



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9th DAY OF DECEMBER 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.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Powers presented awards to the following: Chief Juvenile Probation Officer Ed Cooper received a 30 years service plaque, Constable Pct. 4 Debra Brown received a 10 year service pin and Computer Services Director Jeff McGill received a 10 year service pin. County Treasurer Michele Tuttle presented Lois Lacaze with a 20 year pin. Health Dept. Director Gay Helmly presented Leola Gourley with a 10 year service pin.

INTRODUCTION OF RECENTLY HIRED EMPLOYEE

Environmental Health Director Allen Walther introduced new employee Martin Munioz. County Auditor Bill Herzog introduced new employee Marisol Villarreal-Alonzo (CPA). Personal Health Dept. new employee Peggy Picasio was not present.

21472 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$461,352.25 as presented by the County Auditor. All voting "Aye".

21473 APPROVE UTILITY PERMITS #01675 & 01676

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permits #01675 on Deer Creek Circle/CR200 issued to Deer Creek Water Co. & # 01676 on Dawn View Drive (Sycamore Creek) issued to Verizon as presented by the County Road Department. All voting "Aye".

21474 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 5 WITH TURNER COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (KOHLERS CROSSING) [T1-110]

Bob Sutton (TC&B Inc.) spoke of work to be done on Kohlers Crossing (bridge construction). A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 5 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (Kohlers Crossing). All voting "Aye".

21475 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 8 WITH TURNER COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (MCCARTY LN.)

[T1-205] Bob Sutton (TC&B Inc.) spoke of work to be done on McCarty Lane (subsurface engineering services). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 8 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (McCarty Lane). All voting "Aye".

21476 [PCT 3 #03-3-077] BLANCO VALLEY RANCHES (10 LOTS) -* APPROVE FINAL PLAT

[T1-259] 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 "Blanco Valley Ranches". All voting "Aye".



DEC. 9, 2003

VOL S PG 845

**21477 [PCT 4 #03-4-069] FOREST WOODS ESTATES REPLAT OF LOTS 1-A1 & 1-A2 (2 LOTS)
* CANCELLATION OF PLAT [T1-267]**

Environmental Health Director Allen Walther advised that Lot 1-A was divided into two lots and the property owners now want to return it back to one lot. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve cancellation of plat of "Forest Woods Estates Replat of Lots 1-A1 and 1-A2. All voting "Aye".**

21478 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON QUARRY SPRINGS DRIVE [T1-280]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcherding recommended a 25MPH speed limit on Quarry Springs Drive. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to establish traffic regulation of 25MPH speed limit on Quarry Springs Drive. All voting "Aye".**

21479 AUTHORIZE \$15.00 FEE ON NEW SUIT FILINGS FOR DIVORCE PURSUANT TO CHAPTER 51, GOVERNMENT CODE [T1-293]

HB2292 amended Chapter 51 of the Government Code by adding Subchapter M to provide that the commissioners' court may adopt a family protection fee in an amount not to exceed \$15. The fee is deposited in the Family Protection Account which may then be used to fund a nonprofit organization that provides family violence prevention, intervention, mental health, counseling, legal, and marriage preservation services to families at risk. The Hays/Caldwell Women's Center is requesting the court approve the collection of the \$15.00 fee on all new divorce filings and that they be designated as the proper recipient of these funds. Christine Webster (Hays/Caldwell Women's Center) spoke in support of this fee – the fee would be used for providing marriage/family crisis counseling. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize \$15.00 fee on new suit filings for divorce pursuant to Chapter 51 of the Government Code. All voting "Aye".**

21480 ACTION REGARDING THE ROADS IN CIRCLE N RANCH SUBDIVISION AND BOND FOR THOSE ROADS [T1-318]

Commissioner Carter spoke of lack of progress in Circle N Ranch subdivision. She gave a power point presentation showing erosion of the roadways. Road Supt/Engineer Jerry Borcherding spoke of driving the roads on Sunday and finding that some items on the punch list have been addressed. Discussion was had regarding the bond that is on file – does it cover all three sections of the subdivision? Commissioner Molenaar spoke of Niederwald annexation issue. Brad Bailey advised that we have already sent letters to the bonding company and Mr. McDonald – based on percentages of the bond it appears to cover only Sections 2 & 3. **[T1-675] A motion was made by Commissioner Carter, seconded by Judge Powers to instruct the County Judge to send a letter to the Insurance Company and Developer apprising them of remaining work to be done in the entire Circle N Ranch subdivision and the cost to finish the work, and furthermore, request them to do it or we will draw down on the bond on December 15, 2003. All voting "Aye".**

Clerk's Note: Agenda Item #11 RE: DISCUSSION AND POSSIBLE ACTION RELATING TO THE PROPOSED ABANDONMENT OF A PORTION OF OLD BLISS SPILLAR ROAD (ABUTTING PROPERTY OWNERS TOM SAPP AND W.K. 281 BEAR CREEK LTD. PROPERTIES) PURSUANT TO A SETTLEMENT AGREEMENT IN HAYS COUNTY V. TOM SAPP was PULLED. No discussion and no action taken.

21481 APPOINT LUIS GONZALES AS THE HAYS COUNTY ADA REPRESENTATIVE [T1-716]

This appointment will replace Commissioner Ingalsbe & Commissioner Burnett who are currently serving as the ADA representatives for the county. Human Resources Director Luis Gonzales is willing to serve as the representative – he has the knowledge and his office retains all the handbooks and information on ADA. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to appoint Luis Gonzales as the Hays County ADA Representative. All voting "Aye".**

21482 ALLOW THE CALABOOSE AFRICAN AMERICAN HISTORY MUSEUM TO RECEIVE THEIR FUNDING ALLOCATION IN TWO (2) PAYMENTS [T1-729]

Johnnie Armstead from the Calaboose African American History Museum requested that the court allow them to receive their funding in two payments rather than four. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to allow the Calaboose African American History Museum to receive their funding allocation in two (2) payments. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**DISCUSSION REGARDING CONDOMINIUM DEVELOPMENTS IN HAYS COUNTY [T1-750]**

Charles Odell spoke of 17 homes being a subdivision and he spoke of TCEQ input. Bruce Renfro spoke of wet weather creek that will be affected by this development and possibly pollute the aquifer. Environmental Health Director Allen Walther spoke of David Brooks letter – does not eliminate subdivision requirements – he feels like this development does fall under subdivision regulations. There is another condominium development that has occurred in the county – a commercial development – he feels like this issue needs to be addressed. Allen Walther advised that he is working with TCEQ regarding permitting issues. Commissioner Molenaar advised that he would like an AG's opinion regarding this – he has a lot of questions that need answered – he does not believe this is a subdivision. Allen Walther felt like David Brook's letter indicates that a subdivision plat is not necessary – a condominium declaration with a site plan is required to be filed in the County Clerk's office - but it appears to require compliance with other subdivision rules (road, drainage, etc.) He advised that the developer is now saying that they will continue to be the owner and not sell the units – it would then be a rental development. Commissioner Molenaar spoke of laws relating to rental developments. Commissioner Burnett and Allen Walther will contact David Brooks to get some answers.

END OF THE PLAN YEAR PRESENTATION BY SUNDAY & ASSOCIATES, INC. [T1-1340]

Burke Sunday gave an "End of the Plan Year" presentation which included a financial summary and projection of the Medical & Dental Funds. The Number of employees grew as well as claims paid, however, we are in a steady mode. The plan has accumulated an approximate \$800,000 surplus. He went through the handout and explained the figures provided. He spoke of prescription drugs – a 9% increase – the paid per member amount is larger than average and we will need to be creative in dealing with this in the future.

21483 WORKSHOP WITH ACTION RE: HAYS COUNTY ANIMAL CONTROL [T1-1789]

Brad Bailey gave an update regarding PAWS – we are still negotiating with cities for participation. There is an issue of quotas (number of animals allowed to be picked up). The Grants Administrator Richard Salmon is looking into grants/funding of animal control. Richard Salmon is going to look at some other county's facilities. Brad and Richard have met with PAWS personnel to discuss possible solutions to problems. Commissioner Molenaar spoke of record being kept by the Sheriff's Dept. is different from the numbers being indicated by PAWS. He spoke of PAWS charging individuals \$25 for bringing in an animal and charging the county \$67 – when they are adopted out the cost is \$75. Captain Strain (Hays County Sheriff's Dept) spoke of need to audit PAWS to see where the numbers are – PAWS numbers (137) are more than those of County Animal Control (81). He has asked for answers as to why their numbers are more than ours and has not received an answer. Commissioner Ingalsbe spoke of animals being picked up in cities that are not participating financially with the county. Some cities are not happy with amount they are being charged. Capt. Strain spoke of picking up over 3,000 animals in prior years and now being restricted to only 900 per year – the largest number of animals being picked up are on the east side of Hays County. He spoke of not picking up cats because dogs are a priority. The Sheriff's Dept. picked up an average of 317 animals per month last year. Brad Bailey spoke of increasing the funding \$60,000 (+ \$60,000 that was budgeted = \$120,000) would give us an unlimited number of animals. Brad Bailey advised that next year we hope to have a full blown plan for animal control – may possibly contain a county owned facility.

[T1-2591] A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to work with PAWS and amend the contract for total funding of \$120,000 with unlimited amount of animals, and furthermore, declare an emergency for remainder amount of money for this fiscal year – all cities to be charged the same amount per person and have them all pay by the same date. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett voting "No". County to provide the funding and cities to pay the county for participation. [T1-2682] A motion was made by Commissioner Molenaar, seconded by Judge Powers to request the County Auditor to perform a financial audit of animals taken in by Hays County. All voting "Aye". [T1-2710] A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge and Commissioner Molnear to set up a workshop to discuss animal control and how to address this problem in the future. All voting "Aye".

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 DECEMBER 9, 2003.



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

