



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 30<sup>TH</sup> DAY OF MARCH A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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
LINDA C. FRITSCHKE		DEPUTY COUNTY CLERK

WITH THE FOLLOWING MEMBER ABSENT: COUNTY JUDGE JAMES L. POWERS; WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Presiding Officer Commissioner Russ Molenaar called the meeting to order and gave the invocation. Commissioner Burnett led the Court in the Pledge of Allegiance to the Flags.

Attorney Mark Cusak [RE: Executive Session Item#17] appeared representing the Barfields of Wimberley. He spoke of lease terms regarding the septic system and he spoke of the Temporary Restraining Order matter being dealt with in the Courts – there are 5 people on this one septic system. He would like to see no litigation, suggested a meeting with all involved, get water usage down, and let everyone know the septic system needs replaced with all interested parties participating.

**21702 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$306,670.79 as presented by the County Auditor. All present voting "Aye".

**21703 APPROVE BUDGET AMENDMENT 04-16**

The following budget amendments were proposed: Human Resources \$170 transfer from postage to books Building Maintenance \$500 transfer from mtc. Supplies to misc. equipment (weeders) Fire Marshal \$747.00 to budget LEOSE Education from revenue Road & Bridge Operations \$57,000 transfer from materials to various line item for safety uniforms, engineering, striping & testing County Records Preservation \$2,600 transfer from permanent records supply to data proc equipment for approved District Clerk equipment and software TDH/Bioterrorism Grant \$2,420 transfer from supplies to contract services for Red Cross agreement Road Bond '01 Construction Fund \$42,675 for program management, \$16,724 for environmental services, & \$816 for ROW transferred to various road bond projects. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-16 as proposed by the County Auditor. All present voting "Aye".

**21704 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES**

The following applications for refund were submitted for approval: \$1,000 overpayment on Pt. Of Lot 3 Section 1 Lowman Ranch Subd and \$1,008.22 overpayment on 5.00 acres George W. Lindsay Survey. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve refund of overpayments on taxes as submitted by the County Tax Assessor-Collector. All present voting "Aye".

**21705 APPROVE PURCHASE OF VENETIAN BLINDS FOR THE HAYS COUNTY HEALTH DEPARTMENT CLINIC**

This is a continuation of furnishing at the new health department clinic – cost is \$1,748.73 to be paid out of the tobacco reimbursement funds. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve purchase of Venetian blinds for the Hays County Health Department Clinic as requested. All present voting "Aye".

**21706 ACCEPT INTERNAL EXAMINATION REPORT FOR JP-2**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept internal examination for Justice of the Peace Pct. 2. All present voting "Aye".

**21707 ACCEPT RENEWAL CONTRACT WITH IKON OFFICE SOLUTIONS, INC. FOR COPIER IN PRECINCT 2 OFFICE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept renewal contract with Ikon Office Solutions Inc. for copier for Precinct 2 office. All present voting "Aye".



**21708 LITTLE HILLS [PCT. 2 #04-2-017, 4 lots] \* APPROVE FINAL PLAT [T1-181]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Little Hills". All present voting "Aye".**

**21709 ARROYO RANCH SECTION 1 [PCT. 2 #01-2-055] \* RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ALL ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-193]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and acceptance of roads in the "Arroyo Ranch Section 1" subdivision. Street names are: Arroyo Ranch Road, Bella Vista Circle, Calle Real, Calle Largo, & Avenida Brisa Fresca. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance fiscal security and accept roads in the "Arroyo Ranch Section 1" subdivision into the county road maintenance system – streets names: Arroyo Ranch Road, Bella Vista Circle, Calle Real, Calle Largo, and Avenida Brisa Fresca. All present voting "Aye".**

**21710 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SET SPEED LIMIT AT 25 MPH) FOR HUNTINGTON ESTATES [T1-211]**

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 25MPH speed limit. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar To establish traffic regulations of 25 MPH speed limit on roads in "Huntington Estates" [Maybrook Drive, Millington Lane, Appelton Court, Dryden Lane, Jerry's Lane, Montvale Lane & Maybrook Court]. All present voting "Aye".**

**21711 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 1, TURNER, COLLIE & BRADEN BOND PROGRAM MANAGEMENT (HAYS COUNTY/TC&B) [T1-225]**

Bob Austin (TC&B) explained this supplemental Work Authorization: bond program coordination, engineering judgment & management; perform program administration & file management; develop a bidding document that complies with the current local government code and works well with established Hays County bidding practices; establish construction phase services procedures; prepare bond program monthly status report; work with the county to provide audit information; bond program sign development; and state road committee work (reprioritization of the state roads, reallocation of matching bond funding to leverage state dollars and alternate funding mechanisms available – HB3588. RMAs, etc. The maximum amount payable for Supplemental Work Authorization No. is \$298,781.00. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to execute Supplemental Work Authorization No. 5 to Work Authorization No. 1, Turner, Collie & Braden Bond Program Management (Hays County/TC&B). Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter abstained.**

**21712 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 22, RM 12 N. WIMBERLEY VILLAGE LIMITS TO U.S. 290, WITH TURNER, COLLIE & BRADEN, INC. FOR THE HAYS COUNTY ROAD BOND PROGRAM (RM 12 – TCB/T&T) [T1-498]**

Bob Austin (TC&B) explained this supplemental Work Authorization: maximum payable for services under this work authorization without modification is \$1,412,480.00 - work to be performed under this contract consist of providing surveying, preliminary engineering and environmental services required for development of the design schematic layout, environmental assessment, and preliminary hydrologic/hydraulic investigations of RM12. This project consist of approximately 14 miles from the Village of Wimberley city limits to U.S. 290 and the roadway will be broken down into 4 projects (northern Wimberley section, southern Dripping Springs section, and two rural sections in the middle). **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental Work Authorization No. 22, RM12 N. Wimberley Village limits t o U.S. 290 with Turner, Collie, Braden, Inc. for the Hays County Road Bond Program (RM12-TCB/T&T). Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter abstained**

**21713 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND HAYS COUNTY HEALTH DEPARTMENT RELATING TO HEPATITIS B VACCINATIONS FOR TXDOT EMPLOYEES [T1-989]**

Health Department Director Gay Helmlly advised that they were approached by TxDot to provide Hepatitis B vaccination for their employees and a contract is needed in order to invoice them. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute an interlocal agreement between the Texas Department of Transportation and Hays County Health Department relating to Hepatitis B vaccinations for TxDot employees. All present voting "Aye".**



**Clerk's Note: Agenda Item #14 RE:** Memorandum of Understanding between Hays County and Central Texas Medical Center relating to Indigent Health Care was **PULLED – No discussion and No action taken.**

21714 **APPROVE CHANGING THE CURRENT POLLING LOCATION FOR PRECINCTS 127 & 128 FROM HEMPHILL ELEMENTARY SCHOOL TO TOBIAS ELEMENTARY SCHOOL (1005 E. FM 150, KYLE, TX) [T1-1020]**

Elections Administrator Joyce Cowan spoke of need for creating a new polling location for the newly created Pct. 221 due to new congressional boundaries and making a more central location for Pct. 127/128 at Tobias Elementary School – she would like to leave Pct. 234 at the Niederwald City Hall – Goforth Water Supply is available if needed as an alternate site. Commissioner Carter asked that action be postponed regarding creating polling place at The Performing Arts Center for newly created Pct. 221. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to change polling place of Precinct 127/128 from Hemphill Elementary School to Tobias Elementary School. All present voting “Aye”.**

21715 **EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE POSSIBLE LEGAL ACTION AGAINST JAMES AND ANNE BARFIELD RELATING TO THE RETAIL FOOD ESTABLISHMENT PERMIT FOR THE OLD FASHION BARBEQUE LOCATED IN WIMBERLEY, TEXAS WITH ACTION**

The court convened into closed executive session at 10:30 a.m. and reconvened into open meeting at 11:30 a.m. [T1-1188] **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to instruct county staff to coordinate with the Village of Wimberley potential enforcement and legal resolution relating to health and safety issues at the Old Fashion Barbeque located within the Village of Wimberley. All present voting “Aye”.**

21716 **AUTHORIZE THE COUNTY JUDGE AND HAYS COUNTY SHERIFF TO EXECUTE AGREEMENTS WITH TRANSCOR AMERICA L.L.C RELATING TO THE TRANSPORTING AND HOUSING OF PRISONERS [T1-858 & 1223]**

Capt. Brad Robinson spoke of using Transcor for approximately ten years – he explained the contract - we will house their prisoners for \$43 per day and we will use those funds for reimbursing them for transporting prisoners from out-of-state. [T1-1413] **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge and Hays County Sheriff to execute agreements with Transcor America, L.L.C. relating to the transporting and housing of prisoners. All present voting “Aye”.**

21717 **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) WITH ACTION**

The court convened into closed executive session at 11:45 a.m. and reconvened into open meeting at 12:35 p.m. [T1-1440] **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to authorize the County Judge to execute a contract with McGinnis, Lockridge & Kilgore for Cause No. 04-0325 and to work with Hays County staff Attorney Jacqueline Collum Murphy and Commissioner Bill Burnett as liaison for any information regarding this case. Commissioner Ingalsbe, Commissioner Carter, and Commissioner Burnett voting “Aye”. Commissioner Molenaar voting “No”. [T1-1476] A motion was made by Commisisoner Molenaar, seconded by Commissioner Ingalsbe to authorize McGinnis, Lockridge & Kilgore to file a general denial in Cause No. 04-0325. All present 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 30, 2004.



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