



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 23RD 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	COMMISSIONER, PCT. 1
INGALSBE	COMMISSIONER, PCT. 2
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 3
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 4
RUSS G. MOLENAAR	COUNTY CLERK
LEE CARLISLE	

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 THE E-SLATE VOTING MACHINE BY HART INTERCIVIC

Elections Administrator Joyce Cowan introduced representatives (Phillip Brakwait & Gary Gandy) of Hart Intercivic. Phillip Brakwait gave a demonstration of the E-Slate Voting Machine and answered questions from the public. Joyce Cowan spoke of mandate to have at least 1 DRE in each county election precinct – the punch card system has been outlawed effective January 2006. She spoke of need for a training process for voters and demonstration units that would be at the polling places for testing.

PUBLIC COMMENT

Charles O'Dell (Executive Director of Hays CAN) [T1-354] spoke of abuse of authority and failure to exercise ? authority regarding Papalote Homes. He spoke of Heatherwood development and need for enforcement.

Paula Renfro [T1-436] asked the court to enforce county subdivision regulations on the Heatherwood development. No permit has been posted. She spoke of process in which the TCEQ permit was obtained. She showed photos of activity going on at this property [those photos were returned to her].

Diane Wassenich [T1-548] spoke of the recharge zone and showed a chart showing percentage of precipitation converted to storm-flow and base-flow versus impervious cover – less vegetation creates more runoff - 90% of recharge comes from creek beds.

21683 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 \$390,060.11 as presented by the County Auditor. All voting "Aye".

Clerk's Note: Agenda Item #4 RE: APPROVE BUDGET AMENDMENT 04-16 was PULLED – No discussion and No action taken.

21684 APPROVE UTILITY PERMITS #01702 - 01704

The following Utility Permits were submitted for approval:
 #01702 on CR232/Redwood Road issued to Crystal Clear Water Supply Corp.
 #01703 on CR266/Old Bastrop Highway issued to Crystal Clear Water Supply Corp.
 #01704 on Creek Road issued to Digger Dry Utility Inc.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Utility Permits #01702, #01703, & #01704 as submitted by the County Road Department. All voting "Aye".

21685 APPROVE REFUND OF DOUBLE PAYMENT AND/OR OVERPAYMENTS ON TAXES

Applications for tax refund were submitted as follows: Lot 57 Quail Ridge Subd = \$598.58 10.016 Pt. Lot 10 Twin Mountain Estates #1 = \$614.66. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve refund of overpayment on taxes as submitted. All voting "Aye".



21686 APPROVE PURCHASE OF A 3-DRAWER LATERAL FILE CABINET TO HOUSE BOND ROAD PROGRAM DOCUMENTATION AND INVOICING

Road Supt/Engineer Jerry Borcharding requested approval to purchase a lockable file cabinet. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve purchase of a 3-drawer lateral file cabinet to house bond road program documentation and invoicing. All voting "Aye".

21687 APPROVE SPECIFICATIONS FOR INSTALLATION OF CHAIN LINK FENCING FOR NEW ROAD DEPARTMENT BUILDING AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Specifications For Chain Link Fence and Gate (Bid #2004-B10) for the new Road Department building and authorize Purchasing to solicit for bid and advertise. All voting "Aye". All voting "Aye".

21688 APPROVE OUTSIDE LEGAL COUNSEL AGREEMENT WITH MCGINNIS, LOCKRIDGE & KILGORE

Commissioner Carter spoke of agenda form not having reference to cause number of the lawsuit. Commissioner Molenaar spoke of previous action taken was to hire this law firm for the mandamus lawsuit – action is needed to now approve the legal counsel agreement. *Lawsuit is styled: No. 04-0284 Papalote Homes Ltd. v. Hays County Commissioners Court in the 207th Judicial District Court.* Commissioner Burnett stated that he is willing to be involved in this matter. [T1-760] **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve the outside legal agreement with McGinnis, Lockridge & Kilgore regarding the Writ of Mandamus lawsuit and add to contract that Commissioner Bill Burnett and Special Counsel Jacqueline Collum Murphy will work with this law firm. All voting "Aye".**

21689 APPROVE OUTSIDE LEGAL COUNSEL AGREEMENT WITH STEVE R. BROWN, ATTORNEY AND COUNSELOR AT LAW [T1-791]

Judge Powers advised that he will abstain from voting on this because he uses Steve Brown for personal matters. Special Counsel Jacqueline Collum Murphy advised that the court had already authorized the County Judge to sign this agreement – she feels like it would be appropriate for her and the Judge to be named liaisons. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve outside legal counsel agreement with Steve R. Brown, Attorney and Counselor at Law, concerning State Street Bank and Trust Company and Hays County Juvenile Facility matter with Judge Powers and Jacqueline Collum Murphy as liaisons. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Judge Powers abstained.**

21690 LITTLE HILLS [PCT. 2 #04-2-017 – 4 Lots] * APPROVE PRELIMINARY PLAN [T1-811]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plan for "Little Hills" subdivision. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett not present to vote.**

21691 BELTERRA PHASE 1 SECTIONS 5A & 6A [PCT. 4 #02-4-056] * RELEASE OF CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-822]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of construction fiscal security and acceptance of maintenance fiscal security for Belterra Phase 1 Sections 5A & 6A. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to release construction fiscal security and accept maintenance fiscal security for "Beltterra Phase 1 Sections 5A & 6A". All voting "Aye".**

21692 BELTERRA PHASE 1 SECTIONS 3A & 8 [PCT. 4 #02-4-006] - RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-840]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of construction fiscal security and acceptance of maintenance fiscal security for Belterra Phase 1 Sections 3A & 8. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal security for "Beltterra Phase 1 Sections 3A & 8". All voting "Aye".**

21693 BELTERRA PHASE 2 SECTION 6B [PCT. 4 #03-4-006] - RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-848]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of construction fiscal security and acceptance of maintenance fiscal security for Belterra Phase 2 Section 6B. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal security for "Beltterra Phase 2 Section 6B". All voting "Aye".**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



21694 BELTERRA PHASE 2 SECTION 3B [PCT. 4 #02-4-084] * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-857]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of construction fiscal security and acceptance of maintenance fiscal security for Belterra Phase. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to release construction fiscal security and accept maintenance fiscal security for "Belterra Phase 2 Section 3B". All voting "Aye".**

Clerk's Note: Agenda Item #16 RE: BLUE SKY RANCH [PCT. 4 #01-4-031] * RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM was PULLED – NO DISCUSSION AND NO ACTION TAKEN.

21695 ACTION RELATING TO OWL HOLLOW ROAD AND OWL HOLLOW ROAD EAST IN THE ROCKY RANCH ACRES, SECTION 1, SUBDIVISION TO DECLARE A PUBLIC NECESSITY AND CALL FOR A PUBLIC HEARING TO PROPOSE THE RECONSTRUCTION OF THESE ROADS AND ASSESS THE PROPERTY OWNERS PURSUANT TO CHAPTER 253, TEXAS TRANSPORTATION CODE [T1-871]

Commissioner Molenaar spoke of request from property owners – they have tried to maintain their roads for some time and are now requesting improvements pursuant to Chapter 253 of the Texas Transportation Code. Estimates are \$93,750 and \$11,750 respectively. There are 50 lots on these roadways. Ron Parker (President of the HOA) spoke of this subdivision being created in 1980 and need for upgrading of road – school bus will not go down the private road. Funding will be addressed during the next county budget process – residents will be assessed a special road tax to repay the debt. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to declare a public necessity and call for a public hearing on May 4, 2004 to propose the reconstruction of Owl Hollow Road and Owl Hollow Road East in the Rocky Ranch Acres Section 1 subdivision and access the property owners pursuant to Chapter 253 of the Texas Transportation Code. All voting "Aye".**

21696 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$30,943 TO THE OFFICE OF THE GOVERNOR – EDWARD BYRNE MEMORIAL FUND [T1-1064]

Grants Administrator Richard Salmon explained the grant. It will be used to purchase 35-38 Tasers for the Sheriff's Dept. There is no county match. The availability of Tasers would give law enforcement officers a non-lethal option to handle potential serious situations with mentally deranged individuals or other situations where deadly force could be avoided. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application for up to \$30,943 to the Office of the Governor – Edward Byrne Memorial Fund. All voting "Aye".**

21697 APPROVE RESOLUTION IN SUPPORT OF THE TEXAS HISTORICAL COMMISSION'S TEXAS HERITAGE TRAILS PROGRAM [T1-1102]

Lila Knight encouraged the court to support the proposed resolution – this program implements heritage tours of trails. There are 19 counties looking into this program. It is a 3 year program = \$50,000 in funding per year. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve resolution in support of the Texas Historical Commission's Texas Heritage Trails Program. All voting "Aye".**

21698 AUTHORIZE BRYAN DAVIS TO FILL THE COUNTY EXTENSION AGENT - AGRICULTURE/NATURAL RESOURCES POSITION IN HAYS COUNTY [T1-1294]

District Extension Administrator Cheryl Mapston presented Bryan Davis (currently an Extension Agent in Comal County), as a candidate for County Extension Agent for Agriculture/Natural Resources in Hay County – she requested approval from the court. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve and authorize Bryan Davis to fill the County Extension Agent - Natural Resources position in Hays County. All voting "Aye".**

21699 AUTHORIZE THE COUNTY JUDGE AND HAYS COUNTY HEALTH DEPARTMENT TO EXECUTE AN AGREEMENT WITH THE AMERICAN RED CROSS FOR THE RECRUITMENT AND MANAGEMENT OF A VOLUNTEER PROGRAM [T1-1243]

Health Dept. Director Gay Helmly spoke of this being a change in the plan – they propose to alter the work plan to contract with American Red Cross for a volunteer database – this will be a big relief to her staff. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge and Hays County Health Department to execute an agreement with the American Red Cross for the recruitment and management of a volunteer program subject to State approval. All voting "Aye".**

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21700 APPROVE FUNDING TO PURCHASE EQUIPMENT & SOFTWARE TO PRESERVE COURT MINUTES [T1-1374]

District Clerk Cecelia Adair spoke of purchasing equipment rather than having outside sources preserving their court records. She is requesting \$2,350 from the Records Preservation Fund (09-444). **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve funding to purchase equipment**

& software to preserve District Court Minutes out of countywide Records Preservation Funds. All voting "Aye".

21701 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF UHLAND TO PROVIDE 911 ADDRESSING SERVICES WITHIN ITS CITY LIMITS [T1-1442]

Environmental Health Director Allen Walther recommended approval of the interlocal agreement. This is the same agreement which has previously been initiated with several other cities. Having consistent agreements with all cities provides for accurate and standardized addressing for 911. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve interlocal agreement with the City of Uhlend to provide 911 Addressing Services within its City limits. All voting "Aye".**

PRESENTATION BY BURKE SUNDAY OF SUNDAY AND ASSOCIATES TO INCLUDE THE CIGNA YEAR-TO-DATE FINANCIAL REPORT AND THE HIPAA SOLUTIONS, LC SERVICES AGREEMENT [T1-1467]

Burke Sunday spoke of complying with HIPAA (April 2004 deadline) and looking for a delivery system that would be easy to work with. He will recommend next week that the court contract with HIPAA Solutions, LC for a group health plan compliance module. Human Resources Director Luis Gonzales advised that the TAC program was higher than the proposed vendor. Mr. Sunday advised that he met with the County Insurance Committee to start the process for 2004-2005 plan year – we are running about 13% faster in claims than the last 2 years. He spoke of compliance matters that will need to be addressed regarding retirement benefits by fiscal year 2006. [Federal Statute GASB41]

Court convened into closed executive session at 11:00 a.m. to meet with legal counsel regarding the following items:

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE *PAPALOTE HOMES INC. V. HAYS COUNTY*, CAUSE NO. 04-0284

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE *PAPALOTE HOMES, INC. V. HAYS COUNTY*, CAUSE NO. 04-0325 (OPEN MEETINGS ISSUE)

and reconvened into open meeting at 12:30 p.m. [T1-1792] 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 MARCH 23, 2004.



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

