. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on January 24, 2006 to consider establishing traffic regulations of 20 MPH school zone on Bebee Road (CR122). All voting "Aye".**

23108 CALL FOR A PUBLIC HEARING ON JANUARY 24, 2006 TO ESTABLISH TRAFFIC REGULATIONS (20 MPH SCHOOL ZONE) ON DACY LANE, CR 205 [T1- 100]

The proposed traffic regulation is a 20 MPH school zone for Chapa Middle School on Dacy Lane/CR205 just north of Bebee Lane/CR122. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on January 24, 2006 to consider establishing traffic regulations of 20 MPH school zone on Dacy Lane (CR205). All voting "Aye".**

23109 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT WITH THE LYNDON BAINES JOHNSON MUSEUM OF SAN MARCOS, INC [T1-107]

Commissioner Conley spoke of previous short-term agreement with LBJ Museum association and it is time for the court to make a long-term agreement. Ed Mihalkanin spoke of the current lease agreement – they have been able to complete restoration of the building (\$400,000+ has been spent for this renovation) and the Museum Board has unanimously approved the proposed lease agreement. This is a 50 years lease – terminating on December 31, 2055. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a lease agreement with the Lyndon Baines Johnson Museum of San Marcos, Inc. relating to the property located at 131 N. Guadalupe Street in San Marcos, Texas. All voting "Aye".**

23110 ADOPT A PROCLAMATION DECLARING JANUARY 16, 2005 AS DR. MARTIN LUTHER KING JR. DAY IN HAYS COUNTY [T1-170]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a proclamation declaring January 16,2005 as "Dr. Martin Luther King Jr. Day" in Hays County. All voting "Aye".

23111 ACTION SUPPORTING A CONTRIBUTION OF \$1 MILLION RELATING TO THE CONSTRUCTION OF AN OVERPASS ON YARRINGTON ROAD CONTINGENT ON OBTAINING MORE INFORMATION REGARDING THE TIRZ [T1-237]

Commissioner Ingalsbe spoke of previous request from the City of San Marcos for the court to consider waiving the 60 statutory notice required for the creation of a Tax Increment Reinvestment Zone (bound by Post Road on the East, Blanco River on the West, and Old Stagcoach Road on the South). That action was approved and allowed the City of San Marcos to begin working out the details of the proposed TIRZ. The City is now asking the court to consider financial participation on the extension and construction of Yarrington Road into a railroad overpass. The proposed overpass will be paid at 100% by the developer (Carma Texas) up front, with the city and county paying for portions of the cost. The county would not be participating in the TIRZ, but enter into an agreement with the city of San Marcos to pay them for a portion that may be approved. The total cost of the overpass is estimated to be \$7,005,505 (includes construction cost, ROW acquisition, utility relocation, preliminary engineering for the bridge, and geotech, soils testing, and environmental monitoring). Developer, Carma Texas, is prepared to contribute up to \$1,000,000 toward the cost of the railroad overpass – this amount exceeds the estimated \$800,000 cost for an at-grade crossing at the Yarrington/railroad intersection. Commissioner Ingalsbe spoke of development /construction of our new 43 acre park expansion and the importance of the overpass as a safety issue for the many people that will be using this roadway when utilizing the soccer fields and recreational areas. It will provide a safety measure that currently does not exist in this area. Financial terms of the agreement currently state that the county will limit payments to 50% of the new ad valorem tax revenues generated by the development each year – term of the agreement is seven (7) years.



Dan O'Leary, San Marcos City Manager, spoke of his project being different – it would open up a lot of the area (not in the city of San Marcos) and is in the probable location of the loop around San Marcos (Loop 110). The new development will be donating a location for a K-5 school for Hays CISD and a fire station. This project consist of 575 acres between Yarrington Road and Old Stagecoach Road. Commissioner Ingalsbe spoke of her support because of the safety measure. Commissioner Conley spoke in support of this project – it will impact the overall community. This will be a 5-lane overpass to accommodate future growth. San Marcos Mayor Susan Narvaiz spoke in support of this project. County Auditor Bill Herzog asked about a payout extension of 2 more years to save money. Dan O'Leary spoke of increasing the time for the payout will cost the city more in interest. Commissioner Molenaar asked for an actual breakdown on the district itself and a map showing the boundaries of the zone. [T1-595] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to support a contribution of \$1 million relating to the construction of an overpass on Yarrington Road contingent on obtaining more information regarding the TIRZ. All voting "Aye".**

Clerk's Note: Agenda Item #16 RE: AUTHORIZE THE HAYS COUNTY TRANSFER STATION TO ACCEPT HOUSEHOLD TRASH AND WAIVE DISPOSAL FEE FROM PAID CUSTOMERS OF IESI DISPOSAL, NOT CURRENTLY RECEIVING TRASH COLLECTION, OR CUSTOMERS WHO HAVE SIGNED UP FOR SERVICE WITH TEXAS DISPOSAL SYSTEMS IN THE WIMBERLEY AREA was PULLED. No discussion and no action taken.

23112 EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE APPOINTMENT OF A DIRECTOR OF HUMAN RESOURCES WITH ACTION

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to hire Dee Dee Baen as Hays County Director of Human Resources effective February 1, 2006. 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 JANUARY 10, 2006.



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

