



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 9<sup>TH</sup> DAY OF MAY 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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**23378 ADOPT A PROCLAMATION RECOGNIZING MAY 20, 2006 AS THE FIRST ANNUAL HAYS COUNTY WOMEN'S HEALTH FAIR IN HAYS COUNTY**

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Proclamation recognizing May 20, 2006 as the First Annual Hays County Women's Health Fair in Hays County. All voting "Aye".

**PUBLIC COMMENTS**

[T1-76] Andrew Backus, President of Hays Trinity Groundwater Conservation District, explained the creation of the district. He spoke of county having rules to determine availability of ground water and he spoke of lack of available water in parts of Hays County.

**23379 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 354,491.55 as presented by the County Auditor. All voting "Aye".

**23380 APPROVE BUDGET AMENDMENT # 06-23**

Budgets being amended: Extension Office = \$299 transfer for share of computer supplied by Texas A&M, Transfer Station & Recycle / CAPCOG Truck Grant = \$900 return county portion not required for grant to recycle budget, Civic Center = \$2,617 transfer for electrical wiring from equipment, Commissioner Pct. 2 = \$556 transfer for approved temporary part-time from other personnel savings, Associate Judge/Family Law = \$1,220 for replacement laptop for Judge to IT, CAPCOG/Code Enforcement Officer = \$ 300 for balance of equipment, and Operations = \$89,523 transfer from personnel savings to needed materials. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-23 as proposed by the County Auditor. All voting "Aye".

**23381 APPROVE PURCHASE AND SERVICE OF ONE NEXTEL PHONE FOR PERSONAL HEALTH DEPARTMENT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase and service on one Nextel phone for Personal Health Department. All voting "Aye".

**23382 APPROVE POLICY EXTENSION WITH ZURICH AMERICAN INSURANCE COMPANY REGARDING ASSURANCE FOR THE PETROLEUM UNDERGROUND STORAGE TANK SYSTEM AT THE HAYS COUNTY LAW ENFORCEMENT CENTER**

State law (30 TAC § 37.815) requires that the County maintain insurance coverage of the underground fuel tank at the LEC. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve policy extension with Zurich American Insurance Company regarding assurance for the petroleum underground storage tank system at the Hays County Law Enforcement Center. All voting "Aye".

**23383 APPROVE PRIOR SERVICE CREDIT FOR JUVENILE CENTER EMPLOYEES TOWARDS CALCULATING SICK, VACATION, AND LONGEVITY**

Hays County was already preparing payroll for the Juvenile Center when it was taken over in 2005. There was no break in their retirement plan or Cigna insurance coverage and they had adopted the same personnel policy as the county when they first opened. Action today will allow all accruals to continue based on Hays County's policy. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve prior service credit for Juvenile Center Employees towards calculating sick, vacation, and longevity. All voting "Aye".



**23384 APPROVE SPECIFICATIONS FOR BID #2006-B13 HAULING SERVICES FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Bid #2006-B3 Hauling Services for Hays County Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

**23385 APPROVE AWARD OF BID #2006-B12 FOR "COUNTYWIDE DUMPSTERS" TO BFI AND TEXAS DISPOSAL SYSTEMS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve award of bid #2006-B12 for "Countywide Dumpsters" to BFI and Texas Disposal Systems. All voting "Aye".

**23386 APPROVE PURCHASE OF EQUIPMENT FOR THE ROAD DEPARTMENT**

Equipment being purchased: Hydraulic Truck Conveyor (shoulder truck) = \$8,958.29, Sand Spreader Box = \$7,233.94, and Used Cab & Chassis for sand spreader box = \$18,500. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase of equipment for the Road Department. All voting "Aye".

**23387 FAITH RANCH [PCT. 3 #05-3-072, 21 LOTS] – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T1-275]**

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 and accept construction fiscal security for "Faith Ranch". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

**23388 EL REGALO DE LA PAZ [PCT. 4 #06-4-021, 1 LOT] – APPROVE PRELIMINARY PLAN**

[T1-287] 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 "El Regalo De La Paz". All voting "Aye".

**23389 HERMOSA PALOMA OVERLOOK [PCT. 4 #05-3-071, 11 LOTS] – APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SURETY [T10-295]**

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 and accept construction fiscal surety for "Hermosa Paloma Overlook". All voting "Aye".

**23390 APPROVE 2-HOUR PARKING AROUND THE COURTHOUSE ON LBJ DRIVE, SAN ANTONIO STREET, AND GUADALUPE STREET**

Attorney Brian Baker requested parking around the courthouse for all downtown customers not just those doing business at the courthouse and he felt like the \$60 fine is excessive. Shawn Mitchell spoke of parking plan that was adopted by the county in 2003 – the parking signs do not reflect the plan that was put in place. He also spoke of signs not being clear and do not meet state standards. Commissioner Ingalsbe spoke of actions taken by the court and the limited number of parking spaces around the courthouse. Commissioner Molenaar stated that he was not sure why the signs were changed. Commissioner Conley suggested 55 employee parking spaces and 18 public spaces. Commissioner Molenaar felt like the plan that was adopted in 2003 is sufficient and should be left as is. Bryan Baker suggested making all sides of the courthouse 2 hours parking. Constable Pct. 1 Lupe Cruz appeared and was agreeable to whatever the court decided. A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve 2 hour parking on LBJ Drive, San Antonio Street, and Guadalupe Street with the exception of county parking permit and with Hopkins Street to remain for handicapped and service vehicle parking. Commissioner Molenaar, Commissioner Carter, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Conley voting "No".

**23391 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT RELATING TO THE HAYS COUNTY HABITAT CONSERVATION PLAN [T1-739]**

Alan Glen spoke in support of the interlocal agreement and went through changes that were made (extended deadline for final report and reimbursement schedule was changed to monthly instead of quarterly) - contract will terminate 7/31/07. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the Texas Parks & Wildlife Department relating to the Hays County Habitat Conservation Plan. All voting "Aye".



**23392 APPROVE CHANGE ORDER #3 TO WINTERS MILL PARKWAY (HAYS COUNTY/TCB) [T1-853]**

This is the Wimberley By-Pass project [renamed "Winters Mill Parkway"]. Due to an error in the estimated seeded area shown in the plans, an alternative of using Drill Seed in lieu of Cellulose Fiber Mulch is being proposed. This alternative is being proposed in order to reduce the overall cost increase to the contractor while still being in compliance with TCEQ requirements for vegetative cover. Andrew Backus (President of Hays Trinity Groundwater Conservation District) spoke of seeding process. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve Change Order #3 to Winters Mill Parkway (Hays County/TCB). All voting "Aye".**

**23393 ACTION PURSUANT TO SECTION 253.003, TEXAS TRANSPORTATION CODE, REGARDING CEDAR OAKS MESA SUBDIVISION [T1-939]**

Commissioner Conley spoke of request from property owners in Cedar Oaks Mesa Subdivision to have their roads brought into the county maintenance system. He recommended using Transportation Code Section 253.003 as a way to accomplish this. Richard Sholl spoke of safety issues because roads are private. Commissioner Conley advised that he would use his precinct funds for this project (to be reimbursed by property owners). Approximate cost is \$276,000, minus cost of brush cutting (to be done by POA) – 2.3 miles of road are to be improved – not all the roads in the subdivision will be included. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to declare a public necessity and call for a public hearing on June 20, 2006 to consider proposed roadway improvements to Campfire Way, Campfire Circle, High Mesa Drive, Drover Circle, Cowpoke Circle, Remuda Run, Buckaroo Circle, Wrangler Circle, Lazy Z Circle, Chaparral Circle, Chuck Wagon Circle, and Lariat Circle within the Oaks Mesa Subdivision and consider assessment to property owners as authorized by Chapter 253 of the Texas Transportation Code. 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 9, 2006.**



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

