



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 17<sup>th</sup> DAY OF FEBRUARY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>H. S. "SUSIE" CARTER</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LINDA C. FRITSCHÉ</b>	<b>DEPUTY COUNTY CLERK</b>

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

**PRESENTATION OF \$300,000 CHECK TO THE CITY OF BUDA FOR STAGECOACH PARK PROJECT**

Judge Powers presented a \$300,000 check to the Mayor of the City of Buda for the Stagecoach Park Project. Buda Mayor John Trube thanked the court for this check – it will be matched by a Texas Parks & Wildlife grant.

**PRESENTATION BY LARRY BOCCACCIO OF THE TEXAS ASSOCIATION OF COUNTIES CONCERNING THE HAYS COUNTY SAFETY INCENTIVE PROGRAM**

Larry Picasio, Texas Assn. Of Counties, spoke of the county's participation in TAC's safety incentive program - \$74,542.00 discount was earned on the workmen's comp program. He recognized Jaime Salinas and Luis Gonzales (Human Resources Dept.) for their work in making this happen. A Press release was submitted for the record.

**21600 APPROVE TIER I AND TIER II AGREEMENTS AND ADOPT INTERLOCAL MUTUAL AID AGREEMENT DEVELOPED BY THE CAPCO HOMELAND SECURITY TASK FORCE [T1- 84]**

Mark Chambers explained the agreements – Tier I is with county entities & Tier II is with regional entities. Coordination of resources and response personnel across multiple counties will be more effective if similar agreements are in place, expectations are consistent, and reimbursement procedures have been negotiated with regional input prior to an event. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Tier I and Tier II agreements and adopt interlocal mutual aid agreement developed by the CAPCO Homeland Security Task Force. All voting "Aye".**

**PRESENTATION BY TXDOT DISTRICT ENGINEER BOB DAIGH, P.E., CONCERNING HAYS COUNTY'S STATE ROAD PROJECTS [T1-109]**

Bob Daigh gave a report regarding transportation concern. For the last 3 years the Austin area has been the most congested area, for a city this size, in the entire country making it difficult for business to come to this area. Mobility needs have skyrocketed and only 1/3 of the needs can be funded. He explained where the money comes from to fund transportation needs - the gas tax has decreased because of higher gas prices and alternative engines that use less gas. It would cost \$4 billion for improvements to IH35, Loop I, Loop 370, & US183/Hwy.71) – TxDot gets only \$45 million per year and it would take 89 years to complete these four projects (with 3% inflation it would take 100 years). He pledged to work with Hays County to make money go where it needs to go and he asked the court to take a look at all the needs of Hays County and come to him and tell him what you want. Bob Daigh advised that Hays County has done a great job making request to TxDot – there are many other needs in the county and he needs help to identify the broader needs – there are partnerships that can be made that would allow the stretching of dollars. Commissioner Molenaar spoke of possibility of toll roads. Bob Daigh advised that the toll road situation does not hinder the money available, it makes more money available. He spoke of skyrocketed maintenance needs and less money coming in because of increased fuel economy. The users of the toll road (turnpike) would help fund not only the construction cost but the continued maintenance. They are looking at new location facilities or possibly increasing existing roads with new main lanes as turnpikes. He feels like Hays County is going to have an unprecedented population explosion and he is pledging to pour every dollar he can into the right spots.



**EXECUTIVE SESSION PURSUANT TO SECTION 551.087, TEXAS GOVERNMENT CODE, RELATING TO ECONOMIC DEVELOPMENT ISSUES AFFECTING HAYS COUNTY, INCLUDING, BUT NOT LIMITED TO, DISCUSSION AND DELIBERATION REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY OF BUDA HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS**

The Court convened into closed executive session at 9:45 a.m. and reconvened into open meeting at 10:45 a.m. No action was taken.

**21601 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 \$624,564.57 as presented by the County Auditor. All voting "Aye".

**21602 APPROVE BUDGET AMENDMENT #04-13**

Budget Amendment No. 04-13 proposes to amend the following budgets: Civic Center – budget donations/sponsorships received = \$1,000 to vehicle maintenance (\$700) and marketing (\$300). TDH/Bioterrorism Grant – budget additional funding for small pox vaccination = \$750. Sheriff Drug Forfeiture Fund – rebudget \$5,388 FY03 carry over for CID (\$2,888) and Crime Prevention (\$2,500). Personal Health – transfer \$75 from postage to other for needed Family Practice change fund. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No. 04-13 as proposed by the County Auditor. All voting "Aye".

**21603 APPROVE REFUND OF OVERPAYMENT ON TAXES**

Tax Assessor-Collector Luanne Caraway presented the an application for tax refund (overpayment) in the amount of \$758.71 for 1.0 acre l the T. J. Jennings Survey. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve refund of overpayment of taxes in the amount of \$758.71 for 1.00 acre in T. J. Jennings Survey (R19589) as presented by the County Tax Assessor-Collector. All voting "Aye".

**21604 AUTHORIZE COUNTY JUDGE TO ACCEPT \$44,811 GRANT FROM TEXAS JUDICIAL COUNCIL – TASK FORCE ON INDIGENT DEFENSE**

Under provisions of the Fair Defense Act 77<sup>th</sup> Regular Session, some counties are eligible to receive financial assistance from the Task Force on Indigent Defense. Based on calculations completed by the State, Hays County will be receiving \$44,811.00. No county match is required. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to accept a \$44,811.00 grant from the Texas Judicial Council – Task Force on Indigent Defense. All voting "Aye".

**21605 APPROVE CONTRACT RENEWAL WITH ELECTION SYSTEMS & SOFTWARE, INC. FOR SOFTWARE MAINTENANCE IN THE ELECTION OFFICE**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve contract renewal with Election Systems & Software Inc. for software maintenance in the County Elections Office. All voting "Aye".

**21606 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH AMERIGROUP TEXAS, INC., A MEDICAID SERVICES GROUP, FOR THE PROVISION OF CHILD HEALTH SERVICES [T1- 680]**

Health Department Director Gay Helmly spoke of this being a new company managing the Medicaid contract. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to enter into a contract with Amerigroup Texas Inc., a Medicaid services group, for the provision of child health services. All voting "Aye".

**21607 VISTA ESPIRITU [PCT. 3 #03-3-074 – 2 lots] \* APPROVE FINAL PLAT [T1- 706]**

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 "Vista Espiritu". All voting "Aye".



**21608 CEDAR SPRINGS RANCH REPLAT OF LOTS 6, 8, & 9 [PCT. 4 #04-4-006 – 3 lots] \*  
APPROVE PRELIMINARY PLAN [T1- 718]**

Environmental Health Director Allen Walther advised that this is a realignment of existing lot lines to provide better access to lots and he gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for “Cedar Springs Ranch Replat of Lots 6, 8 & 9”. All voting “Aye”.**

**21609 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK  
AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 7 WITH TURNER,  
COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM  
(CENTERPOINT ROAD/TCB/PBS&J) [T1- 737]**

Bob Sutton (TC&B) explained the supplemental work authorization – which includes additional Railroad coordination and field work (topographic and mapping survey of the Hunter Road intersection. **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. 7 with Turner, Collie & Braden Inc. for the Hays County Road Bond Program (Centerpoint Road/TCB/PBS&J). Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting “Aye”. Commissioner Molenaar was not present for vote.**

**21610 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK  
AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 8 WITH TURNER,  
COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM  
(MCCARTY LANE/TCB/PBS&J) [T1- 788]**

Bob Sutton (TC&B) explained the supplemental work authorization: additional UPRR coordination, additional MCI coordination and custom culvert design, and topographic and mapping survey of the Hunter Road intersection. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 8 with Turner, Collie & Braden Inc., for the Hays County Road Bond Program (McCarty Lane/TCB/PBS&J). All voting “Aye”.**

**21611 AUTHORIZE TRANSFER FROM CONTINGENCIES TO FUND RECYCLING COSTS  
FOR BALANCE OF SEVEN MONTHS OF FY2004 [T1- 825]**

Resource Management Director Jerry Pinnix spoke of BFI discontinuing recycling of glass and we must co-mingle products – a new site was opened in Dripping Springs which increased the cost for recycling which is costing \$3,000 per month. He advised that we do not have the necessary volunteers or staff to separate recycled materials. Commissioner Molenaar advised that recycling it not a break even business. Jerry Pinnix advised that Texas Disposal Service may be able to help us reduce the price for recycling. It is currently costing \$550 per 30 yd container. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize transfer from contingencies to fund recycling costs for balance of seven months of FY2004. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

**21612 APPROVE INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND CITY OF  
SAN MARCOS FOR THE BLANCO RIVER CLEANUP PROJECT [T1-1028]**

Grants Administrator Richard Salmon advised that the County and City of San Marcos desire to promote cooperation in the NRCS/ORCA funded Blanco River Cleanup Project. The project consists of the clearing and disposal of trees, logs, brush, shrubs, stumps and rubbish from designated areas as per construction specifications provided by NRCS under the Watershed Protection Act. NRCS requires an Interlocal Agreement between Hays County and the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve interlocal agreement between Hays County and City of San Marcos for the Blanco River Cleanup Project. All voting “Aye”.**

**21613 AUTHORIZE TRANSFER FROM CONTINGENCIES ON REQUEST FOR INCREASE IN  
“SUPPLIES & OTHER EXPENSES” LINE ITEM IN BUDGET FOR VICTIMS  
SERVICES IN THE AMOUNT OF \$4,500.00 [T1-1065]**

Linda Mace, VOCA Coordinator, explained request for shortages. Generally the VOCA grant provides money for the “supplies & other expenses” line item. However, for FY2004 the grant did not provide those funds and we did not budget the amount in the county’s match. At the current rate of consumption, Victims Services will be out of funds in that line item within 30 days. The “supplies & other expenses” line items pays for telephones, copier lease, postage, office supplies, training, and mandatory membership fees. The District Attorney’s office used their discretionary funds to pay for computers that “crashed” and had to be replaced and they do not have funds available. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize transfer from contingencies on request for increase in “supplies & other expenses” line item in budget for Victims Services in the amount of \$4,500.00. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**



**DISCUSSION REGARDING TIME LIMITS FOR PUBLIC INPUT AT COMMISSIONER COURT DURING PUBLIC COMMENT, POSTED AGENDA ITEMS, AND PUBLIC HEARINGS** [T1- 1122]

Commissioner Carter spoke of confusion by the court regarding limiting comments during public hearings. Commissioner Molenaar advised that we have never put a time limit on public comments during public hearings. Special Counsel Jacqueline Cullom Murphy advised that during a public hearing the public has a right to address the court and during public comments there is a time limit of 3 minutes. Commissioner Burnett advised that there is merit in limiting time in public hearings when you have a number of speakers and comments are redundant. Judge Powers felt like we have always been consistent in time limits – public comment is limited to 3 minutes and public hearing comments are open ended. Jacqueline Cullom Murphy explained that a posted public hearing has unlimited time limit for public input – other public comments whether it is not a posted item or it is a posted agenda item are limited to 3 minutes.

Court convened into closed executive session at 11:50 a.m. regarding the followings items:

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE LEGAL ISSUES RELATING TO THE HAYS COUNTY JUVENILE DETENTION FACILITY**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE *PAPALOTE HOMES, LTD. V. HAYS COUNTY COMMISSIONERS COURT***

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE *IN RE SUZY BANKS, CAUSE NO.04-0032***

and reconvened into open meeting at 12:15 a.m. NO ACTION WAS 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 17, 2004.



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

