



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 12th DAY OF AUGUST A.D., 2003, 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 Molenaar led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

New employees: Patricia Adams – Auditor's Office Brenda Downey – Computer Services Dept. County Auditor Bill Herzog introduced Patricia "Pat" Adams (has 20 years experience in the banking business).

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

The following county employees have earned service awards with Hays County:
Road Dept. – Joe P. Garza (25 yrs), James Glosson (10 yrs), & Mario Garcia (5 yrs)
District Attorney's Office – Edna Chagolla (15 yrs)
Environmental Health Dept. – Mary Torres (10 yrs) & Kathrine Weiss (5 yrs)

District Attorney's Office Manager Carolyn Brown presented Edna Chagolla (Hot Check Division) with a 15 year service pin. Environmental Health Director Allen Walther presented a 5 year service pin to Kathrine Weiss (9-1-1 Addressing).

PUBLIC COMMENT

[T1-73] John Hatch spoke of need to bring to conclusion and change the local option liquor laws – need to challenge the State law – nothing Hays County did a year ago was anything but go to the letter of the law - because of the JP2 and JP4 petition and City of Umland we now have a new state law that allows the voters of Texas to have more of an opportunity to engage in these issues. He asked the court to accept the settlement offer (*to be discussed in executive session*) to allow the voters to vote on this issue. [T1-115] Robert Sluter (resident of Niederwald) spoke regarding the executive session issue – he urged the court to approve the law suit settlement.

21206 APPROVE THE COMMISSIONERS' COURT MINUTES OF AUGUST 5, 2003

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of August 5, 2003. All voting "Aye".

21207 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$400,865.26 as presented by the County Auditor. All voting "Aye".

Vouchers Payable	\$ 5,791.55	Auditor's Office	\$ 672.28	Treasurer's Office	\$ 207.94
Extension Office	\$ 1,146.94	Juvenile Probation	\$ 49,813.00	Election Admin	\$ 4,719.68
Transfer Station	\$ 3,207.87	Building Maintenance	\$ 7,232.01	Environ Health	\$ 1,575.37
Civic Center	\$ 11.02	Countywide Oper	\$ 60,374.37	Tax A/C Office	\$ 875.96
District Clerk's Ofc	\$ 1,233.19	Sheriff's Office	\$ 14,149.88	Jail Operations	\$ 34,860.80
County Judge's Ofc	\$ 36.12	Co Court @ Law 1	\$ 182.04	District Atty's Ofc	\$ 3,369.14
J.P. 1-1	\$ 103.78	J.P. 1-2	\$ 162.04	J.P. 2	\$ 113.73
J.P. 4	\$ 55.19	J.P. 5	\$ 12.94	Constable 1	\$ 447.02
Constable 3	\$ 191.83	Constable 4	\$ 261.11	Constable 5	\$ 47.40
District Court Oper	\$ 1,664.27	Co & JP Crt Oper	\$ 6,109.27	Precinct 1	\$ 108.60
Precinct 3	\$ 47.39	Precinct 4	\$ 30.27	Veterans Admin	\$ 861.12
Computer Services	\$ 24,335.86	Juv Prob Office	\$ 215.43	TJPC Salaries Grant	\$ 4,990.00
DPS/Lic & Wghts	\$ 514.47	Fire Marshal/EMC	\$ 209.81	TABC Office	\$ 164.66
TJPC CCAP Grant	\$ 102.51	Assoc. Judge/Family	\$ 57.73	Spec Counsel Ofc	\$ 156.84
CJD/VOCA Grant	\$ 194.52	CJD/VAWA Grant	\$ 26.84	CAPCO/Solid Waste	\$ 10.00
911 Addrs Mtc. Grant	\$ 7,489.47	Homeland Security	\$ 951.45	Juv Justice Alt Ed	\$ 335.34
General Fund Credit	<\$707.37>	Road & Bridge Oper	\$ 66,773.64	Parks Fund	\$ 963.23
Rec Mng/Co Clerk	\$ 5,736.85	Health Svcs Grants	\$ 7,183.67	Law Library Fund	\$ 23.11
Juvenile Center	\$ 9,117.49	Court Security Fund	\$ 530.88	Family Health Svcs	\$ 2,661.10
Justice Court Tech	\$ 1,876.46	Road Bond '01 Constr	\$ 67,276.15		



21208 AWARD BID #2003-B08 FOR "MOWING OF R.O.W." TO BROWNSBORO ENTERPRISE, INC.

The Purchasing Department received only one bid (Brownsboro Enterprises Inc. – Lockhart, Texas) which was reviewed by the Road Department and Purchasing. The Road Department is satisfied with this vendor and bid the bid pricing. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award Bid #2003-B08 for "Mowing of R.O.W." to Brownsboro Enterprise Inc. All voting "Aye".

21209 AWARD BID #2003-B09 FOR "REGULATORY, WARNING AND OTHER ROAD SIGNS" TO MULTIPLE VENDORS

Bids were submitted by Osburn Associates Inc. (Logan, OH), Allied Tube & Conduit (Harvey, IL), Hall Signs Inc. (Bloomington, IN), and Vulcan Signs (Foley, AL), Custom Products Corp. (Jackson, MS), Wenzel Wenzel & Assoc. Inc. (New Braunfels, TX), Pathmark Traffic Products (San Marcos, TX), and Rocal Inc. (Frankfort, OH). Bids have been reviewed by the Road Department and Purchasing – multiple awards are being made to vendors with low bid for that item. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award Bid #2003-B09 for "Regulatory, Warning and Other Road Signs" to multiple vendors as recommended. All voting "Aye".

21210 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE LOWER RIVER AUTHORITY-PARKS PARTNERSHIP PROGRAM FOR UP TO \$200,000.00 AND TO EXECUTE THE CONTRACT

Grants Administrator Richard Salmon advised that we will be using the same match as the Texas Parks and Wildlife Grant Application submitted on July 31, 2003. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit grant application to the Lower River Authority-Parks Partnership Program for up to \$200,000.00 and to execute the contract. All voting "Aye".

21211 AUTHORIZE THE COUNTY JUDGE TO SUBMIT GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HEALTH IMMUNIZATION PROGRAM FOR UP TO \$175,000.00 AND TO EXECUTE CONTRACT

The immunization grant is a renewal grant for the receipt of state provided vaccines and the administration of those vaccines. This grant also requires HCHD to coordinate the Texas Vaccine for Children program to other local immunization providers; those activities include auditing and monitoring immunization records and activities to assure compliance. Other grant requirements include prenatal Hepatitis B surveillance and intervention. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Texas Department of Health Immunization Program for up to \$175,000.00 and to execute the contract. All voting "Aye".

21212 ACCEPT TOBACCO COMPLIANCE GRANT FROM THE STATE COMPTROLLER OF PUBLIC ACCOUNTS

Hays County has been awarded a Tobacco Compliance grant in the amount of \$5,000.00 under the provisions of the Texas Health & Safety Code Ann. Sec. 161.088(b) (Vernon's Supp. 1999) for fiscal year 2004 beginning September 1, 2003. The Hays County Sheriff's Dept. will provide on-site compliance inspections of cigarette or tobacco permitted retail outlets (e.g. grocery stores, convenience stores, gas stations, mass merchandisers) that may result in the issuance of citations using minors as decoys (i.e. "stings"); violations of signs not posted, lack of proper certification, direct access by minors to cigarettes or tobacco products, and the use or possession of cigarettes or tobacco products by a minor; compliance education for retailers or school age children; and filing monthly enforcement activity reports and quarterly compliance education and financial status of reports. The grant award is in the amount of \$5,000.00 and covers the period from September 1, 2003 through August 31, 2004. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept the Tobacco Compliance Grant from the State Comptroller of Public Accounts. All voting "Aye".

21213 ACCEPT BIDS ON PROPERTY HELD IN TRUST [T1-139]

Luanne Caraway spoke of bid offers being presented today – she recommends acceptance of bids – still need to be approved by the school district. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept bids on property held in trust: \$2,500 bid on Account #R24681 being part of Lot 5 & part of Lot 6 Block 8 D. S. Combs Addition and \$1,000 bid on Account #R43684 being Lot 55 Block 1 J. M. Stone Subdivision. All voting "Aye". Luanne Caraway spoke of there being another property held in trust – a mobile home only - in which 4 bids have been received. Commissioner Molenaar requested that staff have a chance to look at this mobile home before accepting a bid – could possibly be used by the county. No action taken.



21214 [PCT. 2 #03-2-036] **ACEVEDO-HULSEY SUBDIVISION (2 LOTS) * APPROVE FINAL PLAT**

[T1-250] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the final plat of "Acevedo-Hulsey Subdivision". All voting "Aye".

CLERK'S NOTE: AGENDA ITEM #11 RE: HUBER ESTATES SECTION 4 (15 LOTS) * APPROVE FINAL PLAT, ACCEPT CONSTRUCTION OF THE STREETS AND DRAINAGE, AND ACCEPT MAINTENANCE FISCAL SECURITY WAS PULLED BY COMMISSIONER CARTER. NO DISCUSSION AND NO ACTION.

21215 [PCT. 3 #03-3-056] **BRIDLEWOOD RANCHES (12 LOTS) * APPROVE FINAL PLAT** [T1-270]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Bridlewood Ranches". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

21216 [PCT. 4 #03-4-060] **HYDE SUBDIVISION LOTS 3 & 4 REPLAT (2 LOTS) * APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION** [T1-284]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and waive public notification – moving a common lot line.

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Hyde Subdivision Lots 3 & 4 Replat" and waive public notification. All voting "Aye".

21217 **CANCEL THE LOT LINE REVISION BETWEEN LOTS 22 & 23 OF THE POLO CLUB AT ROOSTER SPRINGS PHASE 1 AND WAIVE PUBLIC NOTIFICATION** [T1-297]

Environmental Health Director Allen Walther advised that the property owners of Lots 22 & 23 had jointly agreed to amend the common lot line, however, it is now necessary (for financing) to return the lot line to its original configuration. *Clerk's Note: Re-alignment/revision of common lot line between Lots 22 & 23 was filed on December 20, 2001, and recorded in Volume 10 Page 174 of the Hays County Plat Records.* A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to cancel the lot line revision between Lots 22 & 23 of The Polo Club at Rooster Springs Phase I and waive public notification. All voting "Aye".

21218 **CALL FOR A PUBLIC HEARING ON TRAFFIC REGULATIONS AT VALLEY VIEW DRIVE AND MERRYWOOD LANE** [T1-332]

Proposed traffic regulation is placement of a STOP sign at the intersection of Valley View Drive and Merriwood Lane on the SW corner. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on August 26, 2003 to consider establishing traffic regulations at Valley View Drive and Merrywood Lane. All voting "Aye".

21219 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 4 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (HEIDENREICH W/ OTHON)** [T1-366]

Bob Austin (Turner, Collie & Braden Inc.) advised that this work authorization is for engineering and surveying work on Heidenreich Lane. Public meeting went well – they will send out a public information letter instead of holding a second public meeting. Funding is already in place – concerns are being addressed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 4 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (Heidenreich w/Othon). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

21220 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 2 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (MT. GAINOR)** [T1-576]

Bob Austin (Turner, Collie, & Braden Inc.) advised that this is to supplement the metes and bounds description and plat, heading for ro-w acquisition, locating boring for bridges, etc. – it is actually Supplemental Work Authorization #3 (was posted as Supplement Work Authorization #2). A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 2 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (Mt. Gainor). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.



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21221 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 18 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (U.S. 290 W/ CARTER & BURGESS) [T1-644]

Bob Austin (Turner, Collie, & Braden Inc.) advised that this work authorization will include project management, environmental services, public involvement, etc. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute Work Authorization No. 18 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (U.S. 290 w/Carter & Burgess). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

21222 AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 19 WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (WIMBERLEY BY-PASS (PS&E) W/ LAI) [T1-757]

Bob Austin (Turner, Collie, & Braden Inc.) advised that this project is a continuation of initial work that was done. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute Work Authorization No. 19 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (Wimberley By-Pass (PS&E) w/LAI). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

21223 ACCEPT INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND WIMBERLEY VALLEY COMMUNITY EMERGENCY RESPONSE TEAM [T1-850]

Funding for this interlocal agreement is being provided by a grant from CAPCO in the amount of \$21,000 to be used for operating expenses, equipment, contractual services, interlocal agreement and administrative costs. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept Interlocal Agreement between Hays County and Wimberley Valley Community Emergency Response Team. All voting "Aye".

COURT CONVENED INTO CLOSED EXECUTIVE SESSION. UPON COMPLETION OF CLOSED SESSION, THE COURT RECONVENED INTO OPEN MEETING.

21224 EXECUTIVE SESSION PURSUANT TO SEC 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING HATCH V. CITY OF UHLAND, CAUSE NO. A-02-CA-723-SS, UNITED STATES DISTRICT COURT WITH ACTION

[T1-872] A motion was made by Judge Powers, seconded by Commissioner Carter to not take any action at this time regarding lawsuit styled Hatch v. City of Umland, Cause No. A-02-CA-723-SS, United States District Court until the Attorneys can discuss some issues. Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "Aye". Commissioner Burnett and Commissioner Molenaar abstained.

Clerk's Note: *Public comments were made (for lawsuit settlement) at the beginning of the meeting by John R. Hatch and Robert Sluter – written comments (for proposed settlement) were submitted by Darrell Raymond [representing the Plum Creek Golf Course] and Peter French [Plum Creek Developer].*

21225 SET DATES AND TIMES OF FUTURE BUDGET WORKSHOPS [T1-898]

Commissioner Molenaar advised that he is not available in the morning on Wednesdays and he would like for the meeting to be at 9AM instead of 10AM. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to set budget workshops for August 18 & 21 @ 9 am. Motions withdrawn. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to adopt the proposed printed schedule setting budget workshops for 10:00 A.M. on August 18th, August 19th (following the last agenda item), August 20th, and August 21st. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Molenaar voting "No".

**HAYS COUNTY FY2004 BUDGET WORKSHOP** [T1- 976]

Dottie Barnes spoke about "other expenses" in the budget. Commissioner Ingalsbe spoke of "other expenses" in various departments – need justification – she would like these deleted. County Auditor Bill Herzog will research what those funds have been used for in the past. He advised that we did not get a written request from the Greater San Marcos Economic Council, Village Inn of Wimberley, and Calaboose African American Museum, therefore, they are not included in the budget. Court discussed "legal aide" services – County is not obligated to provide legal aide services. Court discussed "continuing education" line item for Commissioners – not all are funded the same. Court discussed Indigent Health Care Medical & Dental Services. A motion was made by Commissioner Burnett to adopt the proposed Hays County Budget – motion was withdrawn.

COURT WAS ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 19TH DAY OF AUGUST, 2003.

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

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

