



MARCH 9, 2004

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 9TH DAY OF MARCH A.D., 2004, 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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

21645 ADOPT PROCLAMATION RECOGNIZING MARCH AS "TEXAS INDEPENDENCE MONTH"

County Clerk Lee Carlisle read the Proclamation. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing March as "Texas Independence Month". All voting "Aye".

21646 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$770,081.13 as presented by the County Auditor. All voting "Aye".

21647 APPROVE BUDGET AMENDMENT 04-15

The following budget amendments were proposed by the County Auditor: Information Technology budget transfer of \$5,134 into the data processing equipment line item and \$4,923 into the maintenance/contracts line item. TDH/Immunization Grant budget amendment in the amount of \$10,671 into the supplies and other line item from revenue increase and equipment line item. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Budget Amendment No. 04-15 as proposed. All voting "Aye".

21648 APPROVE AWARD OF DEMOLITION SUPERVISOR CONTRACT ON THE BLANCO RIVER CLEANUP TO CLIFF CASKEY IN THE AMOUNT OF \$5,000

Hays County and the City of San Marcos are cooperating in this Blanco River Cleanup Project. The project consists of the clearing and disposal of trees. Logs, brush, shrubs, stumps and rubbish along approximately 12 miles of the Blanco River as per construction specification provided by NRCS under the Watershed Protection Act. The Texas Office of Rural Affairs is providing \$250,000 to Hays county as matching funds for the \$750,000 being provided by the USDA's Natural Resource Conservation Service. ORCA will pay for this demolition supervisor contract, therefore no county funds are needed. Hays County is exempt from the normal process of procuring professional services due to the "presidential declaration" associated with the natural disaster which made these grants possible. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve award of demolition supervisory contract on the Blanco River Cleanup to Cliff Caskey in the amount of \$5,000.00. All voting "Aye".

21649 APPROVE THE NOVEMBER 2003 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the November 2003 Treasurer's Report as presented. All voting "Aye".



21650 AUTHORIZE THE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT BETWEEN HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE HAYS COUNTY HEALTH DEPARTMENT FOR PUBLIC HEALTH EMERGENCY AND PREPAREDNESS

The Hays County Health Dept. is required to plan and prepare for a public health emergency that may result from natural or manmade causes. During such an emergency it may be necessary to treat or immunize large numbers of persons in the area served by the Hays CISD and the Hays County Health Dept. The Health Dept. has concluded that the school district facilities qualify as locations for mass immunization or treatment in a public health emergency and the school district agrees to make those facilities available to the county for those purposes. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize the County Judge to sign an interlocal agreement between Hays Consolidated Independent School District and the Hays County Health Department for public health emergency and preparedness. All voting "Aye".**

21651 APPROVE AWARD OF BID #2004-B8 ANNUAL CONTRACT FOR CARPET AND FLOOR CARE TO BRITE RITE CARPET CLEANING

Bids were received from Brite Rite Carpet Cleaning & Restoration (Canyon Lake, Tx.) and The Steam Team (Austin, Tx). It is the recommendation of Purchasing and Building Maintenance to award bid to Brite Rite Carpet Cleaning which has provided all required insurance and provided the lowest and best bid. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve award of bid #2004-B8 annual contract for carpet and floor care to Brite Rite Carpet Cleaning. All voting "Aye".**

21652 APPROVE RENEWAL OF ANNUAL MAINTENANCE AGREEMENT WITH IBM

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve renewal of annual maintenance agreement with IBM. All voting "Aye".

21653 AUTHORIZE WARNER BROS. ENTERTAINMENT INC. USE OF THE COURTHOUSE GROUNDS ON WEDNESDAY, MARCH 10, 2004 FOR A TELEVISION FILM PRODUCTION

Warner Bros. Entertainment Inc.'s television division has requested use of the courthouse grounds for filming of a pilot episode to air on the WB. They have offered the County \$500.00 for the use of the grounds and have accepted liability while the company is utilizing the grounds. Proof of liability insurance is being provided to the county. Use of the grounds on Wednesday March 10, 2004 will include replacing the Texas state flag with the Missouri state flag for the duration of the filming. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize Warner Bros. Entertainment Inc. use of the courthouse grounds on Wednesday March 10, 2004 for a television film production. All voting "Aye".**

Clerk's Note: Agenda Item # 8 RE: ACCEPT INTERNAL EXAMINATION REPORT FOR JP-2 was PULLED – this item was incorrectly posted – should have been for JP1-1.

21654 FOSTER PLACE SECTION 2 [PCT. 2 #03-2-081 – 1 Lot] * APPROVE PRELIMINARY PLAN

[T1-66] Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan of "Foster Place Section 2". All voting "Aye".**

21655 FOSTER PLACE SECTION 3 [PCT. 2 #03-2-082 – 3 Lots] * APPROVE PRELIMINARY PLAN

[T1-86] Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plan – additional right-of-way was given on the plat. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan of "Foster Place Section 3". All voting "Aye".**

21656 HIGH RIDGE RANCH [PCT. 3 #04-3-011 – 8 lots in Hays County out of a total of 32 in Hays & Comal Counties] * APPROVE PRELIMINARY PLAN [T1-93]

Environmental Health Director Allen Walther advised that this is a large lot subdivision – 8 of the lots are partially in Hays County – the roads are in Comal County. A water availability study has been provided – a copy will be provided to the Hays-Trinity Groundwater Conservation District – this would be exempt from our requirements because of the large size of the lots. Commissioner Carter advised that she did not receive backup on this item. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "High Ridge Ranch". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**



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21657 CEDAR SPRINGS RANCH REPLAT OF LOTS 6, 8, & 9 [PCT. 4 #04-4-006 – 3 Lots] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-135]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of “Cedar Springs Ranch Replat of Lots 6, 8 & 9”. All voting “Aye”.**

21658 THE PRESERVE @ LA VENTANA PHASE 1 [PCT. 4 #04-4-008 – 3 Lots] * APPROVE FINAL PLAT AND ACCEPT FISCAL SECURITY FOR CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-151]

Environmental Health Director Allen Walther advised that this is part of a phased development and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of “The Preserve @ La Ventana Phase 1” and acceptance of fiscal security for construction of road and drainage improvements. All voting “Aye”.**

21659 LA VENTANA PHASE 6 [PCT. 4 #04-4-009 – 27 Lots] * APPROVE FINAL PLAT AND ACCEPT FISCAL SECURITY FOR CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-161]

Environmental Health Director Allen Walther advised that this is part of a phased development and gave staff recommendation for approval of final plat. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of “La Ventana Phase 6” and accept fiscal security for construction of road and drainage improvements. All voting “Aye”.**

21660 LA VENTANA PHASE 7 [PCT. 4 #04-4-010 – 10 Lots] * APPROVE FINAL PLAT AND ACCEPT FISCAL SECURITY FOR CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS [T1-172]

Environmental Health Director Allen Walther advised that this is part of a phase development and he gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of “La Ventana Phase 7” and accept fiscal security for construction of road and drainage improvements. All voting “Aye”.**

21661 HIDDEN CREEK PHASE 1 REPLAT OF LOTS 14, 15A, 16A & 17 [PCT. 4 #04-4-016 – 4 Lots] * APPROVE PRELIMINARY PLAN [T1-182]

Environmental Health Director Allen Walther advised that lots are being realigned and partial vacation - he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan of “Hidden Creek Phase 1 Replat of Lots 14, 15A, 16A, & 17”. All voting “Aye”.**

Clerk’s Note: Agenda Item #19 RE: BENT TREE ESTATES, SECTIONS 1-5 * RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ALL ROADS AND ROW DRAINAGE IMPROVEMENTS INTO THE COUNTY ROAD MAINTENANCE SYSTEM (PCT 1 & 2 - BENT TREE CT. STILL IN PCT 2) was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

Clerk’s Note: Agenda Item #20 RE: COTTONWOOD HOLLOW SECTION 2 [PCT. 1 #01-2-052] - RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY FOR A PERIOD OF TWO YEARS FOR THE ROAD AND ROW DRAINAGE IMPROVEMENTS was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

21662 ALLOW THE CITY OF SAN MARCOS TO USE THE HEALTH DEPARTMENT/ELECTIONS PARKING LOT ON MAY 22, 2004 FOR A SUNSET ACRES NEIGHBORHOOD CLEAN UP DAY [T1-194]

The City of San Marcos is requesting the use of the parking lot at 401 Broadway Street for the placement of roll off dumpsters and recycling carts to accommodate the Sunset Acres neighborhood cleanup. The hours of operation will be from 7:00 a.m. until 3:00 p.m. No glass or other debris will be left on site and all roll off dumpsters will be removed by 3:00 p.m. Commissioner Ingalsbe advised that Joyce Cowan (Elections Administrator) & Gay Helmly (Health Dept. Director) have no problem with the use of the parking lot as requested by the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to allow the City of San Marcos to use the Health Department/Elections parking lot on May 22, 2004 for a Sunset Acres Neighborhood Clean Up Day. All voting “Aye”.**



21663 ACTION REGARDING APPOINTMENT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION'S (C.A.M.P.O.) BOARD [T1-210]

Commissioner Burnett felt like it would be helpful for him to step down now so that he can help the new representative on the board. He spoke of part time work he is doing for an engineering firm and he doesn't want the slightest appearance of impropriety or any type of conflict - CAMPO does not award contracts, they only put together transportation plans. He feels like there is no conflict of interest but he want to take that argument away from anyone that would attack this body. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to keep Commissioner Burnett on the board and not appoint anyone to replace him at this time. Commissioner Ingalsbe, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained. Commissioner Burnett voting "No". MOTION PASSED.**

Clerk's Note: Agenda Item # 23 RE: APPROVE HAYS COUNTY'S HAZARD MITIGATION ACTION PLAN AND RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT TO FEMA FOR APPROVAL was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

Court convened into closed **executive session** pursuant to Section 551.071 Texas Government Code to meet with legal counsel to discuss Cause No. 04-0032 In Re: Suzy Banks at 9:30 a.m. and reconvened into open meeting at 9:40 a.m.

21664 AMEND THE COUNTY'S DANGEROUS WILD ANIMAL ORDINANCE [T1-338]

Special Counsel Jacqueline Cullom Murphy spoke of change to be made to the current Wild Animal Ordinance – allows a person currently operating with a Class C Exhibitor License to follow a registration program. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to amend the current Wild Animal Ordinance by banning all dangerous wild animals as defined in Chapter 822 of the Texas Health & Safety Code except for persons currently licenses as a Class C Exhibitor under the Federal Animal Welfare Act who will be required to follow a registration program. 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 MARCH 9, 2004.



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

