STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 25TH 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 Carter led the Court in the Pledge of Allegiance to the Flags.

23539 PRESENTATION BY HALFF & ASSOCIATES, INC., ON THE FINAL DRAFT PLAN FOR 5-MILE DAM PARK AND ACTION AUTHORIZING PURCHASING TO PROCEED TO DESIGN/ENGINEERING PHASE OF PROJECT [T1-20]

A power point presentation was given to the court showing the various improvements to be made to the park. Halff & Associates Inc. assisted Hays County and the City of San Marcos in developing this design after many hours of meetings with stakeholders throughout the county. The park complex now consists of 88.759 total acres [Dudley Johnson Park = 15.56 acres, Randall Vetter Park = 17.859 acres, and 55.34 acres in adjacent property purchased by the county with Parks & Open Space Bond funds]. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize Purchasing to proceed to design/engineering phase of project for 5-Mile Dam Park. All voting "Aye".**

23540 ADOPT A PROCLAMATION SUPPORTING THE "RIDE TO REMEMBER" CROSS-COUNTRY BICYCLE RIDE HONORING THOSE WHO LOST THEIR LIVES ON SEPTEMBER 11, 2001 [T1-310]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a proclamation supporting the "Ride to Remember" cross-country bicycle ride honoring those who lost their lives on September 11, 2001. All voting "Aye".

PRESENTATION AND UPDATE OF 4H ACTIVITIES IN HAYS COUNTY [T1-377]

Richard Parrish (4H County Agent) spoke of education efforts related to water issues. Science of water is being taught to elementary aged children. Water fairs have been provided to local schools. Water is a key component to agricultural education. He thanked the court for their continued support. Publications available at www.tcebookstore.org

PUBLIC COMMENTS

[T1-515] Andrew Backus, Hays Trinity Groundwater Conservation District, spoke of wells going dry in his district. He spoke of limited authority of the groundwater district – they may be able to regulate residential water well spacing. He requested support to add the lower Trinity to the Hill Country GAM (Groundwater Availability Model).

23541 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of $ 481,153.65 as presented by the County Auditor. All voting "Aye".

23542 APPROVE UTILITY PERMITS #1890-1893

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #01890 on Canna Lily Circle issued to ELK Electric, #01891 on Deerfield Road issued to Verizon, #01892 on McCarty Lane issued to City of San Marcos, and #01893 on CR200/Deer Creek Circle issued to Deer Creek Water Co. as submitted by the Road Department. All voting "Aye".

23543 APPROVE BUDGET AMENDMENT # 06-33

Budgets being amended: DPS = $1,570 transfer for increased cost to move scale, IT/District Court = $950 transfer for replacement computer for Dist. Coord., Emergency Mgmt Coord/Fire Marshal = $27,937 transfer for balance of FY06, and Posey Road Construction = $101,140 budget per interlocal agreement with City of San Marcos. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment #06-33 as proposed by the County Auditor. All voting "Aye".**

23544 APPROVE SPECIFICATION FOR BID #2006-B18 ROAD IMPROVEMENT PROJECT FOR DRY HOLE ROAD (CR210) AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE PENDING FULFILLMENT OF CONTRACT TERMS BY THE CITY OF KYLE

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve specification for Bid #2006-B18 Road Improvement Project for Dry Hole Road (CR210) and authorize Purchasing to solicit for bid and advertise pending fulfillment of contract terms by the City of Kyle. All voting "Aye".

23545 APPROVE CONTRACT RENEWAL FOR "BRUSH CUTTING & OTHER SERVICES" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT W/ ASPLUNDH

Asplundh lowered the hourly rate due to reduction of their insurance rates – instead of $45 per hour it wil be $40 per hour. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve contract renewal for "Brush cutting & other Services" for one (1) additional year as provided in the original contract with Asplundh. All voting "Aye".**

23546 APPROVE SPECIFICATIONS FOR BID #2006-B20 "REGULATORY, WARNING & OTHER ROAD SIGNS" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve specifications for Bid #2006-B20 "Regulatory, Warning & Other Road Signs" and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

23547 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPARTMENT – OUTDOOR GRANT PROGRAM FOR UP TO $400,000, ON BEHALF OF THE CITY OF SAN MARCOS TO RAISE ADDITIONAL FUNDS TO PURCHASE THE 251 ACRE TRACT ON SINK CREEK

The City of San Marcos does not have an updated Parks Master Plan and are unable to make application to TP&WD and have asked the county to make application. The Texas Parks & Wildlife Dept. has limited funds in their park grants program, therefore, we need to apply each time money becomes available to meet the two-year limit to purchase this property. Existing funds will be used as match. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Resolution authorizing the County Judge to submit a Grant application to the Texas Parks & Wildlife Department – Outdoor Grant Program for up to $400,000 on behalf of the City of San Marcos to raise additional funds to purchase the 251 acre tract on Sink Creek. All voting "Aye".**

23548 ACCEPT $896,000 IN GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION – HAZARD ELIMINATION PROGRAM (HES), PROVIDE A 10% MATCH AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONTRACT, SUBJECT TO REVIEW/APPROVAL BY SPECIAL COUNSEL AND COUNTY AUDITOR

These funds are for safety related projects that TxDOT obtained funds for under the Federal Hazard Elimination Program – Category 8 for FY 2008-2009. The list of road projects and their work descriptions are: (1) Bebee Rd – install intersection flashing light = $41,800; (2) Jacobs Well Road – safety treat fixed objects = $80,300; (3) Palomino Rd – safety treat fixed objects = $102,300; and (4) Windy Hill Road – resurfacing of road = $672,000. Budgeting of the 10% match will be in FY06-07. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept $896,000 in Grant funds from the Texas Department of Transportation – Hazard Elimination Program (HES), provide a 10% match and authorize the County Judge to execute contract, subject to review/approval by Special Counsel and County Auditor. All voting "Aye".**

23549 APPROVE LONG-TERM INTEROPERABILITY PLAN (MOU) WITH CAPCOG

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve long-term Interoperability Plan (MOU) with CAPCOG. All voting "Aye".

23550 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT APPLICATION FOR $20,935 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES – TITLE V FAMILY PLANNING PROGRAM

This is a continuation grant application for services that are currently being provided by the Hays County Personal Health Department. The grant amount of $20,935 includes $5,699 for supplies. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to accept a grant application for $20,935 from the Texas Department of State Health Services – Title V Family Planning Program. All voting "Aye".**

23551 APPROVE AWARD OF PROPOSAL FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN TO LOOMIS AUSTIN AND AUTHORIZE PURCHASING AND THE SELECTION COMMITTEE TO NEGOTIATE CONTRACT

Purchasing received six responses to the Environmental Consultant-RHC proposal. After review and evaluating, the committee has determined that Loomis Austin has the best proposal and will be the best for the project. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve award of proposal for Environmental Consulting Services for the Hays County Regional Habitat Conservation Plan to Loomis Austin and authorize Purchasing and the Selection Committee to negotiate contract. All voting "Aye".**

23552 APPLY/ACCEPT UP TO $35,000 ADDITIONAL FUNDS FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR CASE MANAGEMENT SOFTWARE FOR JP OFFICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to apply/accept up to $35,000 additional funds from the Texas Department of Public Safety for Case Management Software for JP Offices. All voting "Aye".

23553 [PCT. 4 #06-4-039, 2 LOTS] **PIONEER RANCH SUBDIVISION SECTION II RESUBDIVISION OF LOTS 2 & 3 – APPROVE PRELIMINARY PLAN** [T1-707]

Environmental Health Director Allen Walter gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Pioneer Ranch Subdivision Section II Resubdivision of Lots 2 & 3". All voting "Aye".**

23554 [PCT. 4 #06-4-038, 2 LOTS] RIVER MOUNTAIN RANCH SECTION I REPLAT OF LOTS 39 & 40 - WAIVE PUBLIC HEARING AND APPROVE FINAL PLAT [T1-721]

Environmental Health Director Allen Walter gave staff recommendation for final plat approval. This is a common lot line adjustment. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to waive public hearing and approve final plat of "River Mountain Ranch Section I Replat of Lots 39 & 40". All voting "Aye".**

23555 CALL FOR A PUBLIC HEARING ON AUGUST 8, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON OLD STAGECOACH RD., CR 136 [T1-740]

Proposed traffic regulation is a 40 MPH speed limit on Old Stagecoach Road (CR136) from Post Road (CR140) to Opal Lane (CR138). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for a public hearing on August 8, 2006 to consider establishing traffic regulations on Old Stagecoach Road (CR136). All voting "Aye".**

23556 CALL FOR A PUBLIC HEARING ON AUGUST 8, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN DEER RUN SUBDIVISION [T1-747]

Proposed traffic regulation is a 30 MPH speed limit in Deer Run Subdivision. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on August 8, 2006 to consider establishing traffic regulations in Deer Run Subdivision. All voting "Aye".**

23557 APPROVE CONTRACT WITH JACKSON & MCELHANEY FOR PCT. 4 OFFICE BUILDING ARCHITECTURAL SERVICES [T1-753]

Charles O'Dell, President of Hays CAN, asked for public input in this project. Commissioner Molenaar advised that needs for this building have already been determined. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve contract with Jackson & McElhaney for Precinct 4 office building architectural services. All voting "Aye".**

23558 APPROVE A REGIONAL WASTEWATER COMPACT RELATING TO THE RESULTS OF THE NORTH EAST COUNTY WASTEWATER NEEDS ASSESSMENT [T1-836]

The study was conducted by PBS&J for GBRA and funded by a grant from the Texas Water Development Board. With assistance from County and City personnel as well as other stakeholders, the study focused on current and projected wastewater needs and evaluated various options to meet these needs. Environmental Health Director Allen Walther spoke of input that was received and he explained the compact. Commissioner Carter spoke of problems she has with the plan. Allen Walther spoke of meetings that were held – all entities were invited to the meetings. No public funds will be requested and the compact is not binding. This study was to look at options and to receive input. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve Regional Wastewater Compact relating to the results of the North East County Wastewater Needs Assessment. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23559 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH THE NATIONAL ASSOCIATION OF COUNTIES (NACO) PRESCRIPTION DRUG DISCOUNT CARD PROGRAM [T1-1318]

Commissioner Ingalsbe spoke in support of this program – it will be most helpful to uninsured and underinsured citizens. County Treasurer Michele Tuttle spoke of discount (20%) that can be used at participating pharmacies. You can use it even if you have a prescription card. Most of the pharmacies in Hays County will accept this card. There will be news releases, posters, etc. and we will make the cards available at locations throughout the county. No cost or liability for the county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to enter into a contract with the National Association of Counties (NACO) Prescription Drug Discount Care Program. All voting "Aye".**

23560 ACTION ON A REQUEST FROM THE UPPER SAN MARCOS WATERSHED RECLAMATION AND FLOOD CONTROL AND IMPROVEMENT DISTRICT FOR THE COUNTY TO ALLOCATE $50,000 FOR REMOVAL OF VEGETATIVE GROWTH ON THE 5 RECHARGE AND FLOOD CONTROL STRUCTURES (DAMS) ON THE SAN MARCOS WATERSHED [T1-1480]

Grants Administrator Richard Salmon spoke of the county being responsible for maintenance of the five recharge/flood control structures (dams) on the San Marcos Watershed. The Upper San Marcos district will rehab the dams at a cost of $50,000.00. County Auditor Bill Herzog suggested using infrastructure funds and the county paying the invoices. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to allocate $50,000 from infrastructure funds for removal of vegetative growth on the 5 recharge and flood control structures (dams) on the San Marcos Watershed. All voting "Aye".**

23561 APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF "HAYS COUNTY, TEXAS UNLIMITED TAX ROAD BONDS, SERIES 2006" IN THE AMOUNT OF APPROXIMATELY $16.320 MILLION, LEVYING AN ANNUAL AD VALOREM TAX AND MATTERS INCIDENT THERETO [T1-1565]

Charles O'Dell, President of Hays CAN, spoke in support of a unified road system. Dan Wegmiller (First Southwest Co) advised that Hays County has a Aa3 rating and went through the final pricing summary. He spoke of sale of the bonds and excellent interest rate. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an Order authorizing the issuance of "Hays County, Texas Unlimited Tax Road Bonds, Series 2006" in the amount of approximately $16,320 million, levying an annual ad valorem tax and matters incident thereto. All voting "Aye".**

23562 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO SAN MARCOS TIRZ NO. 3 (SAN MARCOS HOTEL/CONFERENCE CENTER PROJECT) [T1-1788]

San Marcos City Manager Dan O'Leary spoke of this being the economic development area of the future. He spoke of importance of this project. County participation and liability is limited. Commissioner Ingalsbe spoke of county participation reduced from the original agreement ($620,000 savings). Commissioner Conley spoke in support of this project. San Marcos Mayor Susan Narvaiz reassured the court that the plan is to bring income into the city/county and keep tax rates down. Commissioner Carter spoke of burden on the taxpayers. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to enter into an interlocal agreement between Hays County and the City of San Marcos related to San Marcos TIRZ No. 3 (San Marcos Hotel/Conference Center Project). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23563 APPROVE CIGNA'S PROPOSAL ON NEW RATE PLANS FOR MEDICAL AND DENTAL PLAN BENEFITS AND APPROVE CONTINUANCE/RENEWAL OF BASIC EMPLOYEE LIFE INSURANCE WITH FORT DEARBORN LIFE AT SAME RATE AS CURRENT FISCAL YEAR [T1-2147]

Burke Sunday advised that the county's benefit health plan is in excellent shape. He went through the financial/funding analysis:Medical/Rx-Dental for 2006-2007 Plan Year. Recommending no change in the dental plan. The insurance committee recommendations are as follows: ▪ accept the renewal offer from CIGNA Healthcare for administrative services, network access, pharmacy services, care management/disease management, stop-loss coverage (ISL [$150,000] & ASL [120% of expected claims]) for medical/rx, administrative services for the dental PPO plan , and the fully-insured CIGNA DentalCare (DHMO) plan; ▪ make no changes to the monthly cost the county charges employees to carry their dependents for medical coverage (Open Access Plus Plan and Open Access Plus In-Network Plan); ▪ increase the County's contribution to the medical/rx plan to $532.40 per employee per month from the current $484.00 per employee per month – 10% - the County's contribution to the dental plan of $21.50 per employee per month to remain the same for the 2006-2007 plan year; ▪ add services to the well aware for BETTER HEALTH Program; and ▪ make benefit adjustments to the Open Access Plus Plan [Change the In-Network Deductible to $150 individual/$300 Family, change the Copay for MRI/PET/CAT Scans to $50 per, change the Out-of-Network Deductible to $1,500 individual/$3,000 Family, and change the Out-of-Network Out-of-Pocket to $5,000 individual/$10,000 Family].
A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Cigna's proposal on new rate plans for medical and dental plan benefits. All voting "Aye". A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve continuance/renewal of basic employee life insurance with Fort Dearborn Life at same rate as current fiscal year. All voting "Aye".

23564 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 [T1-3110]

Burke Sunday spoke of providing consulting services regarding GASB43 and GASB45. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve professional services agreements with Sunday and Associates Inc. to provide consulting services to Hays County related to compliance with governmental accounting standards GASB 43 and GASB 45. 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 25, 2006.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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