



STATE OF TEXAS *

COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JUNE 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
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 and Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

23463 ADOPT A PROCLAMATION DECLARING AUGUST 1, 2006 AS NATIONAL NIGHT OUT IN HAYS COUNTY

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to adopt a Proclamation declaring August 1, 2006 as "National Night Out in Hays County". All voting "Aye".

PUBLIC COMMENTS

Charles O'Dell (President of Hays CAN) requested that citizens be included in the office complex project (agenda item#5) and he spoke about groundwater availability and management. H.T. Morgan (Fitzhugh Road resident) spoke of his water well going dry 3-4 weeks ago – he suggested a moratorium on drilling of new wells and suspending water well permits. [T1-233] Candise Clark (Sycamore Creek resident) spoke of water wells going dry in her area and a new subdivision is going in (Northridge) that will be drilling new wells. Donna Williams (resident of Wimberley) spoke of process to revise subdivision rules – she is concerned about who will be the stakeholders involved in this process. [T1-358] Doug Cones spoke of protesting the Northridge subdivision in the past and he would like the Hays Trinity Groundwater District to be involved in the process. Al Brown advised that we are in a severe drought situation and he provided a graph from the well at his home (Kirby Springs Ranch) showing that the water level has dropped 65 feet in less than one year. Steve Shubin (Longhorn Trail resident) voiced his concern about water availability – his well went dry 10 days ago – growth in the area will have a tremendous impact on water availability.

23464 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$1,980,540.51 as presented by the County Auditor. All voting "Aye".

23465 APPROVE BUDGET AMENDMENT # 06-29

Budgets being amended: Treasurer = \$100 for balance of FSLA guide from maint., County Wide = \$13,600 for legal committals from worker's comp insurance savings, Constable Pct. 1, Commissioner Pct. 1 & Information Technology = \$1,088 to purchase a computer for Constable Pct. 1, CAPCOG/911 Addressing Maint = \$1,333 for needed expense, FEMA/Wildfire 1624 Grant = \$6,647 to budget new grant and reimburse volunteer fire depts., GDEM'04 Hazmat Grant = \$ 2700 to budget LEAD donation to Fire Marshal, Road & Bridge Operations = \$69,964 transfer of savings on hauling & state regulation fees to materials, DSHS Family Planning Grant = \$5,325 to accept and budget change notice no. 3 for additional funds received from agency, and DSHS-Director of Nursing = \$3,000 for supplies from personnel savings. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment #06-29 as proposed by the County Auditor. All voting "Aye".**

23466 APPROVE SPECIFICATIONS FOR "EQUIPMENT WITH OPERATOR" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Equipment with Operator" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



23467 AUTHORIZE COMMISSIONER MOLENAAR AND CINDY MAIORKA TO NEGOTIATE A CONTRACT WITH THE SELECTED ARCHITECTURAL FIRM, JACKSON MCELHANEY ARCHITECTS FOR RFP #2006-P06 PROFESSIONAL SERVICES/ARCHITECT/HAYS COUNTY PRECINCT 4 OFFICE BUILDING

Purchasing received seven (7) responses and after review and evaluation selected Jackson McElhaney Architects. Commissioner Molenaar and Cindy Maiorka will negotiate the contract and bring back to the commissioners court. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize Commissioner Molenaar and Cindy Maiorka to negotiate a contract with the selected Architectural Firm Jackson McElhaney Architects for RFP #2006-P06 Professional Services/Architect/Hays County Precinct 4 office building. All voting "Aye".**

23468 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A RENEWAL GRANT CONTRACT FROM THE OFFICE OF THE ATTORNEY GENERAL AND TO CONTINUE HAYS COUNTY VINE PROGRAM

The VINE (Victim Info & Notification Everyday) program is a statewide automated system to provide crime victims with accurate information and timely notification of county jail inmate status and court events. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a renewal grant contract from the office of the Attorney General and to continue Hays County VINE Program. All voting "Aye".**

23469 APPROVE TEMPORARY APPOINTMENT OF JEFF TURNER TO REPLACE MARK CHAMBERS ON THE SAN MARCOS/HAYS COUNTY EMS BOARD

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve temporary appointment of Jeff Turner to replace Mark Chambers on the San Marcos/Hays County EMS Board. All voting "Aye".

23470 ACCEPT ADDITIONAL \$5,325 IN TITLE V MATERNAL AND CHILD HEALTH GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND TO AUTHORIZE COUNTY JUDGE TO EXECUTE AMENDED CONTRACT

This is additional funds being provided by TDSHS for an existing continuation grant for services currently provided by the Hays County Health Dept. No match required. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept additional \$5,325 in Title V Maternal and Child Health Grant funds from the Texas Department of State Health Services and to authorize County Judge to execute amended contract. All voting "Aye".**

23471 [PCT. 2 #06-2-06, 4 LOTS] PRESIDIO ALMA RESUBDIVISION OF LOTS 4A, 4B AND 5 (CORRECTION OF LOT 6) – PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-580]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. The resubdivision will create four lots and an error in the original platting of Lot 6 is being corrected via this plat. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Presidio Alma Resubdivision of Lots 4A, 4B and 5" and correction to Lot 6. All voting "Aye".**

23472 [PCT. 4 #06-4-028, 1 LOT] SILVERADO ESTATES LOT 7 – APPROVE REVISION TO THE DRAINAGE EASEMENT [T1-596]

Environmental Health Director Allen Walther gave staff recommendation for revision to drainage easement on Lot 7 of Silverado Estates. A home was built within a platted drainage easement and homeowner contracted with an engineer to design channel modification and reduce the drainage easement. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve revision to the drainage easement on Silverado Estates Lot 7. All voting "Aye".**

Clerk's Note: Agenda Item #11 RE: RELEASE CONSTRUCTION BOND & MAINTENANCE BOND AND ACCEPTANCE FOR MAINTENANCE ALL ROAD AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR GREAT HILLS SUBDIVISION was PULLED. No discussion and no action taken.

23473 CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON MT. SHARP RD., CR 219 [T1-623]

Proposed traffic regs: STOP sign on Mt. Sharp Road at Pump Station Road (CR218), set speed limit of 35 MPH on Mt. Sharp Road between Pump Station Rd. and Mt. Gainor Rd., and a speed limit of 30 MPH on Mt. Sharp Road between Pump Station Road and FM2325. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on July 11, 2006 to establish traffic regulations on Mt. Sharp Road (CR219). All voting "Aye".**

23474 CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS AND CHANGE THE 911 ROAD NAME OF WIMBERLEY BYPASS TO WINTERS MILL PARKWAY [T1-636]

Proposed traffic regulation: 60 MPH speed limit on Winters Mill Parkway. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on July 11, 2006 to establish traffic regulations and change the 911 road name of "Wimberley By-Pass" to "Winters Mill Parkway". All voting "Aye".**

23475 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE CONSTRUCTION BOND, AND ACCEPT MAINTENANCE BOND FOR TWO YEARS FOR SHADOW CREEK SUBDIVISION PHASE 2 SECTIONS 1, 2, & 3 [T1-644]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept road construction and drainage improvements, release construction bond, and accept maintenance bond for two years for "Shadow Creek Subdivision Phase 2 Sections 1, 2 & 3". All voting "Aye".

23476 CALL FOR A PUBLIC HEARING ON JULY 11, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION PHASES 1 & 2 [T1-658]

Proposed traffic regulations: STOP signs and 30 MPH speed limit. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on July 11, 2006 to establish traffic regulations in "Shadow Creek Subdivision Phases 1 & 2". All voting "Aye".**

23477 PUBLIC HEARING PURSUANT TO CHAPTER 253 OF THE TEXAS TRANSPORTATION CODE, TO CONSIDER ENACTING A RESOLUTION TO DECLARE A PUBLIC NECESSITY AND CONSIDER THE UPGRADE OF ROADS IN CEDAR OAKS MESA SUBDIVISION [T1-668]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Commissioner Conley spoke of public health and safety issues that will be addressed. A vote will be taken among the property owners and if approved improvements will be made to bring the roads up to county standards. The road improvements will begin in fiscal year 2007 and all improvements will be completed in fiscal year 2007. The cost for improvement shall be \$268,000 to be paid to Hays County by the property owners over a period of 10 years, interest free. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt resolution to declare a public necessity and upgrade the roads in Cedar Oaks Mesa subdivision pursuant to Chapter 253 of the Texas Transportation Code. All voting "Aye". Commissioner Molenaar voting "No".**

ACTION FAILED REGARDING BRINGING THE ROADS IN GOFORTH VILLAGE INTO THE COUNTY MAINTENANCE SYSTEM [T1-778]

Road Supt/Engineer Jerry Borcharding gave a brief history of roads in Goforth Village. Commissioner Carter spoke of developer going bankrupt – there was intent for the roads to be brought into the county road maintenance system. She will take it into her priority list. Jerry Borcharding advised that he estimates it will cost \$155,000 to bring the roads up to county standards. **A motion was made by Commissioner Carter, seconded by Judge Powers to bring the roads in Goforth Village into the county maintenance system. Commissioner Conley and Commissioner Carter voting "Aye". Commissioner Molenaar, Judge Powers, and Commissioner Ingalsbe voting "No". MOTION FAILED.**

Clerk's Note: The following Agenda Item was PULLED – No discussion and No action taken RE: APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SUNDAY AND ASSOCIATES, INC., TO PROVIDE CONSULTING SERVICES TO HAYS COUNTY RELATED TO COMPLIANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS GASB 43 AND GASB 45



23478 APPROVE SPREADSHEET OF FINANCIAL SUMMARY OF CONTRACTED AND ANTICIPATED COSTS FOR THE HAYS COUNTY BOND PROGRAM [T1-1166]

Maen Hourani (TC&B) advised that he had discussed this with County Auditor Bill Herzog and the preference is to go to a spreadsheet rather than submit 8 or more supplemental work authorizations to the court. Mr. Hourani would prefer to go this route rather than spend a lot of his time preparing and submitting these supplements. **A motion was made by Judge, seconded by Commissioner Carter approve spreadsheet of financial summary of contracted and anticipated costs for the Hays County Bond Program. All voting "Aye".**

PRESENTATION BY ANDREW BACKUS WITH THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT CONCERNING A DROUGHT UPDATE, WELL SPACING, AND LEGISLATIVE AGENDA [T1-1373]

Andrew Backus (President of Hays Trinity Groundwater Conservation District) gave a presentation concerning a drought update, well spacing and legislative agenda. Attorney Greg Ellis spoke of groundwater conservation districts and need to strengthen authority for the GCD and the county. [T1-2445] Public comments were made by Charles O'Dell, Joe Day, Charles Turner, W F Smith, Randy Robinson, Al Brown, and Doug Cones.

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 20, 2006.



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

