



MAY 16, 2006

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STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 16<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 Carter led the Court in the Pledge of Allegiance to the Flags.

**23394 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 \$1,096,158.50 as presented by the County Auditor. All voting "Aye".

**23395 APPROVE BUDGET AMENDMENT # 06-24**

Budgets being amended: Grants = \$180 transfer for needed books, Civic Center = \$2,000 transfer for forklift repairs, Commissioner Pct. 2 = \$300 transfer for balance of cartridges & desk, Sheriff = \$490 transfer for needed replacement printer, R&B General Operations = \$25,000 transfer for material hauling, & Personal Health = \$3,000 transfer for Kyle & San Marcos utilities. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #06-24 as proposed by the County Auditor. All voting "Aye".

**23396 APPROVE NOVEMBER 2005 TREASURER'S REPORT AND INVESTMENT REPORT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve November 2005 Treasurer's Report and Investment Report. All voting "Aye".

**23397 APPROVE SPECIFICATIONS FOR RFQ FOR PROFESSIONAL SERVICES/ARCHITECT FOR PCT. 4 OFFICE BUILDING AND AUTHORIZE PURCHASING TO SOLICIT FOR QUALIFICATIONS AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for RFQ for Professional Services/Architect for Precinct 4 office building and authorize Purchasing to solicit for qualifications and advertise. All voting "Aye".

**23398 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE STATE OFFICE OF COURT ADMINISTRATION FOR UP TO \$5,000 AND EXECUTE CONTRACT**

Grants will be provided to Texas counties and municipalities required by Senate Bill 1863 to implement a Collection Improvement Program in Fiscal Year 2007. The Office of Court Administration (OCA) will provide funding assistance for up to \$5,000 per program for the acquisition of collection software. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the State Office of Court Administration for up to \$5,000 and execute a contract. All voting "Aye".

**23399 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A RENEWAL GRANT APPLICATION ENTITLED, "TITLE V MATERNAL AND CHILD HEALTH SERVICES," TO THE TEXAS DEPARTMENT OF HEALTH SERVICES FOR UP TO \$60,311**

Funds will be used to provide services to persons on an individual basis for prenatal care, preventive and primary child care, dysphasia, and case management for children and adolescents. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a renewal grant application entitled "Title V Maternal and Child Health Services" to the Texas Department of Health Services for up to \$60,311.00. All voting "Aye".



**23400      AUTHORIZE DESIGNATION OF OLD STAGECOACH ROAD, LOCATED BETWEEN THE EXISTING DUDLEY JOHNSON/RANDALL VETTER PARKS ON THE SOUTH END AND THE NEW PARK AREA ON THE NORTH END, AS A "PARK ROAD" IN PERPETUITY AS PER REQUIREMENTS OF THE GRANT RECEIVED FROM THE TEXAS PARKS & WILDLIFE DEPARTMENT**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize designation of Old Stagecoach Road, located between the existing Dudley Johnson/Randall Vetter Parks on the south end and the new park area on the north end, as a "Park Road" in perpetuity as per requirements of the grant received from the Texas Parks & Wildlife Department. All voting "Aye".

**23401      APPROVE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT FOR ENVIRONMENTAL HEALTH**

This action will provide for purchase of computers for two new personnel and will provide a new laptop and projector to be shared for subdivision presentations, food handler training and public awareness presentations for solid waste enforcement. Funds are available from the salary line item of Environmental Health. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase of computers and related equipment for Environmental Health. All voting "Aye".**

**23402      [PCT. 3 #06-3-017, 2 LOTS] THE CROSSING RESUBDIVISION OF LOTS 24, 25, AND 26 - APPROVE FINAL PLAT [T1-35]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. This is an unrecorded subdivision and three lots are being combined into two. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve final plat of "The Crossing Resubdivision of Lots 24, 25 & 26". All voting "Aye".**

**CONSIDER VARIANCES TO THE PLATTING REQUIREMENTS FOR OAKWOOD HILLS LOT 21 [T1-48]**

Roy Warren spoke of his understanding that the property owner wants to move three families to this location and he spoke of threats from this particular family. Janet Reed Price (Suburban Oaks Subdivision resident) spoke of affect this will have on her property value and she spoke of how this family is affecting her quality of life. Environmental Health Director Allen Walther spoke of 3 five acre tracts that were created from a 16 acre tract without going through the legal platting process. The owner of Lot 21A is unwilling to participate in the platting process. Lot 21A has 2 homes on it, Lot 21C is owned by a bank and Lot 21B is owned by the Mathes family. The proposal is for a subdivision plat with a shared access driveway. The variances are for lot frontage requirements, minimum lot size requirements and the number of houses that will be using the "shared access driveway". This property is in the Wimberley ETJ. The property owners want to know at this time if this is acceptable by the court before they expend funds for creating a subdivision plat. Tabatha Mathes (owner Lot 21B) responded to the allegations against her family – they want to make things right and get along with everyone. They want to put only two homes on their lot. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to allow Lot 21 to be divided into three lots and grant variances to lot frontage requirements and shared access driveway requirements. Commissioner Molenaar withdrew his motion and the motion DIED for lack of a second. The Bank will need to agree to the shared access driveway.**

**23403      PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF MT. SHARP RD. AND MT. GAINOR RD. [T1-473]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations of a 3-Way STOP at the intersection of Mt. Sharp Road and Mt. Gainor Road. All voting "Aye".**

**23404      PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON WINDY HILLS ROAD [T1-500]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a "STOP for school bus loading and unloading" sign on the south side of Windy Hill Road just west of the intersection with Ella Lane. All voting "Aye".**

**23405 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN KOTHMANN SUBDIVISION [T1-513]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish a speed limit of 25 MPH on Clayton Cove and Kothmann Road in the Kothmann Subdivision. All voting "Aye".**

**23406 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MARTIN RD., CR 188 [T1-526]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish a 35 MPH speed limit on Martin Road (CR188). All voting "Aye".**

**23407 CALL FOR A PUBLIC HEARING ON MAY 30, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN PARK 35 SOUTH SUBDIVISION SECTION 2A [T1-538]**

Proposed traffic regulations: speed limit of 25 MPH on Trademark Drive. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on May 30, 2006 to consider establishing traffic regulations in Park 35 South Subdivision Section 2A. All voting "Aye".**

**23408 CALL FOR A PUBLIC HEARING ON MAY 30, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN BRIDLEWOOD RANCHES SUBDIVISION SECTION 2 [T1-546]**

Proposed traffic regulations: a STOP sign on Bridlewood Ranches Dr. at Hugo Road, on Bridlewood Ranches Drive at Steeplebrook Drive, on Bridlegate Circle at Bridlewood Ranches Drive, and a 30 MPH speed limit on Bridlewood Drive, Bridlegate Circle and Steeplebrook Drive. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on May 30, 2006 to consider establishing traffic regulations in Bridlewood Ranches Subdivision Section 2. All voting "Aye".**

**Clerk's Note: Agenda Item #17 RE: APPROVE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO MAKE ROAD IMPROVEMENTS TO RR12 & FM3237 AS IT PERTAINS TO THE WINTERS MILL PARKWAY AND APPROVE CHANGE ORDER NUMBER 4 TO WINTERS MILL PARKWAY FOR THE ADDITION OF THE LTL ON RM 12 AND RM 3237 was PULLED. No discussion and no action taken.**

**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. IIA GUNNARSON, ET. AL., A CONDEMNATION MATTER was PULLED. No discussion and no action taken.**

**23409 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ACCUTEX SURVEY SYSTEMS, INC. FOR DEVELOPMENT OF A DEDICATION PLAT OF THE HAYS COUNTY INDIGENT CEMETERY [T1-556]**

In 2003 the county purchased 3.35 acres of land for the use of indigent burials. The land has been cleared and leveled and we are now ready to proceed with a design space layout. Floyd Ward (Accutex) advised that he has several configurations with over 800 plots. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to authorize the County Judge to execute a professional services agreement with Accutex Survey Systems Inc. for development of a dedication plat of the Hays County Indigent Cemetery. All voting "Aye".**

**23410 ADOPT A RESOLUTION SUPPORTING EXPEDITED COMPLETION OF SH45 SW AND FM 1626 [T1-631]**

This resolution opposes efforts to close Brodie Lane and further calls on State and Federal Officials to take necessary action to expedite the construction of SH45 SW and improvements to FM 1626 from FM2770 to Bliss Spillar Road. **A motion was made by Judge Powers, seconded by Commissioner Conley to adopt a resolution supporting expedited completion of SH45 SW and FM1626. All voting "Aye".**



**23411      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF BUDA, SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT # 1 AND THE MEADOWS AT BUDA COMMERCIAL, LTD., RELATING TO THE RELOCATION OF COUNTY ROAD 132 AND THE PROPOSED BUDA TRUCK BYPASS PROJECT** [T1-671]

Buda Mayor Trube spoke of their project to reroute truck traffic out of downtown Buda. The WCID is donating a portion of the road in their district and the remainder has also been donated. TxDot has been involved in the process. The City of Buda will maintain a portion of the new road that is within the city limits. The old CR132 will be abandoned – this will be a property exchange (the new portion is being traded for old roadway). Summary of the CR132 Agreement: • relocated CR132 will be constructed by the City of Buda, with South Buda WCID No. 1 paying for the cost of the roadway within its boundaries and the southern extension of that segment to IH35, • when the relocated CR132 is completed, the City will convey the segment paid for by the WCID to the WCID; • thereafter the City will convey the segment for which it has paid to the county, and the WCID, after following the procedures required by Chapter 441 Transportation Code, will convey the segment for which it paid to the County; • following the conveyances, the road will be owned by the County and will be maintained by the County; • after the relocated CR132 has been conveyed to the county, the Commissioners Court, acting unanimously, will close, abandon and vacate that segment of existing CR132 and title to that segment will vest in the adjacent landowners. **A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute an agreement with the City of Buda, South Buda Water Control and Improvement District #1 and the Meadows at Buda Commercial Ltd., relating to the relocation of County Road 132 and the proposed Buda Truck Bypass Project. All voting "Aye".**

**23412      [06-3-019, 2 LOTS] CYPRESS CREEK ACRES REPLAT OF LOT 12 - APPROVE FINAL PLAT** [T1-814]

Marci Anderson voiced her concern about impact of drainage and wastewater issues regarding this lot and she asked for an environmental impact study. Robert Hanna advised that his lot is receiving runoff from this area because of development with impervious cover. Pete Smith spoke of deed restrictions that prevent resubdivision. Harvey Mabry spoke of deed restrictions and he spoke of people that have lived in this area for many years and are now being flooded. Environmental Health Director Allen Walther advised that staff has reviewed the covenants and the property owner has the right to subdivide this property – they are realigning the existing common lot line. He gave staff recommendation for final plat approval. Allen Walther also advised that the county has no site development authority or requirements addressing storm water retention – that is regulated by TCEQ. Road Supt/Engineer Jerry Borcherding spoke of road drainage issues. Commissioner Conley spoke of county authority being limited and not the same as municipalities. He also stated that the county has lobbied the legislature for more authority. Charles O'Dell (Hays CAN) spoke of counties having the authority to maintain the health safety and welfare of the citizens. Special Counsel Jacqueline Cullom Murphy spoke of general rule of municipalities – counties are political subdivisions of the state and must go by state statutes. Commissioner Carter spoke of Article 11 of the county subdivision rules. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve final plat of "Cypress Creek Acres Replat of Lot 12". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**Court was adjourned.**

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**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 16, 2006.**




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