



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 11TH DAY OF JULY 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.

PUBLIC COMMENTS REGARDING "WATER"

Harry Savio, Executive Vice President of Home Builders Assoc. of Greater Austin, spoke of moratorium on development due to water shortages – feels like this would have a negative impact on the economy. He also spoke of increasing fees for development. Wayland Clark (resident of Sycamore Creek area) spoke of minutes of 2000 regarding Northridge Subdivision and the water availability study done at that time. Nan Boen spoke of water availability in north Hays County. Ray Toburen (resident of Sycamore Creek) spoke of concerns regarding future availability of water in northwest Hays County. Wayland Clark spoke of how this affects property values. Doug Cones [T1-232] presented a letter he sent earlier in the year and has not received a response. He spoke of monitoring of well that was done. Elizabeth Sumter (Wimberley resident) spoke of wells that were going dry five years ago. Andrew Backus (Hays Trinity Groundwater Conservation District) asked for support of the groundwater conservation district authority and he spoke of need for more refined science. Carol Paden (Madrone Ranch Subd) expressed her concern about the water well situation. [T1-494] Charlie Johnson (Woodcreek resident) spoke of increase in water rates and managing growth. He spoke of difficulties in getting surface water.

23494 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$260,301.03 as presented by the County Auditor. All voting "Aye".

23495 APPROVE BUDGET AMENDMENT # 06-31

Budgets being amended: Environmental Health = \$3,000 transfer for database/software maintenance & utilities from personnel savings, Sheriff = \$7,500 to allow purchase of vehicle to transport prisoners & vehicle renovation, Human Resources = \$500 transfer for fed ex/postage from personnel savings, Constable Pct. 4 = \$4.00 transfer for supplies & balance of training from maintenance & other supplies, Veteran's Officer = \$400 transfer for postage & replacement chair from maintenance, TJPC/Salary Grant = \$2,830 to correct actual FY06 budget amount, AG/VINE Grant = \$4,314 to budget additional award from Attorney General's office, R&B Operations = \$1,100 transfer for subdivision mailout to Cedar Oaks Mesa, DSHS/TB Grant = \$500 for medical supplies, and DSHS/Family Planning = \$73 for medical supplies. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-31 as proposed by the County Auditor. All voting "Aye".

23496 APPROVE SETON HEALTH PLAN AMENDMENT/RENEWAL PER TEXAS HEALTH AND HUMAN SERVICES COMMISSION REQUIREMENT FOR NETWORK SERVICES AGREEMENT BETWEEN THE HAYS COUNTY HEALTH DEPARTMENT AND SETON HEALTH PLAN, INC.

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Seton Health Plan Amendment/Renewal per Texas Health and Human Services Commission requirement for Network Services Agreement between the Hays County Health Department and Seton Health Plan Inc. All voting "Aye".

23497 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE TEXAS SECRETARY OF STATE FOR THE HELP AMERICA VOTE ACT (HAVA)

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept a grant from the Texas Secretary of State for the Help America Vote Act (HAVA) for up to \$8,000. All voting "Aye".



23498 ACKNOWLEDGE THE SELECTION OF SHERIFF ALLEN BRIDGES OF THE MID-STATES SERVICES, INC., TO PROVIDE COMMISSARY SERVICES FOR THE HAYS COUNTY JAIL PURSUANT TO SECTION 351.0415 OF THE TEXAS LOCAL GOVERNMENT CODE

Bids were received from Mid-America Services Inc., Keefe Supply Company, and Mid-State Services Inc. Based on the comparative analysis of the information supplied by each vendor, the staff of the Sheriff's office has determined Mid-State Services to be the best value to provide commissary services to the Hays County Jail. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to acknowledge the selection of Sheriff Allen Bridges of the Mid-States Services, Inc. to provide commissary services for the Hays County Jail pursuant to Section 351.0415 of the Texas Local Government Code. All voting "Aye".**

23499 APPROVE SPECIFICATIONS FOR BID# 2006-B19 "METAL PIPE" FOR HAYS COUNTY ROAD DEPARTMENT AND AUTHORIZE THE PURCHASING DEPARTMENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve specifications for Bid#2006-B19 "Metal Pipe" for Hays County Road Department and authorize the Purchasing Department to solicit for bid and advertise. All voting "Aye".

23500 APPROVE AWARD FOR BID# 2006-B17 "FURNISH & INSTALL GUARDRAILS" TO ROADWAY SPECIALTIES

Roadway Specialties was the only respondent and currently has the contract for Furnish & Install Guardrails. The Road Dept. is satisfied with the performance of Roadway Specialties. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award for Bid #2006-B17 "Furnish & Install Guardrails" to Roadway Specialties". All voting "Aye".**

23501 APPROVE CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR REIMBURSEMENTS ASSOCIATED WITH CERTIFICATION OF VITAL RECORDS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract with the Department of State Health Services for reimbursements associated with Certification of Vital Records. All voting "Aye".

CLERK'S NOTE: AGENDA ITEM#4 RE: APPROVE CONTRACT FOR LEASE PERIOD OF 5 YEARS, WITH A POSSIBLE OPTION FOR A THREE (3) YEAR EXTENSION WITH UNION CREEK SENIOR CITIZENS FOR THE PORTION OF THE BUILDING THEY HAVE RENTED FOR THE LAST 20 YEARS WAS PULLED. NO DISCUSSION AND NO ACTION TAKEN.

Clerk's Note: Agenda Item #21 RE: CONSIDER REPAIRS TO THE COUNTY EXTENSION VEHICLE was PULLED. This item to be paid out of self-insurance line item.

23502 ACTION REGARDING REQUEST FROM CHASE HOME FINANCE LLC, FOR A REFUND OF TAXES PAID ON LOT 2, BLK H, PLUM CREEK PH 1, SEC 1-B [T1-587]

Tax Assessor-Collector Luanne Caraway spoke of her concern that mortgage companies make errors and she has to come to the court to correct them. In the past they have required the mortgage companies to get the money back from the property owner. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to deny request from Chase Home Finance LLC, for a refund of taxes paid on Lot 2 Block H Plum Creek Phase 1 Section 1-B. All voting "Aye".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE PARTICIPATION IN SAN MARCOS TIRZ #3 (SAN MARCOS HOTEL/CONFERENCE CENTER PROJECT) [T1-642]

Court convened into closed executive session at 9:57 a.m. and reconvened into open meeting at 10:26 a.m. Judge Powers advised that no action will be taken today.

23503 [PCT. 3 #05-3-062, 3 LOTS] MOUNTAIN VIEW ESTATES RESUBDIVISION OF LOT 2 - PUBLIC HEARING AND APPROVAL OF FINAL PLAT [T1-655]

Judge Powers declared the public hearing open. No public input was received and public hearing was closed. 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 "Mountain View Estates Resubdivision of Lot 2". All voting "Aye".**



23504 [PCT. 3 #05-3-048, 2 LOTS] **BURNETT RANCH SECTION 4 RESUBDIVISION OF LOT 8 – APPROVE PRELIMINARY PLAN** [T1-670]

Environmental Health Director Allen Walther gave staff recommendation

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for “Burnett Ranch Section 4 Resubdivision of Lot 8”. All voting “Aye”.

23505 [PCT. 4 #06-4-029, 46 LOTS] **CHAMA TRACE – APPROVE PRELIMINARY PLAN** [T1-681]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter questioned water availability study. Allen Walther felt like the study complies with county requirements. Special Counsel Jacqueline Cullom Murphy spoke of engineer certification. Charles O'Dell spoke. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for “Chama Trace”. CLERK'S NOTE: ACTION POSTPONED – NO VOTE TAKEN.**

Clerk's Note: Agenda Item # 13 RE: [PCT. 4 #06-4-031, 5 LOTS] SPRINGLAKE RESUBDIVISION OF LOT 122A – APPROVE PRELIMINARY PLAN was PULLED. No discussion and no action taken.

23506 [PCT. 4 #06-4-018, 2 LOTS] **KEY RANCH AT THE POLO CLUB RESUBDIVISION OF TRACT L – APPROVE PRELIMINARY PLAN** [T1-894]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. Commissioner Carter spoke of water availability. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for “Key Ranch at the Polo Club Resubdivision of Tract L”. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

Clerk's Note: Agenda Item # 15 RE: [PCT. 4 #05-4-011, 2 LOTS] ROLLING OAKS SECTION 3 RESUBDIVISION OF LOT 10 – APPROVE PRELIMINARY PLAN WAS PULLED. No discussion and no action taken.

23507 [PCT. 4 #06-4-036, 1 LOT] **LA VENTANA PHASE I REPLAT OF LOTS 33 AND 34 – APPROVE FINAL PLAT** [T1-972]

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 of “La Ventana Phase I Replat of Lots 33 and 34”. All voting “Aye”.**

23508 [PCT. 4 #06-4-022, 2 LOTS] **BARTON CREEK MEADOWS – APPROVE PRELIMINARY PLAN** [T1-997]

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 “Baton Creek Meadows”. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

23509 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN SHADOW CREEK SUBDIVISION, PHASE 1 & 2** [T1-1008]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a 30 MPH speed limit and STOP signs. STOP signs on Shadow Creek Blvd @ Windy Hill Drive, on Coach Drive @ Shadow Creek Blvd., on Coach Drive @ Dark Horse, on Black Cap Run @ Shadow Creek Blvd., on Desert Spring Cove @ Black Cap Run, on Sloan Road @ Shadow Creek Blvd., on Sloan Road @ Dark Horse Lane, on Desert Eagle @ Shadow Creek Blvd., on Brandons Way @ Shadow Creek Blvd., on Jack Rabbit Lane @ Shadow Creek Blvd., on Black Forest Road @ Shadow Creek Blvd., on Black Forest Road @ Quarter Avenue., on Jack Rabbit Lane @ Quarter Avenue, on Brandons Way @ Quarter Avenue; 2 STOP signs on Quarter Avenue @ Spanish Trails Blvd., on Shadow Creek Blvd @ Spanish Trails, on Shadow Creek Blvd. and Dark Horse Lane, on Black Cap Run @ Shadow Creek Blvd., and on Coach Drive @ Shadow Creek Blvd.; and 4-Way STOP signs @ Shadow Creek Blvd and Dark Horse Lane. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations in Shadow Creek Subdivision Phase 1 & 2 as recommended by the Road Department. All voting “Aye”.**

23510 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON MT. SHARP RD., CR 219** [T1-1028]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for a STOP sign on Mt. Sharp Road at Pump Station and 30 MPH speed limit on Mt. Sharp Road between Pump Station Road and FM2325. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to establish traffic regulations on Mt. Sharp Road as recommended by the Road Department. All voting “Aye”.**



23511 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS AND CHANGE THE 911 ROAD NAME OF WIMBERLEY BYPASS TO WINTERS MILL PARKWAY [T1-1053]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended a 60 MPH speed limit. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to change the the 911 Road name of Wimberley By-Pass to Winters Mill Parkway and establish a speed limit of 60 MPH. All voting "Aye".**

23512 ACCEPT RESIGNATION OF WILLIAM HOPKINS AND TO APPOINT CHRISTINA MCKINNEY TO THE NORTH HAYS COUNTY ESD #5 BOARD [T1-1073]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept resignation of William Hopkins and to appoint Christina McKinney to the North Hays County ESD#5 Board. All voting "Aye".

23513 AUTHORIZE THE COUNTY JUDGE TO SIGN A CONTRACT WITH HALFF & ASSOCIATES FOR PRELIMINARY INVESTIGATION FOR A BRIDGE AT MCGREGOR LANE [T1-1080]

Authorization to hire Halff & Associates was passed by the Court in March, however, the contract was not part of the agenda packet. This action will allow the Judge to sign the contract which will allow the auditor to pay billings. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to sign a contract with Halff & Associates for preliminary investigation for a bridge at McGregor Lane. All voting "Aye".**

DISCUSSION REGARDING ADOPTING A PLATTING REQUIREMENT WHICH SPECIFIES THAT LOTS SERVED BY A PUBLIC WATER SUPPLY ARE PROHIBITED FROM DRILLING INDIVIDUAL WATER WELLS [T1-1093]

Charles O'Dell made several suggestions to the court for adoption into the county rules. No further discussion or action taken.

23514 ADOPT A REVISED SUBDIVISION REVIEW FEE SCHEDULE AND INCENTIVES BASED REBATE PROGRAM [T1-1301]

Commissioner Molenaar spoke in support of revised fee schedule and incentives based rebate program. He spoke of \$100 being put into a dedicated fund for future infrastructure improvements. Discussion was had regarding incentives based rebate program. Commissioner Molenaar spoke of bringing surface water into Hays County and rainwater collection system program. Charles O'Dell requested postponement of action. **A motion was made by Commissioner Molenaar, seconded by Conley to adopt a Revised Subdivision Review Fee Schedule and Incentives Based Rebate Program with addition of plat submittal for 2 lots or less being \$500 plus \$100 per lot with item 8 not applying to those to be effective immediately. All voting "Aye". Commissioner Carter abstained.**

<u>APPENDIX I</u>	
<u>SUBDIVISION FEE SCHEDULE</u>	
REVIEW FEE: Payable to "Hays County Treasurer"	
Plat submittal with no floodplain:	\$ 500, plus \$400 per lot
Plat submittal, 2 lots or less:	\$ 500, plus \$100 per lot
Plat submittal with floodplain:	\$ 800, plus \$400 per lot
Revised plat & cancellation:	\$ 200, plus \$ 50 per lot
Variance request, per variance requested:	\$ 100
Release of easement:	\$ 100
Flood study review:	Based on actual cost of review
Public notification for resubdivision or replat: based on actual cost	
Currently \$200, plus \$4.42 per letter, plus actual cost of newspaper notice	
FILING FEES: (Payable to "Hays County Clerk" at time of recording)	
First page: \$50, plus \$6 records management and security fee	
Each addition page: \$50	



Subdivision Fee Incentives Program

Up to \$200 per lot (of the \$400 fee) may be rebated by implementation of any of the following:

1. Construction of water quality ponds (must remove at least 80% nutrient and sedimentation load)
2. Rainwater collection facilities on amenities structures
3. Construction of recharge structures
4. Cedar eradication (joint County & USF&WS plan approval required)
5. Boundary street improvements (no more than 50% of total rebate)
6. Wastewater reuse plumbing to individual lots
7. 50% of rebate may go to a dedicated fund for open space preservation and development mitigation.
8. \$100 of the County's per lot portion will go to the same dedicated fund.

Rebate Application Process:

1. At the time of platting, the applicant must identify all proposed projects for which a rebate will be requested.
2. An engineer's design and cost estimate is required for all proposed structural improvements.
3. All rebate requests, except donations to the Open Space Preservation Fund, must be accompanied by an invoice certifying actual expenditures.

23515 APPROVE APPOINTMENT OF WARREN GRANNIS AND JIM CULLEN TO THE HAYS COUNTY HISTORICAL COMMISSION TO FILL VACANCY THROUGH DECEMBER 31, 2006 [T1-1701]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to approve appointment of Warren Grannis and Jim Cullen to the Hays County Historical Commission to fill vacancy through December 31, 2006. All voting "Aye".

23516 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE SALE OF HAYS COUNTY PROPERTY (ROAD BARN LOCATED AT 13500 RANCH ROAD 12, WIMBERLEY, TEXAS). ACTION MAY FOLLOW IN OPEN COURT [T1-1725]

Court convened into closed executive session at 11:55 a.m. and reconvened into open meeting at 12:30 p.m. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to execute a real estate contract that contains a counter offer with John and Beth Patterson related to the sell of county owned property at 13500 Ranch Road 12 in Wimberley with revenue generated from sale of the property to go to Road Department buildings in the new yard in Wimberley and soft cost to work on new building facility for Precinct 3. All voting "Aye".

Clerk Note: Agenda item # RE: APPROVE CIGNA'S PROPOSAL ON NEW RATE PLANS FOR MEDICAL AND DENTAL PLAN BENEFITS was PULLED. No discussion and no action taken.

23517 ACTION REGARDING THE SITE SELECTION ANALYSIS OF THE OLD HOSPITAL PROPERTY PREPARED BY CARTER::BURGESS AND THE BUILDING COMMITTEE AND SUBMISSION OF REQUESTS FOR PROPOSALS TO THE DEVELOPERS OF TWO OTHER POSSIBLE SITES [T1-1768]

Commissioner Ingalsbe spoke of task of committee was to look at the old hospital site to see if an office complex would fit on that property. Mr. Rascoe (Carter::Burgess) spoke of rate of growth in Hays County and needs assessment. He provided a diagram showing 3 phases with a total of three five-story buildings (600,000 sq.ft.) and a parking garage (2,250 spaces) with underground detention at maximum build-out. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to request proposals from developers for the other two possible sites for a County Government Center. Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "Aye". Commissioner Conley abstained and Commissioner Molenaar voting "No". MOTION PASSED.



JULY 11, 2006

VOLUME T PAGE 389

23518 ACTION PURSUANT TO SECTION 13 OF THE HAYS COUNTY RULES RELATING TO ON-SITE SEWAGE FACILITIES TO CONSIDER THE APPEAL SUBMITTED BY MS. CAROLYN LOGAN RELATING TO PERMIT #2005-416 [T1-2238]

Judge Powers explained the purpose of this agenda item. Carolyn Logan advised that she is appealing for economic reasons (affecting the value of her property and leach field overflowing into her property). She is worried about the health of her livestock and devaluation of her property. [T1-2333] Charles O'Dell (President of Hays CAN) spoke of HB1704 and exemption given to property owner. Environmental Health Director Allen Walther spoke of no lot size requirements for commercial development – this is a non-single family resident lot. Commissioner Carter spoke of public utility easement on the property. Attorney Jim Duval (representing Mr. Ramus) advised that if the property owner has complied with county ordinances then the court has no choice but to support this permit. This permit has been issued and the sewage facility is in place at this time. He urged the court to deny the appeal. Andy Grubbs, septic system designer, spoke of 5 ft setback for utility pole. Allen Walther advised that this pole will not affect the performance of the septic system. Allen Walther spoke of review of this project and numerous inspections – staff feels like they have a valid application, valid design and request denial of this appeal. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to deny the appeal submitted by Carolyn Logan and instruct Special Counsel to request a ruling from TCEQ (Texas Commission on Environmental Quality). 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 JULY 11, 2006.



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

