

Agenda
Medina County Commissioners Court

1100 16th Street, Room 102

Hondo, Texas 78861

July 10, 2006

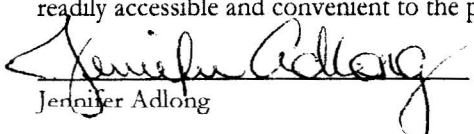
9:00 a.m.

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1. Meeting called to order
 2. Discuss and consider approval of June 30, 2006 minutes
 3. Discuss and consider approval of certain budget amendments
 4. Discuss and consider approval of certain line item transfers
 5. Discuss and consider approval of certain bills for payment
 6. Discuss and consider approval of certain personnel changes
 7. County Auditor monthly report
 8. Discuss and consider approval of monthly report submitted by the County Treasurer
 9. Visitors
- 10:00 A.M.
10. Discuss and consider final approval to Margaux Court Subdivision; Located in Precinct 2 off of county road 4514 (Rick Crosby, Flat Rock Properties)
 11. Discuss and consider preliminary and final approval to County Road 777 Private Lands Subdivision Unit II; Located in Precinct 4 off of county road 777 (John Howard, Surveyor)
 12. Discuss and consider preliminary approval to J. Iltis Subdivision; Located in Precinct 1 off of FM 2676 (Paul Carey, Surveyor)
 13. Discuss and consider use of County Road (CR 5711) for pipeline
 14. Discuss and consider approval of petition(s) for the following:
 - A. Emergency Service District No. 2 (Devine Fire Service)
 - B. Emergency Service District No. 3 (Community EMS)
 - C. Emergency Service District No. 4 (Devine EMS)
 - D. Emergency Service District No. 5 (Natalia/Lytle Fire)
 - E. Emergency Service District No. 6 (Hondo/Yancey Fire)
 15. Discuss and consider preliminary approval to Texas VINE Annual Maintenance; Fiscal Year 2007
 16. Discuss and consider Service Agreement Renewal Notice with Appriss, Inc.; VINE Program
 17. Discuss and consider imposition of County Road & Bridge fee and Child Safety Fund fee on vehicle registrations for calendar year 2007 (Transportation Code, Sec's 502.172 and 502.173)
 18. Discuss and consider bid award; Crushed Base
 19. Discuss and consider authorization to advertise Time Warrant for bridge replacement; Precinct 4
 20. Discuss and consider Burn Ban
 21. Commissioners' Court / Court Members Announcements
 22. Adjourn

NOTE: *Items will not necessarily be dealt with in the order that they are listed*

On this 7th day of July 2006, not later than 9:00a.m., this notice was posted on a bulletin board located at the place readily accessible and convenient to the public at the Medina County Courthouse, Hondo, Texas.


Jennifer Adlong

Christine Mitchell
Commissioner Precinct No. 1

James Barden
County Judge

Arturo Barrientes
Commissioner Precinct No. 3

Beverly Keller
Commissioner Precinct No. 2

Kelly Carroll
Commissioner Precinct No. 4

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MEDINA COUNTY COMMISSIONERS' COURT
JULY 10, 2006
9:00 A.M.

ITEM #1
MEETING CALLED TO ORDER

County Judge James Barden called the meeting to order at 9:00 a.m. and stated that all court members were present with the exception of Commissioner Mitchell who was absent due to medical reasons.

Other elected officials/department heads in attendance for today's meeting were County Attorney Ralph Bernsen, Sheriff Gilbert Rodriguez, County Treasurer Rita Moos, County Auditor Teresa Martinez and County Clerk Elva Miranda.

ITEM #2
DISCUSS AND CONSIDER APPROVAL OF JUNE 30, 2006
MINUTES

After review of the minutes, a motion was made by Commissioner Keller and second by Commissioner Carroll to approve the minutes as presented with correction in item 1, add the name Sheriff Gilbert Rodriguez as an official in attendance; and item 14, page 5, add "It was recommended that an outside firm be hired to evaluate the possible replacement of the courthouse air conditioning units. The motion carried unanimously.

ITEM #3
BUDGET AMENDMENTS

There were no budget amendments presented at today's meeting.

ITEM #4
LINE-ITEM TRANSFERS

There were no line-item transfers presented at today's meeting.

ITEM #5
DISCUSS AND CONSIDER APPROVAL OF CERTAIN WEEKLY BILLS

After review of the weekly bills, a motion was made by Commissioner Carroll and second by Commissioner Keller to approve the bills for payment with the exception of any bills pertaining to the County Clerk's Restitution Fund, Tax Assessor Special, Medina County's Forfeiture Fund, and Constable Precinct 2 Forfeiture Fund. The motion carried unanimously.

ITEM #5 WEEKLY BILLS – Continued

Mention was made that the court recognizes receipt and payment of bills from the County Clerk's Restitution Fund, Tax Assessor Special, Medina County's Forfeiture Fund and Constable Precinct 2 Forfeiture Fund, but does not have the authority to approve payment from these funds.

ITEM #6
DISCUSSION AND POSSIBLE ACTION ON GRANTING APPROVAL TO
PERSONNEL CHANGES

Court members reviewed proposed personnel action forms as submitted by County Treasurer/Personnel Director Rita Moos. (See attachment)

After discussion, a motion was made by Commissioner Carroll and second by Commissioner Barrientes to grant approval to the personnel action forms as presented. The motion carried.

ITEM #7
COUNTY AUDITOR MONTHLY REPORT

As per Local Government Code, Section 114.025 and 115.002, court members reviewed the May, 2006 monthly report as submitted by the County Auditor. (See attachment) No action required.

ITEM #8
DISCUSS AND CONSIDER APPROVAL OF MONTHLY REPORT SUBMITTED
BY THE COUNTY TREASURER

As per Article 114.026, Subsection C, Local Government Code, a motion was made by Commissioner Carroll and second by Commissioner Keller to approve the County Treasurer's Monthly Report as presented, and reports presented by her for the other elected officials and/or department heads for the month of May, 2006. (See attachment) The motion carried.

ITEM #9
VISITORS

Mary Walpole – Quihi
Frances Guinn – Anvil Herald
Pat E. Brawner – Medina County
John Hall - LaCoste
Bill Waller – Castroville
John Howard – Hondo
Karen Seal - LaCoste

Kurt Castner – Leader News
Dr. Bob Fitzgerald – MCEAA
Byrdy Wagner – LaCoste
Tim Hardt – Castroville
Rick Crosby – Flat Rock Sub.
Charles Rothe - Hondo

ITEM #10

DISCUSS AND CONSIDER FINAL APPROVAL TO MARGAUX COURT
SUBDIVISION; LOCATED IN PRECINCT 2 OFF OF COUNTY ROAD 4514
(RICK CROSBY, FLAT ROCK PROPERTIES)

Court members reviewed the proposed final plat of Margaux Court Townhomes Subdivision which consists of 2 lots (Lot 1- 4.412 acres and Lot 2 – 5.180 acres). Also, copies of the covenants and restrictions were presented for the court's review. Each lot in the subdivision will contain 16 town homes. It will also have an extensive greenbelt area.

It was noted that each town home would be owned by the buyer, and surrounding property within the subdivision would be managed by a professional management corporation (homeowners association). Water service will be provided through Ville d'Alsace Subdivision, and the septic systems will be managed by the homeowners association.

Commissioner Keller commented that she previously did have a concern over the drainage problem. However, the issue was addressed and resolved.

After consideration, a motion was made by Commissioner Keller and second by Commissioner Barrientes to grant final approval to the Margaux Court Townhomes Subdivision to include covenants and restrictions. The motion carried.

ITEM #11

DISCUSS AND CONSIDER PRELIMINARY AND FINAL APPROVAL TO
COUNTY ROAD 777 PRIVATE LANDS SUBDIVISION UNIT II; LOCATED IN
PRECINCT 4 OFF OF COUNTY ROAD 777 (JOHN HOWARD, SURVEYOR)

Court members reviewed the proposed plat as submitted. It contains 2 tracts, Tract D-1 – 4.68 acres and Tract D-2 - 5.50 acres. It was noted that both tracts have road frontage, and will have water service through Benton City Water Service.

A motion was made by Commissioner Carroll and second by Commissioner Keller to grant preliminary and final approval to County Road 777 Private Lands Subdivision, Unit II, contingent upon receipt of satisfactory letter from Benton City Water Service. The motion carried.

ITEM #12

DISCUSS AND CONSIDER PRELIMINARY APPROVAL TO J. ILTIS
SUBDIVISION; LOCATED IN PRECINCT 1 OFF OF FM 2676 (PAUL CAREY,
SURVEYOR)

Court members reviewed the proposed preliminary plat which contains 2 lots. Lot 1 consists of 1.50 acres and Lot 2 - 2.08 acres. The eastern portion of both lots are partially located in the flood hazard area. It was noted that an existing home is located on Lot 1, and must be shown on the final plat. Lot 2 is undeveloped. Restrictions on Lot 2 indicate that it can only be used as a residence.

ITEM #12 J. ILTIS SUBDIVISION – Continued

A motion was made by Commissioner Carroll and second by Commissioner Keller to grant preliminary approval to J. Iltis Subdivision. The motion carried.

ITEM #13

DISCUSS AND CONSIDER USE OF COUNTY ROAD (CR 5711) FOR PIPELINE

Mr. John Hall came before the court and requested that he be allowed to proceed with the laying of a water pipeline across County Road 5711 (LaCoste area) to his property which is located down the road from his homestead. He stated that he had spoken with LaCoste City Administrator Reggie Winters and was told that the City of LaCoste did not have any plans for extending their water lines to cover Mr. Hall's property.

Ms. Karen Seal whose residence is also located on County Road 5711 stated that a County Commissioner or Commissioners' Court cannot give an individual permission to lay pipes down or across a county road. The only time that statutes allow the laying of pipes across a county road is when the property on both sides of the road are owned by the same individual(s). Ms. Seal submitted information for the court's review and commented that she had performed extensive research. She found a Supreme Court case that ordered the removal of a pipeline that was constructed beneath a road. It found that the party laying the pipeline did not own the road. Therefore, it constituted an invasion of a public easement. (It was noted that the Supreme Court case involved a business and not an individual.) (See attachment)

Commissioner Keller stated that she had spoken to legal counsel with the Texas Association of Counties and they could not find anything to prevent the laying of pipelines by individuals.

County Attorney Ralph Bernsen stated that since he does not know how the county acquired the road, he requested additional time to do research and prepare a brief to help the Court with their decision.

County Judge stated that he would notify both parties, and place this item back on the agenda once Mr. Bernsen submits his brief.

ITEM #14

DISCUSS AND CONSIDER APPROVAL OF PETITION(S) FOR THE FOLLOWING:

- A. EMERGENCY SERVICE DISTRICT NO. 2 (DEVINE FIRE SERVICE)
- B. EMERGENCY SERVICE DISTRICT NO. 3 (COMMUNITY EMS)
- C. EMERGENCY SERVICE DISTRICT NO. 4 (DEVINE EMS)
- D. EMERGENCY SERVICE DISTRICT NO. 5 (NATALIA/LYTLE FIRE)
- E. EMERGENCY SERVICE DISTRICT NO. 6 (HONDO/YANCEY FIRE)

Judge Barden stated that a public hearing had been conducted last Thursday evening. Approximately 60-70 persons had been in attendance, with many of those in the audience being in favor of proceeding with the petition.

ITEM #14 EMS PETITIONS – Continued

Dr. Bob Fitzgerald asked if there was any way possible for all proposed emergency service districts to be combined, because he feared the proposed measures will fail when they are placed on the ballot individually. He feels that the people of the county would be in favor of supporting the issue if they were combined, and placed on the ballot as a single issue.

After discussion, a motion was made by Commissioner Carroll and second by Commissioner Keller to grant approval to the petitions for the creation of the emergency service districts and proceed with the next step. The motion carried.

ITEM #15
DISCUSS AND CONSIDER PRELIMINARY APPROVAL TO TEXAS VINE
ANNUAL MAINTENANCE; FISCAL YEAR 2007

Court members reviewed the proposed renewal maintenance contract for fiscal year 2007 in the amount of \$17,925.

The contract allows crime victim notification service by providing accurate and timely offender information.

It was noted that no revisions to the contract had been made. After consideration, a motion was made by Commissioner Carroll and second by Commissioner Barrientes to grant preliminary approval to the Texas VINE Annual Maintenance Grant Contract for fiscal year 2007. The motion carried.

ITEM #16
DISCUSS AND CONSIDER SERVICE AGREEMENT RENEWAL NOTICE WITH
APPRISS, INC., VINE PROGRAM

Court members reviewed the proposed renewal of the service agreement for the administration of the VINE Contract in the amount of \$17,925. (See attachment)

The term of the contract is for one year commencing on September 1, 2006 and terminating on August 31, 2006.

A motion was made by Commissioner Carroll and second by Commissioner Barrientes to approve the service agreement with Appriss, Inc. as outlined. The motion carried.

ITEM #17

DISCUSS AND CONSIDER IMPOSITION OF COUNTY ROAD & BRIDGE FEE
AND CHILD SAFETY FUND FEE ON VEHICLE REGISTRATION FOR
CALENDAR YEAR 2007 (TRANSPORTATION CODE, SEC'S 502.172 AND
502.173)

After discussion, a motion was made by Commissioner Carroll and second by Commissioner Keller to retain the current \$10.00 County Road and Bridge Fee for each vehicle registered in the county for 2007. The motion carried. (See attachment)

ITEM #18

DISCUSS AND CONSIDER BID AWARD; CRUSHED BASE

Judge Barden stated that bids had been received from Vulcan Materials and multiple bids (3) from Medina Crushed Stone. (See attachment)

After review, a motion was made by Commissioner Carroll and second by Commissioner Keller to accept and award the crushed base material bid to both Vulcan and Medina Crushed Stone. The motion carried unanimously.

ITEM #19

DISCUSS AND CONSIDER AUTHORIZATION TO ADVERTISE TIME
WARRANT FOR BRIDGE REPLACEMENT; PRECINCT 4

A motion was made by Commissioner Carroll and second by Commissioner Keller to authorize advertisement for a time warrant in the amount of \$206,000 for bridge replacement on County Road 761 and repairing a low water crossing on County Road 731. It was noted that the funds spent on these two (2) projects qualify as matching funds for a \$2,000,000 TxDOT project to replace a bridge on County Road 545 (Biry Bridge). The motion carried.

ITEM #20

DISCUSS AND CONSIDER BURN BAN

Court members discussed the possibility of discontinuing the burn ban. Commissioners Carroll and Keller both commented that their precincts had received some rainfall. Commissioner Keller stated that she had been receiving requests to lift the burn ban. Judge Barden commented that not all of the entire county had received rainfall and expressed caution.

After discussion, a motion was made by Commissioner Keller and second by Commissioner Carroll to lift the burn ban in the unincorporated areas of the county and rescind the order dated May 8, 2006. The motion carried. This item is to be placed back on the agenda in two (2) weeks.

Sheriff Rodriguez commented that anyone needing to burn must notify the Sheriff's Office before burning.

Commissioners' Court stressed the importance of using safety precautions and common sense when burning.

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ITEM #21
COMMISSIONERS' COURT/COURT MEMBERS ANNOUNCEMENTS

Judge Barden asked court members to consider possible dates for conducting budget workshops. After discussion, their 1st budget workshop was set for Monday, July 17th at 1:30 p.m.

ITEM #22
ADJOURN

There being no further business to address, the Honorable James Barden, County Judge, declared the meeting adjourned.

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The Above and foregoing Minutes from the Honorable Commissioners Court
of Medina County, Texas from Page 315 thru Page 343 were Approved
in Open Court.

Elva Miranda
COUNTY CLERK OF MEDINA

James E. Baird
COUNTY JUDGE