



OCT 7, 2003

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STATE OF TEXAS ☆
 COUNTY OF HAYS ☆

ON THIS THE 7th DAY OF OCTOBER 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
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COMMISSIONER PCT. 3 WILLIAM "BILL" BURNETT; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell spoke of **Envision Central Texas** new website [www.envisioncentraltexas.org] – there is a survey that can be done online. There will also be surveys that can be filled out and placed in drop boxes throughout the county. Dianne Wassenich spoke of participating in the workshops and she is actively involved in providing the surveys to the citizens of Hays County.

21342 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$279,888.86 as presented by the County Auditor. All present voting "Aye".

21343 APPROVE BUDGET AMENDMENT NO. 03-45

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 03-45 as proposed by the County Auditor. All present voting "Aye".

21344 APPROVE UTILITY PERMITS

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

PERMIT #	CO ROAD #/NAME	UTILITY COMPANY
01664	CR127/Bee Bee Road	CenterPoint Energy Entex
01666	Carriage House Road	Hill Country Water Supply Corp
01667	Carriage House Road	Hill Country Water Supply Corp
01669	CR232/Redwood Road	Grande Communications
01670	CR165/Loop 165	Pedernales Electric Coop Inc.

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Permits #01664, #01666, #01667, #01669, & #01670 as submitted by the Road Department. All present voting "Aye".

21345 [PCT. 3 #03-3-072] SEEBECK ACRES (2 LOTS) * FINAL PLAT APPROVAL [T1-170]

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 "Seebeck Acres". All present voting "Aye".

21346 [PCT. 3 #03-3-073] PALOMA BLANCA (4 LOTS) * PRELIMINARY PLAN APPROVAL [T1-178]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan of "Paloma Blanca". All present voting "Aye".



CLERK'S NOTE: AGENDA ITEM #6 RE: BLANCO VALLEY RANCHES * VARIANCE REQUESTS was PULLED – NO DISCUSSION /NO ACTION TAKEN.

21347 [PCT. 4 #03-4-032] **HIGH VIEW RANCH (10 LOTS) * APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND GRANT A VARIANCE TO LENGTH OF SHARED ACCESS DRIVEWAY** [T1-192]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval, acceptance of road/drainage improvements and variance to length of SAD (shared access driveway) – lots cannot be further divided and the privately maintained roads are paved. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of “High View Ranch”, accept construction of roads and drainage improvements and grant a variance to length of shared access driveway. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

21348 [PCT. 4 # 03-4-061] **CREEK ROAD RANCH SECTION 2 (11 LOTS) * FINAL PLAT APPROVAL** [T1-244]

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 “Creek Road Ranch Section 2”. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

CLERK'S NOTE: AGENDA ITEM #9 RE: [PCT. 3 #02-3-023] MOUNTAIN VIEW ESTATES * ACCEPTANCE OF “CURRY RANCH ROAD” INTO THE COUNTY MAINTENANCE SYSTEM was PULLED – NO DISCUSSION/NO ACTION TAKEN

21349 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) AT INTERSECTION OF KAI VISTA DRIVE AND PETRAS WAY, AND ALSO AT INTERSECTION OF MARK'S WAY AND STEPHANIE'S TRAIL** [T1-267]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for placement of STOP signs at the intersection of Kai Vista Drive and Petras Way and at the intersection of Mark's Way and Stephanie's Trail. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations by placement of STOP sign on Kai Vista Drive at its intersection with Petras Way (stopping traffic on Kai Vista Drive) and a STOP sign on Stephanies Trail at its intersection with Marks Way (stopping traffic on Stephanies Trail). All present voting “Aye”.**

21350 **PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH SUBDIVISION (25MPH SPEED LIMIT)** [T1-283]

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for setting the speed limit in the Sawyer Ranch Subdivision at 25MPH. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish traffic regulations of 25MPH speed limit on roads in the Sawyer Ranch Subdivision. All present voting “Aye”.**

21351 **DIRECT THE COUNTY JUDGE TO SEND CERTIFIED DEMAND LETTER ON OCTOBER 7, 2003 TO TRAVELERS SURETY CALLING FOR THE \$45,522 BOND TO REPAIR THE DANGEROUS ROAD AND DRAINAGE PROBLEMS IN CIRCLE N RANCH SUBDIVISION** [T1-302]

Commissioner Carter gave a powerpoint presentation showing condition of roads in the Circle N Ranch subdivision and urged the court to send a demand letter to the insurance company immediately. Commissioner Molenaar voiced his concerns about calling the bond. Road Supt/Engineer Jerry Borcharding advised that he has not done an estimate of the cost involved. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to direct the County Judge to send certified demand letter on October 7, 2003 to Travelers Surety calling for the \$45,522 bond to repair the dangerous road and drainage problems in Circle N Ranch Subdivision. All present voting “Aye”.**



21352 APPROVE CHANGES TO THE HAYS COUNTY RECYCLING AND SOLID WASTE RATE SCHEDULE [T1-561]

Jerry Pinnix, Recycling & Solid Waste Administrator, provided a memorandum showing expenditures and revenues for Hays County Recycling and Solid Waste services and his recommendation for fee increases.

SERVICE	CURRENT FEE	PROPOSED FEE
Household Trash – per cubic yard	\$ 3.00 (\$3 minimum)	\$ 5.00 (\$5 minimum)
Construction Materials	\$ 10.00	\$ 15.00
Appliances without Freon	\$ 3.00 each	\$ 5.00 each
Appliances with Freon	\$ 5.00 each	\$ 7.00 each
Sofas	\$ 5.00 each	\$ 10.00 each

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve changes to the Hays County Recycling and Solid Waste Rate Schedule as recommended to be effective November 1, 2003. All present voting "Aye".

21353 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE PLUM CREEK GROUNDWATER CONSERVATION DISTRICT RELATING TO TAX COLLECTION SERVICES PROVIDED BY THE HAYS COUNTY TAX ASSESSOR/COLLECTOR [T1-665]

Tax Assessor-Collector Luanne Caraway requested authorization to provide tax collection services for Plum Creek Groundwater Conservation District. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute an agreement with the Plum Creek Groundwater Conservation District relating to tax collection services provided by the Hays County Tax Assessor/Collector. All present voting "Aye".

21354 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE CITY OF NIEDERWALD RELATING TO TAX COLLECTION SERVICES PROVIDED BY THE HAYS COUNTY TAX ASSESSOR/COLLECTOR [T1-723]

Tax Assessor-Collector Luanne Caraway requested authorization to provide tax collection services for the City of Niederwald. A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to authorize the County Judge to execute an agreement with the City of Niederwald relating to tax collection services provided by the Hays County Tax Assessor/Collector. All present voting "Aye".

21355 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF HAYS RELATING TO ANIMAL CONTROL [T1-760]

The City of Hays will pay the County the sum of \$968 annually for animal control services being provided by the Sheriff's Animal Control Officer. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the City of Hays relating to animal control. All present voting "Aye".

21356 ACTION REGARDING CONTINUATION OF FUNDING TO THE HAYS COUNTY SOIL & WATER CONSERVATION DISTRICT [T1-787]

Commissioner Molenaar spoke in support of funding the Hays County Soil & Water Conservation. Chris Perez, newly appointed District Conservationist (since April 2003), spoke of makeup of the board of directors which oversees funding throughout the county – they get matching funds from the State which is used for technical assistance (they hire students with agricultural degrees from the university) which work with him in the office, supports range camps, cleanup efforts, and the board works with the Upper San Marcos Watershed Board to make sure that the dam structures are maintained [yearly inspections]. Special Counsel Jacqueline Cullom Murphy spoke of law related to emergency funding that could be declared since this item was left out of the adopted budget. She spoke of need for the court to adopt an order that clearly establishes facts supporting the declaration of an emergency (matter of grave public necessity that was not contemplated during the budget process). Commissioner Molenaar felt like this would be a public health and safety issue. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to direct staff to prepare an Order declaring an emergency and fund the Hays County Soil & Water Conservation District in the amount of \$4,400 out of contingency funds and bring it back to the court for consideration. Commissioner Ingalsbe, Commissioner Carter, and Commissioner Molenaar voting "Aye". Judge Powers voting "No".



21357 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH AUSTIN COMMUNITY COLLEGE TO PROVIDE FOR INTERNS AT THE HAYS COUNTY HEALTH DEPARTMENT [T1-1018]

This agreement provides for nurse interns at the Health Dept. A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute an agreement with Austin Community College to provide for interns at the Hays County Health Department. All present voting "Aye".

Court convened into closed executive session at 10:30 a.m. and reconvened into open meeting at 10:45 a.m.

21358 EXECUTIVE SESSION PURSUANT TO SECTION 551.076, TEXAS GOVERNMENT CODE, TO CONSIDER THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES ON HAYS COUNTY PROPERTY WITH ACTION [T1-1042]

A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to appoint Commissioner Molenaar to investigate and head up a research project regarding security for the courthouse and outlying offices in Hays County. All present voting "Aye".

CLERK'S NOTE: AGENDA ITEM #20 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL REGARDING HAYS COUNTY V. JOSEPH ALEXANDER, CAUSE NO. 6944-C, HAYS COUNTY COURT-AT-LAW. ACTION MAY FOLLOW IN OPEN COURT WAS PULLED - NO DISCUSSION AND NO ACTION.

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 OCTOBER 7, 2003.



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

