



OCTOBER 21, 2003

VOL S PG 819

STATE OF TEXAS ★

COUNTY OF HAYS ★

ON THIS THE 21st 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
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 Carter led the Court in the Pledge of Allegiance to the Flags.

21377 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 \$173,994.09 as presented by the County Auditor. All present voting "Aye". Commissioner Burnett was not present to vote.

21378 APPROVE BUDGET AMENDMENT NO. 04-03

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-03 as proposed by the County Auditor. All present voting "Aye". Commissioner Burnett was not present to vote.

21379 APPROVE UTILITY PERMIT #01671 & #01672

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01671 on CR163/Nutty Brown Road issued to Pedernales Electric Cooperative Inc. and #01672 on CR162/Dardin Hill Road issued to Pedernales Electric Cooperative, Inc. All present voting "Aye". Commissioner Burnett was not present to vote.

21380 APPROVE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR PLUMBING SERVICES" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve specifications for "Annual Contract for Plumbing Services" and authorize Purchasing to solicit for bid and advertise. All present voting "Aye". Commissioner Burnett was not present to vote.

21381 APPROVE THE PURCHASE OF A REPLACEMENT SHREDDER FOR THE JUSTICE CENTER

The shredder at the Justice Center is broken and not repairable. All departments share this shredder and because of the "throat size" that is required to shred the type of documents generated to a certain width, the cost is substantially more than an ordinary shredder. Three quotes were received: TBPC = \$970.75 Office Depot = \$1,799.94 Convenience Office Supply = \$1,733.37. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the purchase of a replacement shredder in the amount of \$970.75 [countywide equipment line item #01-414-5711) for the Justice Center. All present voting "Aye". Commissioner Burnett was not present to vote.

Commissioner Burnett came to the meeting at this time.

21382 [PCT. 4 #02-4-016] HIDDEN CREEK RANCH PHASE 1 REPLAT OF LOTS 19A AND 20A (4 LOTS) * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-33]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that two lots are being divided into four lots. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Hidden Creek Ranch Phase 1 Replat of Lots 19A and 20A". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



Clerk's Note: Agenda Item #7 RE: [PCT. 4 #03-4-076] BELTERRA PHASE 2 SECTION 2 (124 LOTS) * APPROVE FINAL PLAT AND ACCEPT CONSTRUCTION FISCAL SECURITY **was PULLED.**

21383 [PCT. 4 #03-4-079] **DEER CREEK RANCH SECTION 1 BLOCK A REPLAT OF LOTS 10A, 10B, 11A, 11B, & 11C (2 LOTS) * APPROVE FINAL PLAT APPROVAL AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS** [T1-93]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and waive public notification requirements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to waive public notification requirements and approve final plat of "Deer Creek Ranch Section 1 Block A Replat of Lots 10A, 10B, 11A, 11B, & 11C". All voting "Aye".**

21384 CALL FOR A PUBLIC HEARING ON NOVEMBER 4, 2003 TO CONSIDER REVISIONS TO THE HAYS COUNTY SUBDIVISION DEVELOPMENT REGULATIONS

[T1-121] Commissioner Burnett spoke of need to adopt the thoroughfare master plan in our subdivision rules. Commissioner Carter spoke of her concern that wording is insufficient. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on November 4, 2003 to consider revisions to the Hays County Subdivision Development Regulations. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

21385 [PCT. 2 #99A-2-062] **PARK 35 SOUTH SECTION 1 - ACCEPT CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS, RELEASE THE MAINTENANCE FISCAL SECURITY, AND ACCEPT ALL ROADS IN "PARK 35 SOUTH SECTION 1" INTO THE COUNTY MAINTENANCE SYSTEM** [T1-155]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to release the maintenance security and accept the road (Park 35 Cove South) for county maintenance. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept construction of road and drainage improvements, release maintenance fiscal security, and accept all roads in "Park 35 South Section 1" into the county maintenance system. All voting "Aye".**

21386 [PCT. 2 #99A-2-074] **PARK 35 SOUTH SECTION 3 - ACCEPT THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS, RELEASE THE MAINTENANCE FISCAL SECURITY, AND ACCEPT ALL ROADS IN "PARK 35 SOUTH SECTION 3" INTO THE COUNTY MAINTENANCE SYSTEM** [T1-205]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to release the maintenance security and accept the roads for county maintenance. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept construction of road and drainage improvements, release the maintenance fiscal security, and accept all roads in "Park 35 South Section 3" into the county maintenance system. All voting "Aye".**

21387 CALL FOR A PUBLIC HEARING ON NOVEMBER 4, 2003 TO CONSIDER REVISIONS TO THE HAYS COUNTY TRANSPORTATION PLAN - REVISE THE PROPOSED STATE 110 ALIGNMENT [T1-220]

Commissioner Burnett spoke of need to reconsider alignment of State Highway 110 (San Marcos Loop). **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on November 4, 2003 to consider revisions to the Hays County Transportation Plan - revise the proposed State 110 alignment. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21388 ADOPT A MOTION OF THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION POLICY BOARD TO ADD A SEAT ON THE BOARD FOR THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY, ADD AN ADDITIONAL SEAT FOR HAYS COUNTY ON THE BOARD, AUTHORIZE THE HAYS COUNTY JUDGE TO AMEND THE JOINT POWERS AGREEMENT ACCORDINGLY, AND APPOINT THE HAYS COUNTY JUDGE AS HAYS COUNTY'S SECOND MEMBER ON THE BOARD [T1-288]

Commissioner Burnett spoke of discussions and action to add a seat to the board from Hays County - he recommends appointing the County Judge. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a motion of the Capital Area Metropolitan Planning Organization Transportation Policy Board to add a seat on the Board for the Central Texas Regional Mobility Authority, add an additional seat for Hays County on the Board, authorize the Hays County Judge to amend the Joint Powers Agreement accordingly and to furthermore appoint County Judge James Powers as Hays County's second member on the Board. All voting "Aye".**



21389 APPROVE RENTAL OF A KYOCERA MITA COPIER FOR THE BUDA SUBSTATION AND AMEND THE BUDGET ACCORDINGLY [T1-383]

Tax Assessor-Collector Luanne Caraway spoke of need for a copier for the Buda Substation. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve rental of a Kyocera Mita Copier for the Buda Substation and amend the budget accordingly** (pay out of Tax Office - office supplies line item). **All voting "Aye".**

21390 APPROVE RATE ADJUSTMENTS FOR COMMERCIAL & COMPACTED WASTE AT THE HAYS COUNTY TRANSFER STATION [T1-415]

Jerry Pinnix, Recycling & Solid Waste Administrator, spoke of neglecting to consider commercial and compacted waste at the transfer station when rates were changed last week – they have not been receiving these types of loads for a while, however, last week they had some commercial customers. He recommended the following rate adjustments:

<u>COMMERCIAL WASTES</u>	
Current = \$5.00 Cu.Yd.	Increase to \$7.00 Cu.Yd.
<u>COMPACTED WASTES</u>	
Current = \$7.00 Cu Yd.	Increase to \$12.00 Cu.Yd.

A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve rate adjustments for commercial & compacted waste at the Hays County Transfer Station as recommended effective November 1, 2003. All voting "Aye".

FUNDING FROM THE CITY OF KYLE FOR THE CREATION OF TWO (2) NEW COMMUNICATIONS DISPATCHERS IN THE 911 CENTER [T1-460]

County Auditor Bill Herzog advised that Sheriff Montague could not be here today – he reported that 25% of the calls received are from City of Kyle – an interlocal agreement is needed from the City of Kyle before authorization. No action this date.

21391 AUTHORIZE AN ADDITIONAL FELONY PROSECUTOR POSITION FOR THE DISTRICT ATTORNEY'S OFFICE (DUE TO GRANT FUNDING) [T1-476]

Special Counsel Jacqueline Cullom Murphy spoke of request from District Attorney Mike Wenk. Unanticipated VAWA grant funds were received after adoption of the FY2003-2004 budget. The grant was first rejected and then reconsidered and approved – these additional funds will allow already budgeted funds to fully pay this new position. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize an additional felony prosecutor position for the District Attorney's office made possible due to grant funding. All voting "Aye".**

CONSIDER APPROVING ADDITION OF JUSTICES OF THE PEACE OFFICES TO THE EXISTING CONTRACT APPROVED IN COMMISSIONERS' COURT ON SEPTEMBER 16, 2003 FOR THE TAX OFFICE, TO ACCEPT PAYMENT OF FEES, FINES, AND COURT COSTS BY CREDIT CARD IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 132.002 [T1-544]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approving adding the Justice of the Peace Offices to the existing contract approve in Commissioners' Court on September 16, 2003 for the Tax Office, to accept payment of fees, fines, and court costs by credit card in accordance with Texas Local Government Code 132.002 – contract subject to approval of the County Auditor and Special Counsel. Discussion was had regarding use of credit cards to pay fees, fines, and court costs. The District Clerk and Sheriff are requesting similar approval using a different vendor. **MOTIONS WITHDRAWN** Commissioner Molenaar suggested postponing action until we can make it where all departments have the opportunity to accept payments over the internet.

CLERK'S NOTE: AGENDA ITEM #19 RE: AUTHORIZE THE DISTRICT CLERK'S OFFICE AND SHERIFF'S DEPARTMENT TO ACCEPT PAYMENT OF FEES, FINES, AND COURT COSTS BY ELECTRONIC MEANS IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 132.002 AND SET A PROCESSING FEE AT AN AMOUNT NOT TO EXCEED 5% IN COMPLIANCE WITH TEXAS LOCAL GOVERNMENT CODE 132.003 AND AUTHORIZE THE COUNTY JUDGE TO SIGN SERVICE AGREEMENT SUBJECT TO THE APPROVAL OF THE COUNTY AUDITOR AND SPECIAL COUNSEL **was PULLED.**



**21392 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH
CHARLES NAGEL RELATING TO THE MANAGEMENT OF THE HAYS COUNTY
CIVIC CENTER [T1-718]**

Commissioner Molenaar spoke of contract being considered. Mr. Nagel is currently seeking a bond/insurance to cover him as a vendor. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to execute an agreement with Charles Nagel relating to the management of the Hays County Civic Center effective November 1, 2003 contingent on Mr. Nagel providing the insurance necessary to fulfill the contract and add a non-assignment clause (Section 3E) to the contract.** Budget will be amended to reflect the contract – currently budgeted at \$175,000 – will require amendments as revenue is received. Commissioner Molenaar advised that he has jobs within the county lined up for the current three employees at the civic center in the road department and recycling station. Discussion was had regarding possibility that Texas State University may have a proposal for the facility and what would be done regarding sponsorships. Charles Nagel spoke of fees to be charged and how he plans to reduce the operational costs (primarily the utilities). **Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

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 21, 2003.**



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

