



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 5<sup>TH</sup> DAY OF SEPTEMBER A.D., 2006, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>H. S. "SUSIE" CARTER</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILL CONLEY</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LINDA C. FRITSCH</b>	<b>DEPUTY COUNTY CLERK</b>

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.

**23657 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 \$ 372,053.26 as presented by the County Auditor. All voting "Aye".

**23658 APPROVE BUDGET AMENDMENT # 06-39**

This budget amendment reflects salary adjustments for FY06. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-39 as proposed by the County Auditor. All voting "Aye".

**23659 APPROVE BUDGET AMENDMENT # 06-40**

Budgets being amended: District Clerk = \$ 2,700 for needed postage & supplies from copier reimbursement & personnel savings; County Judge = \$ 938 transfer for needed expense; County Court at Law 1/Information Technology = \$2,407 transfer for office furniture & computer system for new personnel; Countywide = \$ 65,160 transfer for authorized time-keeping machine, balance of fumigation expense @ justice center, and overage in District Clerk's contract; Constable 2 = \$900 for fuel from personnel savings; DPS/Traffic Convictions Reporting = \$34,415 for software services by agency; Records Mng/Records Archive = \$ 2590 for needed expenses; Records Preservation = \$3,525 for authorized overage/District Clerk imaging; Juvenile Center = \$369 for drill press; Park Bonds '03 = \$10,000 for additional funding from interest proceeds (Camp Ben McCollough); Personal Health = \$400 accept & record donation of ultrasound and sterilizer to clinic. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment #06-40 as proposed by the County Auditor. All voting "Aye".

**23660 APPROVE UTILITY PERMITS #01898 & #01899**

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01898 on Posey Road issued to Enterprise Products Operating and #01899 on CR210 issued to Murfee Engineering Co. Inc. All voting "Aye".

**23661 APPROVE CONTRACT RENEWAL WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR TRIPLE O FUNDING IN THE AMOUNT OF \$63,535.00 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE**

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal with the Department of State Health Services for Triple O funding in the amount of \$63,535.00 and authorize the County Judge to execute. All voting "Aye".

**23662 APPROVE CONTRACT RENEWAL BETWEEN HAYS COUNTY PERSONAL HEALTH AND COMMUNITY ACTION, INC., OF HAYS, CALDWELL, & BLANCO COUNTIES TO PROVIDE PHYSICAL EXAMS UNDER THE HEAD START PROGRAM**

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve contract renewal between Hays County Personal Health and Community Action Inc. of Hays, Caldwell, & Blanco Counties to provide physical exams under the Head Start Program. All voting "Aye".



**23663 APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE OFFICE OF RURAL AFFAIRS – COMMUNITY DEVELOPMENT PROGRAM FOR UP TO \$250,000 FOR A WATER IMPROVEMENT PROJECT FOR CEDAR OAKS MESA**

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve resolution authorizing the County Judge to submit Grant application to the Office of Rural Affairs – Community Development Program for up to \$250,000 for a Water Improvement Project for Cedar Oaks Mesa. All voting “Aye”.

**23664 AUTHORIZE THE DISTRICT ATTORNEY’S OFFICE TO EXPEND FUNDS OUT OF THE LEGAL SERVICES LINE ITEM IN AN AMOUNT NOT TO EXCEED \$50,000 TO APPOINT A SPECIAL PROSECUTOR [T1-44]**

Special Counsel Jacqueline Cullom Murphy spoke of criminal investigation pending in the District Attorney’s office where they may need to appoint a special prosecutor (relating to voter fraud allegations). This action would allow the District Attorney to use these funds if necessary. Charles O’Dell voiced his concerns. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the District Attorney’s office to expend funds out of the legal services line item in an amount not to exceed \$50,000.00 to appoint a Special Prosecutor. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

**23665 [PCT. 2 #06-2-043, 2 LOTS] SUNRISE ACRES RESUBDIVISION OF LOT 85 – CALL FOR PUBLIC HEARING AND APPROVE PRELIMINARY PLAN [T1-160]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan for “Sunrise Acres Resubdivision of Lot 85” and call for a public hearing on September 19, 2006. All voting “Aye”.

**23666 AUTHORIZE THE EXPENDITURE OF \$58,383 RELATING TO THE RELOCATION OF UTILITIES BY CENTURYTEL AND CRYSTAL CLEAR WATER CORP. ALONG BEBACK INN ROAD [T1-171]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. The monies required for this project are in the FY07 budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the expenditure of \$58,383 relating to the relocation of utilities by CenturyTel and Crystal Clear Water Corp. along Beback Inn Road. All voting “Aye”.

**23667 RELEASE THE MAINTENANCE BOND AND ACCEPT FOR MAINTENANCE ALL ROADS AND DRAINAGE IMPROVEMENTS WITHIN COUNTY ROW FOR BELTERRA SUBDIVISION, PHASE 2, SECTION 9A [T1-188]**

Charles O’Dell spoke of phased development and trucks beating up the existing roads going to new phases. Road Supt/Engineer Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance bond and acceptance of roads. A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to release the maintenance bond and accept for maintenance all roads and drainage improvements within county right-of-way for Belterra Subdivision Phase 2 Section 9A. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”. [T1-1071] Commissioner Molenaar reported later in the meeting that the road in question that was damaged is not a county road and the developer is aware of the problem and is addressing it.

**23668 CALL FOR A PUBLIC HEARING ON SEPTEMBER 19, 2006 TO ESTABLISH TRAFFIC REGULATIONS IN THOMPSON RANCH ESTATES SUBDIVISION [T1-228]**

The proposed traffic regulation is: 30 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on September 19, 2006 to establish traffic regulations in Thompson Ranch Estates Subdivision. All voting “Aye”.

**23669 CALL FOR A PUBLIC HEARING ON SEPTEMBER 19, 2006, TO ESTABLISH TRAFFIC REGULATIONS IN CLEAR LAKE ESTATES SUBDIVISION [T1-235]**

The proposed traffic regulation is: 30 MPH speed limit. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on September 19, 2006 to establish traffic regulations in Clear Lake Estates Subdivision. All voting “Aye”.



**23670 APPROVE A RESOLUTION ACCEPTING THE PROVISIONS OF THE TEXAS TRANSPORTATION COMMISSION MINUTE ORDER # 110508, RELATING TO THE REALIGNMENT OF A SECTION OF FM 2001 EAST OF I-35 AND EXTENSION OF MAIN STREET FROM I-35 TO SH 45 [T1-246]**

Buda City Administrator Robert Camareno spoke of agreements in place. There is no financial obligation to the county. The developers (IHP) are the sole financial providers. Administrative Assistant Brad Bailey suggested amending the resolution to reflect that the County has no financial obligation. The resolution was amended to read that "Hays County shall incur no financial obligation for these projects but has agreed to accept the abandoned portion of FM2001 as prescribed in Minute Order 110508". **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a resolution accepting the provisions of the Texas Transportation Commission Minutes Order #110508, relating to the realignment of a Section of FM2001 East of I-35 and extension of Main Street from I-35 to SH 45. All voting "Aye"**

**23671 APPROVE AN AMENDED LICENSE AGREEMENT BETWEEN HAYS COUNTY AND THE HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1, TO INCLUDE FIVE ADDITIONAL SECTIONS WITHIN BELTERRA SUBDIVISION [T1-367]**

Five additional sections (Belterra Phase 2 Sections 9B, 4, 5B, 5C & 5D) have been filed which have improvements in the county right-of-way. The agreement allows, at the Licensee expense, the installation & maintenance of landscaping, lighting, fencing, entryway monuments, marketing signage, sidewalks and irrigation into the right-of-way of which are not intended or used for vehicular traffic. Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve an amended License Agreement between Hays County and the Hays County Water Control & Improvement District No. 1 to include five additional sections within Belterra Subdivision. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**23672 TRANSFER THE TITLE ON A SHERIFF'S DEPARTMENT VEHICLE TO EMERGENCY SERVICES DISTRICT #3**

**A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to transfer the title on a Sheriff's Department vehicle [Vehicle Unit #802 VIN #2FAFP71W9X161982 Lic#738-823] to the Emergency Services District #3. All voting "Aye".**

**23673 APPROVE REVISED HAYS COUNTY HAZARD MITIGATION ACTION PLAN AND RESOLUTION AUTHORIZING THE COUNTY JUDGE TO RE-SUBMIT TO FEMA**

[T1-391] Grants Administrator Richard Salmon recommended approval of the Revised Hazard Mitigation Action Plan and Resolution. TxDEM and FEMA have reviewed and approved the plan subject to receiving new resolutions from all local jurisdictions. **A motion was made by Judge Powers, seconded by Commissioner Conley to approve Revised Hays County Hazard Mitigation Action Plan and resolution authorizing the County Judge to re-submit to FEMA. All voting "Aye".**

**Clerk's Note: Agenda Item #18 RE: RECONSIDER APPROVAL OF PAYMENT OF INVOICE FROM THE DISTRICT CLERK'S OFFICE WHICH EXCEEDS THE AMOUNT PREVIOUSLY APPROVED BY THE COMMISSIONERS COURT was PULLED. No discussion and no action taken.**

**23674 APPOINT ELECTION JUDGES AND ALTERNATE JUDGES FOR AUGUST 1, 2006 THROUGH JULY 31, 2008 [T1-440]**

**A motion was made by Judge Powers, seconded by Commissioner Carter to appoint Election Judges and Alternate Judges for August 1, 2006 through July 31, 2008. All voting "Aye".**

PCT#	JUDGE	ALTERNATE	PCT.#	JUDGE	ALTERNATE
110	Jerri Harper -R	Judy Telford -D	111	Sue Cohen - D	Shirley Austin -R
112	Joe Gonzales - D	Rosa Aldape - R	113	Rose Brooks - D	Charlotte Dallas - R
114	Rosemary Suniga -D	Jimmie Everts - R	116	Johnnie Armstead - D	Clyde Caffey - R
120	Mary Helen Martinez- D	James Molnoskey - R	121	Mary Helen Martinez-D	James Molnoskey - R
127	Vicki Simpson - D	Richard Takac - R	128	Vicki Simpson - D	Richard Takac - R
221	Jerry Weathers - D	Christine Ross - R	223	Penny Krug - D	Leslie Gough - R
224	Pat Heath - R	Toni Milam - D	225	Stuart Hoyt - R	Minerva Falcon - D
226	Mark Brinkley - R	Audrey Elder - D	228	Terri Bomberger - D	Rick Coleman - R
229	Rosie Villalobos - D	Kara Kay Skaggs - R	230	Tomas Doebner - R	Jo Burdette - D
232	Tomas Doebner - R	Jo Burdette - D	234	Brenda Schломach-R	Arthur Braud - D
315	Dana McAuliffe - R	Carol Kutscher - D	330	Dottie Barnes - R	Steve Warren - D
331	Dewey Whisenant - R	Patty Polk - D	332	Eric Hudgins - R	Gloria Aranda - D
334	Harold Shelton - R	Aart Millecam - D	335	Judy Dunn - R	Jean Ross - D
336	Jesse Estrada - R	Susan Jarrett - D	337	Frank Puckett - R	Sharon Campbell - D
440	James Butler - R	Karen Glass - D	441	Charles Bonney - R	Richard Boltz - D
442	Harvey Bell - R	Dale Nave - D	443	Mary Clarkson - R	Pat Gibson - D
446	Peggy Griffin - R	Lupe Hernandez - D	447	Drac Willard - R	Jimmie Hilton - D
448	Paula Anderlitch - R	Jocelyn Guajardo - D	449	Phyllis Campbell - R	Sybil Floyd - D



**23675 ADOPT EARLY VOTING SCHEDULE FOR THE NOVEMBER 7, 2006, GENERAL & SPECIAL CONGRESSIONAL ELECTIONS [T1-495]**

A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt Early Voting Schedule for the November 7, 2006 General & Special Congressional Elections. All voting "Aye".

Location, Dates & Hours of Main Early Voting Polling Place

County Elections Administration's Office 401-C Broadway St. San Marcos, Texas 78666-7751	Oct. 23 through Oct. 27, 2006, 8:0 A.M. to 5:00 P.M. (Except weekends & legal holidays) Oct. 28, 2006 (Saturday), 10:00 A.M. to 4:00 P.M. Oct. 30 through Nov. 3, 2006, 7:00 A.M. to 7:00 P.M.
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Temporary Branches for Early Voting

<u>Voting Polling Place</u>	<u>Dates and Hours for Early Voting</u>
San Marcos City Hall 630 E. Hopkins Street San Marcos, Texas 78666	Oct. 23 through Oct. 27, 2006, 8:00 A.M. to 5:00 P.M. (Except weekends & legal holidays) Oct. 28, 2006 (Saturday), 10:00 A.M. to 4:00 P.M. Oct. 30 through Nov. 3, 2006, 7:00 A.M. to 7:00 P.M.
HCISD Administration Office 21003 IH 35 Kyle, Texas 78640	Oct. 23 through Nov. 3, 2006, 8:00 A.M. to 4:30 P.M. (Except weekends & legal holidays)
Kyle City Hall 101 South Burleson St. Kyle, TX 78640	Oct. 23, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Oct. 30, 2006, 11:00 A.M. to 7:00 P.M.
Dripping Springs ISD Office 510 W Mercer St Dripping Springs, TX 78620	Oct. 24, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Oct. 31, 2006, 11:00 A.M. to 7:00 P.M.
LBJ Student Center 700 Student Center Dr. San Marcos, TX 78666	Oct. 25, 2006, 8:00 A.M. to 5:00 P.M. Oct. 26, 2006, 8:00 A.M. to 5:00 P.M.
Wimberley Community Center 14068 River Road Wimberley, TX 78676	Oct. 26, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Nov. 2, 2006, 11:00 A.M. to 7:00 P.M.
Buda City Hall 121 N. Main St. Buda, TX 78610	Oct. 27, 2006, 11:00 A.M. to 7:00 P.M. Oct. 28, 2006, 10:00 A.M. to 4:00 P.M. Nov. 3, 2006, 11:00 A.M. to 7:00 P.M.

Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site.

Address for Applications for Early Voting by Mail

Hays County Elections Administrator  
401 C Broadway St., San Marcos, Texas 78667-7751  
Attention: Early Voting Clerk

**23676 ADOPT THE ELECTION DAY POLLING LOCATIONS FOR THE NOVEMBER 7, 2006, GENERAL ELECTION & SPECIAL CONGRESSIONAL ELECTION [T1-577]**

Three locations changed: Pct. 335 from Chapel in the Hills to Wimberley Community Center, Pct. 336 from Crockett Elementary School to Merrill Gardens at San Marcos, and Pct. 48 from Rolling Oaks Clubhouse to St. Stephens Episcopal Church/School. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt the Election Day Polling Locations for the November 7, 2006 General Election & Special Congressional Election. All voting "Aye".

110	Masonic Temple, San Marcos	111	Dunbar Center, San Marcos
112	Guadalupe Hall, San Marcos	113	Elections Office, San Marcos
114	Allenwood Homes Auditorium, San Marcos	116	Hernandez Interm. School, San Marcos
120/121	San Marcos Housing, Residents Ofc, San Marcos		
127/128	Tobias Elementary School, Kyle	221	Performing Arts Center, Kyle
223	Old Kyle City Hall, Kyle	224	Buda City Hall, Buda
225	Hays High School, Buda	226	Hays Hills Baptist Church, Buda
228	Tom Green Elem. School, Buda	229	St. John United Church, Uhland
230/232	Dahlstrom Middle School, Buda	234	Goforth Water Supply, Niederwald
315	Doris Miller Jr. High School, San Marcos	330	Lamar Central Office Annex, San Marcos
331	Grace Bible Church, San Marcos	332	First Lutheran Church, San Marcos
334	Old Fish Hatchery Bldg., San Marcos	335	Wimberley Community Center, Wimberley
336	Merrill Gardens @ San Marcos	337	St. Mary's Catholic Church, Wimberley
440	Henly Baptist Church, Henly	441	Dripping Springs High School, Dripping Sprgs
442	Driftwood Community Center, Driftwood	443	Sunset Canyon Baptist Church, Dripping Springs
446	Travis Elem School, San Marcos	447	South Hays County Fire Station, San Marcos
448	St. Stephen's Episcopal Ch, Wimberley	449	DSISD Admin Office, Dripping Springs



**23677 INCREASE IN HAYS COUNTY PROPERTY TAX EXEMPTIONS FOR OVER 65 FROM \$25,000 TO \$45,000 AND FOR ELIGIBLE DISABLED FROM \$0 TO \$45,000 [T1-642]**

Charlie Johnson recommended the court adopt the effective tax rate. Lila Knight spoke in support of a property tax exemption for taxpayers over 65 and the disabled. Commissioner Carter spoke of appraisals increasing for everyone. Commissioner Conley spoke of increases in the budget to provide services to the citizens of Hays County. He spoke of tax burden on senior citizens. Commissioner Ingalsbe spoke in support of tax exemptions for over 65 and the disabled. She would like to see everyone else get a higher exemption next year. **A motion was made by Judge Powers, seconded by Commissioner Conley to increase the Hays County Property Tax Exemptions for over 65 from \$25,000 to \$45,000 and for eligible disabled from \$0 to \$45,000 to be effective in the 2007 tax year. All voting "Aye".**

**DISCUSSION REGARDING AN INCREASE IN HAYS CO. HOMESTEAD EXEMPTION FOR ALL HOMESTEADS FROM 1% (WITH \$5,000 MINIMUM) TO 20% (WITH \$5000 MINIMUM) [T1-938]**

Commissioner Carter spoke of research she did regarding an across-the-board 20% exemption. This would cost \$2 million in the FY2007-2008 county budget – there is currently \$15 million in reserves. County Auditor Bill Herzog spoke of taking money out of reserves – it would require you to take out of reserves every year. Commissioner Conley spoke in opposition to taking this action. **A motion was made by Commissioner Carter to increase the Hays County homestead exemption for all homesteads from 1% (with \$5,000 minimum) to 20% (with \$5,000 minimum). Motion died for lack of a second.**

**HOLD A PUBLIC HEARING ON A PROPOSAL TO INCREASE TAXES FROM FISCAL YEAR 2006 BY 4.05% (1:30 PM) [T1-1096]**

Commissioner Carter was not present for the public hearing. Judge Powers declared the public hearing open. Charlie Johnson urged the court to adopt the effective tax rate. Sherri Bilson urged the court to make cuts and adopt the effective tax rate. Janet Hauber (La Ventana resident) spoke of her concern about increased taxes. Commissioner Conley spoke of earlier action today that was taken by the court to double the over 65 exemption. County Auditor Bill Herzog advised that the tax rate will be voted on at 1:00 p.m. on September 12, 2006. Commissioner Conley spoke of elected officials that are requesting more in their budgets. Tax Assessor-Collector Luanne Caraway spoke of error in her office in the notice of public hearing that was printed in the newspaper: total appraised value of all property for the preceding year should have been \$7,838,995,749, the figure in the notice is actually the taxable and not the appraised value for this year – this error was not meant to deceive anyone. Judge Powers declared the public hearing closed.

**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 SEPTEMBER 5, 2006.**



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