



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st DAY OF NOVEMBER 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
GINA MENDOZA	DEPUTY COUNTY CLERK

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 COMMENT

Erin Foster spoke on behalf of the **Village of Bear Creek** regarding **LCRA Assistance Program**. Forms were submitted on behalf of Rowland Williams, Thomas & Cynthia Joswick, Margaret Mills, Brian & Tracey Sharples, Daniel Hjernevik, Richard Maconi, Turkan Haynes, Claudia Daughetee, Eda Matthews, Mark & Deborah Brockman, Patrick & Elizabeth Mackie, Joe & Lesley Schriever, and Ivy Hjernevik requesting that they receive information and an opportunity to get LCRA water to all residents of the Village of Bear Creek.

Andrew Backus advised that he would like to see the LCRA money spent for research for the Hays Trinity Groundwater Conservation District. He spoke of the Texas Water Development Board website and the money that is available for public works infrastructure construction assistance.

23858 APPROVE BUDGET AMENDMENT 07-03

Budgets being amended: Treasurer's office = \$1,417 for approved copier upgrade, OCA/Collection Software Grant = \$5,650 to re-budget carryover grant for FY07, Park Bond '03 Proceeds = \$5,000 for planning services, Family Clinic = \$262 for malpractice insurance increase. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve Budget Amendment #07-03 as presented by the County Auditor. All voting "Aye".**

23859 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve payment of county invoices in the amount of \$311,052.74 as presented by the County Auditor. All voting "Aye".

23860 APPROVE RE-APPOINTMENT OF BOB LOVE FOR A 2-YEAR TERM ON NORTHWEST HAYS COUNTY ESD #5 (CURRENT TERM EXPIRES DECEMBER 31, 2006)

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve re-appointment of Bob Love for a 2-year term on the Northwest Hays County ESD #5. All voting "Aye".

Clerk's Note: Agenda Item #3 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH TEXAS STATE UNIVERSITY-SAN MARCOS (TEXAS STATE) RELATING TO THE RELATIONSHIP BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND STUDENT HEALTH CENTER IN THE EVENT OF A BIOLOGICAL TERRORIST ATTACK OR NATURAL DISASTER was PULLED.

23861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENTS TO THE FOLLOWING PROFESSIONAL SERVICES AGREEMENTS RELATING TO THE PASS-THROUGH FINANCING PROJECT TO PROVIDE COMMISSIONER WILL CONLEY AS THE COUNTY CONTACT: PRIME STRATEGIES, CARTER :: BURGESS, INC., KLOTZ ASSOCIATES, INC., LOCKWOOD, ANDREWS & NEWNAM, INC., PBS&J, INC., AND DANNENBAUM ENGINEERING [T1-130]

Reed Carr, Carolyn Logan, Mary Gonzales, and Sherri Bilson voiced their concerns about taking action at this time. Commissioner Conley spoke of this being an ongoing discussion since the bond election in 2003. He recommended that he could be designated on a temporary basis during the transition period for oversight purposes. **A motion was made by Commissioner Conley, seconded by Judge Powers to authorize the County Judge to execute amendments to the following professional services agreements relating to the pass-through financing project to provide Commissioner Will Conley as the county contact until January 23, 2007: Prime Strategies, Carter::Burgess Inc.; Klotz Associates Inc.; Lockwood, Andrews & Newman, Inc.; PBS&J, Inc.; and Dannenbaum Engineering. Commissioner Ingalsbe and Commissioner Carter voting "No". Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye".**



23862 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDED AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION CONTAINING MINOR CLARIFICATIONS TO THE PASS-THROUGH FINANCING AGREEMENT PREVIOUSLY APPROVED BY THE COMMISSIONERS COURT ON AUGUST 22, 2006

No changes were made in the main body to the agreement provisions relating to the total amount of payback, frequency of payback, vehicle-mile traveled fee, minimum and maximum annual imbursement, etc. The clarifications are as follows: [1] Misc. roadway labeling changes (e.g. FM 967 to RM 967), [2] Re-label "FM 1626" on Attachments A, B and C to "FM 1626 A & B", [3] Expanded Project Description information on Attachment B for FM 1626 A & B, [4] Expanded General Project Status information on Attachment C for FM 1626 A & B, [5] Reformatting of one Exhibit a: Roles and Responsibilities for Each Entity to address all four projects to a separate Exhibit 1 for each of the four projects. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to sign amended agreement with the Texas Department of Transportation containing minor clarifications to the Pass-Through Financing Agreement previously approved by the Commissioners' Court on August 22, 2006. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23863 [PCT. 2 #06-2-032] SHADOW CREEK SUBDIVISION PHASE III SECTION I - APPROVE FINAL PLAT [T1-630]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shadow Creek Subdivision Phase III Section I". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

23864 [PCT. 2 #06-2-033] SHADOW CREEK SUBDIVISION PHASE III SECTION II - APPROVE FINAL PLAT [T1-653]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shadow Creek Subdivision Phase III Section II". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23865 [PCT. 2 #06-2-034] SHADOW CREEK SUBDIVISION PHASE III SECTION III - APPROVE FINAL PLAT [T1-662]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Shadow Creek Subdivision Phase III Section III". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23866 [PCT. 2 #06-2-035] SHADOW CREEK SUBDIVISION PHASE III SECTION IV - APPROVE FINAL PLAT [T1-670]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Shadow Creek Subdivision Phase III Section IV". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

23867 ACCEPT REVISED FINISHED FLOOR ELEVATIONS FOR SAWYER RANCH SECTION 5 [T1-677]

The developers of this subdivision discovered a scrivener's error in defining finished floor elevation for 40 lots in this subdivision. They would like to correct the plat records to show the actual FFE's as certified by their engineer. Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to accept revised finished floor elevations for "Sawyer Ranch Section 5". All voting "Aye".**

23868 [PCT. 4 #06-4-06, 2 LOTS] NUTTY ACRES SUBDIVISION - APPROVE FINAL PLAT [T1-689]

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 "Nutty Acres Subdivision". All voting "Aye".**

23869 [PCT. 4 #06-4-058, 2 LOTS] RUTHERFORD SUBDIVISION REPLAT OF LOT 1 AND ADJOINING TRACT CREATING 2 LOTS (1A & 1B) - APPROVE FINAL PLAT [T1-696]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Rutherford Subdivision Replat of Lot 1 and adjoining tract creating 2 lots". All voting "Aye".



23870 CALL FOR A PUBLIC HEARING ON DECEMBER 5, 2006 TO ESTABLISH TRAFFIC REGULATIONS ON WILLOW TERRACE IN GREEN PASTURES SUBDIVISION [T1-707]

The recommended traffic regulation is to place a STOP sign on Willow Terrace at its intersection with Skyview Terrace. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on December 5, 2006 to establish traffic regulations on Willow Terrace in Green Pastures Subdivision. All voting "Aye".**

23871 SET SPENDING LIMITS FOR THE REMAINDER OF THE TERMS OF OFFICE INCUMBENT OR PRECINCT OFFICERS THAT WERE NOT RE-NOMINATED OR RE-ELECTED [T1-716]

County Auditor Bill Herzog read from Local Government Code Section 130.908 regarding spending by an incumbent not reelected to a county office. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to set spending limits of not more than 25% of their total budget for the remainder of the terms of office for incumbent or precinct officers that were not re-nominated or re-elected. All voting "Aye".**

DISCUSSION REGARDING AMENDED AGREEMENT WITH LCRA REGARDING THE PROVISION OF WATER AND WASTEWATER SERVICES [T1-809]

Erin Foster (Village of Bear Creek) spoke of people experiencing dry wells. She does not feel like there is enough money to lay the water lines. [T1-862] Wayland Clark spoke of his well being dry since April 2006. Action was tabled at this time.

DISCUSSION REGARDING UTILITY FACILITIES CONSTRUCTION AND CONVEYANCE AGREEMENT WITH LCRA AND SOUTH MADRONE TRAIL WATER, INC. [T1-944]

Laurie Ryan spoke of having problem with wells in the area. They are willing to put up front money for surface water. Village of Bear Creek Mayor Bruce Upham gave a history of efforts to get surface water to the area. He asked the courts consideration to use LCRA funds to get water to their area. [T-1207] Michael Rech spoke of federal grants in the past that were available for water lines and he asked for assistance to get water lines to their homes. John Hudson spoke of need for water to their community and he spoke in favor of a cost sharing plan. [T1-1417] Special Counsel Ed McCarthy spoke of residents that have already committed to the project and he spoke of creation of taxing districts. Mr. McCarthy spoke of LCRA water fees that are paid to Hays County and he spoke of his scope of work for Hays County. Mr. McCarthy explained the agreement with LCRA. [T1-2162] An LCRA Attorney explained the agreement between LCRA and the corporation. LCRA will buy the pipeline – it is not a rebate to the corporation. Andrew Backus (Board President of the Hays Trinity Groundwater Conservation District) spoke of dramatic decrease in water in northern Hays County and need for capping of wells where surface water is available. Donna Kanetzky spoke of need for water.

23872 APPROVE PROFESSIONAL SERVICES AGREEMENT WITH COBB, FENDLEY & ASSOCIATES RELATING TO RR12 UTILITY COORDINATION FOR THE HAYS COUNTY PASS THROUGH FINANCE PROGRAM [T1-2618]

Commissioner Conley spoke of county being responsible for utility relocation. Commissioner Carter suggested that no action be taken until the new court takes office. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Professional Services Agreement with Cobb, Fendley & Associates relating to RR12 Utility Coordination for the Hays County Pass Through Finance Program. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**



23873 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$600,000 GRANT FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TXDEM) – HAZARD MITIGATION GRANT PROGRAM AND APPOINT A 4-MEMBER COMMITTEE OF COUNTY STAFF (A) TO DETERMINE BEST SITES, (B) TO REVIEW COMPANIES ON STATE CONTRACT LIST, AND (C) TO MAKE RECOMMENDATIONS TO THE COMMISSIONERS COURT FOR FINAL APPROVAL. COUNTY’S \$200,000 MATCH TO BE MADE FROM COUNTY-WIDE CAPITAL IMPROVEMENTS LINE ITEM [T1-2658]

This grant application was submitted on January 27, 2006 and notice of approval was received on November 2, 2006. Grant and matching funds will be used to install an interactive early warning system on dangerous low-water crossings throughout the county. The County will match with \$200,000 from county-wide capital improvements line item in the FY06-07 budget. The committee will be Tim Vandevor (Road Dept.), Richard Salmon (Grants Dept.), Jeff Turner (Emergency Management), and Cindy Maiorka (Purchasing Dept). A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to accept \$600,000 Grant from the Texas Division of Emergency Management (TXDEM) – Hazard Mitigation Grant Program and appoint a 4-Member Committee of County Staff (A) to determine best sites, (B) to review companies on state contract list, and (C) to make recommendations to the Commissioners’ Court for final approval. County’s \$200,000 match to be made from county-wide capital improvements line item. All voting “Aye”.

Clerk’s Note: Agenda Item# 20 RE: ACTION TO EXECUTE CONTRACT WITH I-LOW.COM TO PROVIDE COMPUTER SOFTWARE SUPPORT FOR THE DISTRICT CLERK’S OFFICER was PULLED. No discussion and no action taken.

Clerk’s Note: Agenda Item #21 RE: ALLOW THE COUNTY JUDGE TO EXECUTE A CONTRACT FOR COLLECTION OF DELINQUENT COURT FINES AND FEES ASSESSED BY THE DISTRICT, COUNTY AND JUSTICE COURTS OF HAYS COUNTY WITH MCCREARY, VESELKA, BRAGG & ALLEN, P.C. was PULLED. No discussion and no action taken.

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 NOVEMBER 21, 2006.



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

