



APRIL 23, 2002

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STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 23rd DAY OF APRIL A.D., 2002, 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
WILLIAM "BILL" BURNETT	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. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

20229 ADOPT A PROCLAMATION RECOGNIZING MAY 2, 2002 AS A DAY OF PRAYER

Jon Thompson read the proclamation. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing May 2, 2002 as a Day of Prayer. All voting "Aye".

PROCLAMATION RECOGNIZING A DAY OF PRAYER

WHEREAS, In 1775, the Continental Congress declared a day of prayer. It is a tradition that has continued through today – a nation joining to pray for its communities, its leaders, and its families. It is a day when Americans of many faiths, from all walks of life, join under the flag of freedom to reflect on days gone by and those to come, praying for the future of this great land we call home; and

WHEREAS Psalm 46:1, "God is our refuge and strength, an ever-present help in trouble," lends the theme for this year's day of prayer: "America United Under God". September 11, 2001, was a tragic day in American history. Yet, generations of Americans to come will reflect on it as a day when our nation showed its fortitude, and demonstrated to the world that this nation's truest strength lies within its people. Immediately following the tragedy, and in the ensuing months, we have time and again called upon our faith and prayed for the future of America; and

WHEREAS, Building upon our unity as a nation, my fellow Texans, it is therefore again with deep reverence that I call upon you to join on May 2, 2002, in a day of prayer, to focus on our families, our great state and this nation of incomparable greatness; and

WHEREAS, As chronicled for the ages in "America the Beautiful", "America! America! God shed His grace on thee!", God has blessed us and shed His grace on this land, but the responsibility lies with us to treasure, protect and strengthen its foundation for the generations to come. It is a responsibility that lies with each generation; it is a responsibility that is furthered when we join, as did our Founding Fathers, in reverence, respect, and prayer under freedom's banner; and

WHEREAS, In President George W. Bush's words: " As we have been assured, neither death nor life, nor angels nor principalities nor powers, nor things present nor things to come, nor heights nor depths, can separate us from God's love. May He bless the souls of the departed. May He comfort our own. And may He always guide our country." May God Bless Texas and May God Bless America; now therefore be it

RESOLVED, that the HAYS COUNTY COMMISSIONERS' COURT wishes to recognize May 2nd, 2002 as a Day of Prayer.

WITNESS OUR HANDS SET HERE UNTO as evidenced by our signatures affixed hereto this the 23rd day of April 2002

20230 PRESENTATION AND ACCEPTANCE OF \$18,000 GRANT AWARD BY LOWER COLORADO RIVER AUTHORITY TO THE HAYS COUNTY FIRE MARSHAL

Gail Oliver of Lower Colorado River Authority presented the Hays County Fire Marshal with an \$18,000 grant award. She explained how LCRA is able to award money to their customers. Fire Marshal Mark Chambers gave his and the citizens of Hays County's appreciation to LCRA and he recognized Richard Salmon for his participation. This money will be used to purchase a response vehicle for the investigation of fires and explosions throughout Hays County. Hays County is providing \$10,000 (35%) in matching funds. The number of fires investigated by the County Fire Marshal has increased significantly the last two years, with approximately 12.5% determined to be arson or of a suspicious nature. The Fire Marshal has very limited investigative equipment on hand and answers approximately 3,000 fire department calls annually, of which 1/2 are EMS related, and approximately 1,500 are fire related. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept the grant award of \$18,000 from LCRA. All voting "Aye".



20231 APPROVE THE COMMISSIONERS' COURT MINUTES OF APRIL 16, 2002

A motion was made by Commissioner Burnet, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of April 16, 2002. All voting "Aye".

20232 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnet, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$ 527,839.43 as presented by the County Auditor. All voting "Aye".

Trf to Juv Center	\$100,000.00	License & Permits	\$ 175.00	Public Safety Svcs	\$ 119.50
Fines	\$ 800.00	Auditor's Office	\$ 1,300.55	Treasurer's Office	\$ 253.32
Extension Office	\$ 449.00	Grants Admin	\$ 90.34	Juvenile Probation	\$ 8,299.90
Indigent Care	\$ 68.99	Transfer Station	\$ 5,472.31	Bldg. Mtc. Dept.	\$ 8,258.03
Environmental Health	\$ 564.51	Civic Center	\$ 4,836.61	Countywide Operating	\$ 31,548.80
Tax A/C Office	\$ 65.73	District Clerk's Ofc	\$ 514.64	Sheriff's Office	\$ 22,436.43
Jail Operations	\$ 38,313.66	County Judge's Ofc	\$ 48.33	Human Resources	\$ 113.32
Co Court at Law 1	\$ 435.13	District Atty's Office	\$ 486.02	J.P. 1-1	\$ 162.47
J.P. 1-2	\$ 304.90	J.P. 2	\$ 258.41	J.P. 4	\$ 168.70
J.P. 5	\$ 123.68	Dept of Public Safety	\$ 450.11	Constable 1	\$ 6.59
Constable 2	\$ 90.53	Constable 4	\$ 2.67	District Court Oper	\$ 12,518.48
Co & JP Court Oper	\$ 3,374.84	Precinct 1	\$ 213.42	Precinct 3	\$ 386.90
Precinct 4	\$ 77.00	Veterans Admin Ofc	\$ 780.35	Computer Svcs	\$ 45,650.15
TJPC Salaries Grant	\$ 2,000.00	DPS/Lic & Wgts	\$ 182.27	Fire Marshal/EMC	\$ 309.97
TJPC CCAP Grant	\$ 662.14	Comm Court Exp	\$ 340.50	CJD/VOCA Grant	\$ 973.93
Auto Theft Task Force	\$ 73.36	THC/Preserv Plan	\$ 3,018.97	Nat'l Register Nomin	\$ 2,249.56
Waste Task Force	\$ 72.00	Chipper Grant	\$ 2,241.98	Heritage Visitors Center	\$ 4,150.00
General Fund Credit	<\$24.29>	R&B Operations	\$ 124,640.50	Co Engineer Office	\$ 563.58
R&B Gen Fund Credit	<\$3.27>	Sheriff Abandon Veh	\$ 158.00	Hays Co Parks Fund	\$ 701.96
Rec Mng/Co Clerk	\$ 2,460.45	Health Svcs Grantw	\$ 2,243.77	Law Library Fund	\$ 858.00
Hays Co Juv Center	\$ 2,927.54	Road Bond Series '94	\$ 31.18	Courthouse Security	\$ 29.95
Med/Dental Insur	\$ 2,774.00	Sheriff's Drug Forf	\$ 300.00	D.A.'s Drug Forf Fund	\$ 16,700.00
Family Health Svcs	\$ 12,986.02	Justice Crt Tech	\$ 4,577.71	DDJ/Equip & Tech Fund	\$ 8,870.00
Tobacco Settlement	\$ 32,820.33	Rd Bond Series 2001	\$ 8,730.00		

20233 APPROVE UTILITY PERMITS #1570-1575

The following Utility Permits were submitted by the Road Department for approval:

Utility Permit #	Co Road #/Name	Utility Company
01570	CR124/Palamino	GTE-Wimberley
01571	CR220/Gatlin Creek Rd	Pedernales Electric
01572	CR220/Gatlin Creek Rd/Mt Gainor	Pedernales Electric
01573	CR190/Creek Road	Hancock/Hanks Investments
01574	CR187/McGregor Rd	GTE-Wimberley
01575	CR159/Yarrington Rd	EPGT Texas Pipeline

A motion was made by Commissioner Burnet, seconded by Commissioner Molenaar to approve Utility Permits #1570-1575 as submitted by the County Road Department. All voting "Aye".

20234 MOUNTAIN VIEW ESTATES [PCT. 3 #02-3-023] * PRELIMINARY PLAT [T1-130]

Environmental Health Director Allen Walther advised that this subdivision has been resubmitted (preliminary approval time had expired) – he gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plat of "Mountain View Estates". All voting "Aye". [T1-206] Later in the meeting, Allen Walther requested reconsideration of previous action taken. He spoke of timing issues regarding when the road will be built – agreements have been negotiated and we need to clarify those agreements in writing. He requested the court to rescind the previous action approving the preliminary plat of Mountain View Estates. A motion was made by Commissioner Burnet, seconded by Commissioner Molenaar to rescind court action approving preliminary plat of Mountain View Estates and bring it back to the court when agreements are ready. Commissioner Carter was not present to vote. All present voting "Aye".

20235 BELTERRA PHASE 1 [PCT. 4 #02-4-006] * APPROVE PRELIMINARY PLAT [T1-150]

Environmental Health Director Allen Walther advised that this is a phased development on US Hwy 290. Staff expects to bring a phased development agreement to the court for approval. He gave staff recommendation for preliminary approval of Phase I which contains 216 lots. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plat of "Belterra Phase I". All voting "Aye".



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20236 WAIVE ON-SITE SEWAGE FACILITY FEES FOR HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT [T1-166]

The Hays Consolidated ISD is requesting the County to waive the \$685 application, review and permit fees for the proposed HCISD Performing Arts Center septic system to be located off CR171 approximately 4,000 linear feet west of the intersection of FM2770 and CR171. This site will serve as the Performing Arts Center for the entire school district and will be available to citizens of Kyle, Buda and Mountain City. It will have a capacity of 995 seats with a full stage and orchestra pit. The District has also provided two multipurpose spaces which can be used for conference and meeting rooms. They expect construction to begin in July 2002 and have the facility completed by July 2003. Environmental Health Director Allen Walther advised that this waiver has historically been done (for other taxing entities). It is understood that the court cannot waive the fee paid to the State. He gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to waive on-site sewage facility fees for Hays Consolidated Independent School District for their proposed Performing Arts Center located off CR171. All voting "Aye".

20237 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO RECEIVE A LEGAL BRIEFING AND DELIBERATE THE FOLLOWING MATTERS: (1) CAUSE NO. 99-0898, HAYS COUNTY WATER PLANNING PARTNERSHIP AND ERIN FOSTER V. HAYS COUNTY; AND (2) CAUSE NO. 2000-0688, HAYS COUNTY WATER PLANNING PARTNERSHIP V. HAYS COUNTY [T1-193]

The Court convened into closed executive session at 9:15 a.m. and reconvened into open meeting at 10:00 a.m. Commissioner Carter was not present at this time. A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to reject the Plaintiff's offer of settlement in Cause No. 99-0898 styled "Hays County Water Planning Partnership and Erin Foster v. Hays County. All present voting "Aye". No action was taken regarding Cause NO. 2000-0688.

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 30TH DAY OF APRIL, 2002.

**JAMES L. POWERS, COUNTY JUDGE
H A Y S COUNTY, TEXAS**

**LEE CARLISLE, COUNTY CLERK
H A Y S COUNTY, TEXAS**

