



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF FEBRUARY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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|---------------------------------|-----------------------------|
| 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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

District Attorney's Office Manager Carolyn Brown introduced new Assistant District Attorney David Nida.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Powers presented a **25 year service plaque** to Constable Pct. 2 James Kohler. Commissioner Molenaar presented **5 year service pins** to County Judge Jim Powers, County Clerk Lee Carlisle, Commissioner Pct. 2 Susie Carter, and Justice of the Peace Pct. 2 Beth Smith. Chief Juvenile Probation Office Ed Cooper presented Mary Ann DeLeon a **20 year service pin**. Sgt. Jeral presented Deborah Moses a **15 year service pin**. District Attorney's Office Manager Carolyn Brown presented a **5 year service pin** to Linda Mace (Director of Victim Services).

PUBLIC COMMENTS

[T1-162] Matt Duffy (President of Papalote Homes) requested that the court review their vote on granting Papalote Homes an on-site septic facility permit and direct the Environmental Health Dept. to grant Papalote the permit that he applied for on the 10th of December 2003. He stated that all State and County legal regulations, requirements and engineering specifications have been met; all necessary fees have been paid; and the Hays County Environmental Health Department has informed the court that he has met all the requirements. Mr. Duffy asked that the court direct that the permit be issued as it is bound by law to do – should the court decide otherwise, that will force him into a position in which he will have no other recourse than to sue the court. He stated that he has already provided Judge Powers and Special Counsel Jacqueline Cullom Murphy a copy of the Writ of Mandamus that he is prepared to file following court today should this court continue to violate its law.

21584 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$ 529,422.40 as presented by the County Auditor. All voting "Aye".

21585 APPROVE BUDGET AMENDMENT #04-12

Budget Amendment #04-12 amends the following budgets: DOJ/SRO Grant - \$19,358 transfer for part of cost budgeted in county to grant where paid. Sheriff's Office line item transfer of \$955 for forensic mannequin and accessories (cost deemed equipment rather than supplies). J.P. 1-1 \$800 line item transfers for needed office supply balance of FY2004. J.P. 5 \$400 line item transfer for docket printing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 04-12 as proposed by the County Auditor. All voting "Aye".**

Clerk's Note: Agenda Item #5 RE: APPROVE UTILITY PERMITS – No permits were submitted for approval.

21586 AUTHORIZE PAYMENT OF \$1,600.00 TO DAVID SULLIVAN FOR COMPUTER RE-WIRING AT THE HAYS COUNTY RECORDS BUILDING

County Clerk Lee Carlisle requested authorization for payment for computer re-wiring at the Records Building needed for upgrade of records management system – to be paid out of Records Management funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize payment of \$1,600.00 to David Sullivan for computer re-wiring at the Hays County Records Building. All voting "Aye".**



21587 APPROVE PURCHASE OF 2 BULLETIN BOARDS FOR LABOR LAW DISPLAY AT THE YARRINGTON OFFICE AT A TOTAL COST OF \$626.00 FOR THE ROAD DEPARTMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve purchase of two (2) bulletin boards for Labor Law display at the Yarrington office at a total cost of \$626.00 for the Road Department. All voting "Aye".

21588 APPROVE SPECIFICATIONS FOR ANNUAL CONTRACT FOR CARPET AND FLOOR CARPET AND FLOOR CARE FOR HAYS COUNTY OFFICES AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for annual contract for carpet and floor care for Hays County offices and authorize purchasing to solicit for bid and advertise. All voting "Aye".

21589 APPROVE RENEWAL OF AN AGREEMENT BETWEEN VERTEX TARGETED OPPORTUNITIES AND HAYS COUNTY AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT

Vertex provides professional assistance to explore opportunities for Federal Financial Participation (FFP) funds, review prospects for expansion of existing FFP, and to secure additional FFP as may be appropriate for the County. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve renewal of an agreement between Vertex Targeted Opportunities and Hays County and authorize the County Judge to execute agreement. All voting "Aye".

21590 HAYS COUNTRY OAKS BLOCK C LOTS 36 & 37 REPLAT [#04-2-001] * WAIVE PUBLIC NOTIFICATION REQUIREMENTS AND APPROVE FINAL PLAT [T1-215]

Environmental Health Director Allen Walther advised that this replat is a reconfiguration of the common lot line and staff recommends waiver of public notification. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to waive public notification requirements and approve final plat of "Hays Country Oaks Block C Lots 36 & 37 Replat". All voting "Aye".

21591 VISTA ESPIRITU [#03-3-074 - 2 lots] * APPROVE PRELIMINARY PLAN [T1-228]

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

21592 SIERRA WEST 4B LOTS 8 & 9 [#03-4-034 - 2 lots] * RELEASE OF PUBLIC UTILITY EASEMENT ON COMMON LOT LINE [T1-240]

Environmental Health Director Allen Walther advised that these two lots are owned by the same person who plans to construct a house on the common lot line and has received the necessary releases. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve release of public utility easement on common lot line of "Sierra West 4B Lots 8 & 9". All voting "Aye".

21592 SAWYER RANCH, SECTIONS 1-4 * RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS AND DRAINAGE IMPROVEMENTS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-253]

Road Supt/Engineer Jerry Borcharding advised that roads have been maintained by the county and formal acceptance is needed – the roads are in excellent shape and he recommends acceptance. Roads being accepted are: Tom Sawyer Road, Old Mill Road, Becky's Way, Thatcher's Court, Huck's Hideaway, Polly's Point, Steamboat Crossing, and Catfish Cove. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release maintenance fiscal security and accept roads and drainage improvements into the county road maintenance system in the "Sawyer Ranch Sections 1-4" subdivision. All voting "Aye".

21593 ACCEPTANCE OF LIMESTONE TRAIL (LOCATED IN PRECINCT 3) INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-269]

Commissioner Burnett spoke of the road being on the tax roll as belonging to Hays County, however, it has never been formally accepted by the county. Road Supt/Engineer Jerry Borcharding advised that it was designated as a public road as early as 1986. *Clerk's Note: A Dedication document was filed in 1985 to the public Vol. 508 Pg. 384* A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept "Limestone Trail" into the County Road maintenance system. All voting "Aye".



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21594 CALL FOR A PUBLIC HEARING ON FEBRUARY 24, 2004 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS ON VILLAGE WEST DRIVE [T1-287]

The recommended speed limit for Village West Drive is 30MPH. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on February 24, 2004 to consider establishing traffic regulations on Village West Drive. All voting "Aye".

21595 ACCEPT 600 FEET OF CONCORD CIRCLE INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-302]

Commissioner Molenaar spoke of 600 ft of roadway that should have been accepted into the county road maintenance system. Constance Austin stated that it is not the extension of Concord Circle – it is 600 ft. of west Concord Circle that connects to Crystal Hills Drive. Road Supt/Engineer Jerry Borcharding advised that this is a section that was not brought into the county - the Radiance Homeowners Assoc. has been maintaining it but it is not a part of the subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept 600 feet of Concord Circle into the county road maintenance system. All voting "Aye".

21596 APPOINT DEDE STEVENSON TO THE HAYS COUNTY CHILD WELFARE BOARD

[T1-414] A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to appoint Dede Stevenson to the Hays County Child Welfare Board. All voting "Aye".

21597 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH POLICEREPORTS.US, L.L.C., FOR (PART A) SERVICE TO DIGITALLY ARCHIVE IN EXCESS OF 6,500 POLICE REPORTS & (PART B) FOR A SUBSCRIPTION TO POST TRAFFIC ACCIDENT REPORTS ON THE WORLD WIDE WEB [T1-428]

Captain Sam Williams (Hays County Sheriff's Dept) explained the services provided in this contract. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into a contract with PoliceReports.US, LLC for (Part A) service to digitally archive in excess of 6,500 police reports & (Part B) for a subscription to post traffic accident reports on the world wide web (www.policereports.us). All voting "Aye".

21598 APPROVE COMPENSATORY TIME IN EXCESS OF THE 60 HOUR CAP FOR THE HAYS COUNTY TAX ASSESSOR-COLLECTORS OFFICE ANNUALLY DURING PROPERTY TAX SEASON (DECEMBER 1 THRU FEBRUARY 29) [T1-535]

Tax Assessor-Collector Luanne Caraway requested approval for compensatory time in excess of the 60 hour cap. During the tax season she has several employees that are willing to work extra time in order to get incoming mail processed and receipts mailed out. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve compensatory time in excess of the 60 hour cap for the Hays County Tax Assessor-Collectors office annually during property tax season (December 1 through February 29). All voting "Aye".

Clerk's Note: Agenda Item #20 RE: AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH AMERIGROUP TEXAS, INC., A MEDICAID SERVICES GROUP, FOR THE PROVISION OF CHILD HEALTH SERVICES was **PULLED - no discussion and no action taken.**

21599 APPOINT FRANK "MARK" SCHULTZ TO THE HAYS COUNTY RURAL FIRE PREVENTION DISTRICT #5 REPLACING FRANK HERNANDEZ [T1-574]

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to appoint Frank "Mark" Schultz to the Hays County Rural Fire Prevention District #5, replacing Frank Hernandez. All voting "Aye".

Court convened into closed executive session at 9:50 a.m. regarding the following agenda items:

JOINT EXECUTIVE SESSION WITH THE HAYS COUNTY JUVENILE BOARD PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS THE HAYS COUNTY JUVENILE DETENTION FACILITY

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS THE HEATHERWOOD DEVELOPMENT

Upon completion of closed session, the court reconvened into open meeting at 11:20 a.m. NO ACTION WAS TAKEN.



**DISCUSSION REGARDING NOTICE OF SUBJECT REQUIREMENTS FOR POSTING
COMMISSIONERS' COURT AGENDA ITEMS** [T1-602]

Commissioner Carter spoke of Attorney General's handbook on open meetings – she feels like you do need to clearly define the subjects you are going to talk about but you do not have to say who is going to help you speak about it. She referenced the agenda item listed last week regarding violations of subdivision regs and read from an AG's opinion which in her opinion says that you don't have to notify every landowner whether they are going to possibly be affected by the agenda item. She stated that she is comfortable that her notice was sufficient and that requirements were met.

DISCUSSION REGARDING ADJOURNMENT OF COMMISSIONERS' COURT [T1-663]

Charles O'Dell stated that he would rather have the County Judge go into more detail and specifics before taking these actions – he encouraged members of the court to be more respectful to each other. Commissioner Carter spoke of Roberts Rules of Order and Texas Practice by Brooks regarding adjournment of meetings. Commissioner Molenaar spoke of opinion from District Attorney Mike Wenk and the courts decision to not adopt Roberts Rules of Order and to authorize the County Judge to prepare and enforce the agenda guidelines. Commissioner Carter stated that nothing can override state statute. Special Counsel Jacquelyn Cullom Murphy stated that the most important statute here is the Opens Meeting Act and the benefit of two different writings from District Attorney Mike Wenk. Commissioner Carter spoke of her power point presentation and she felt like there was no reason to be gaveled down last week. Commissioner Molenaar advised that he left the courtroom last week because he felt like there was an open meetings violation and a lawsuit costs the taxpayers money. Brad Bailey stated that he was informed by Commissioner Carter's office that the agenda item would be a broad issue and not talk about a specific subdivision. He spoke of agenda meetings that go through agenda items to make sure that agenda items are posted properly. Jacqueline Cullom Murphy spoke of need to state on the agenda if you intend to discuss a particular subdivision.

Clerk's Note: Agenda Item #24 RE: DISCUSSION AND POSSIBLE ACTION REGARDING VIOLATIONS OF HAYS COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS AND HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND ANY APPENDICES ATTACHED TO THESE REGULATIONS. **COUNTY JUDGE'S NOTE: FOR THE BENEFIT OF THE PUBLIC, DISCUSSION MAY INCLUDE THE HEATHERWOOD DEVELOPMENT was PULLED. No discussion and no action taken.*

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 FEBRUARY 10, 2004.



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

