



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 13th DAY OF APRIL 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	DEPUTY COUNTY CLERK
LINDA C. FRITSCH	

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.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Chief Juvenile Probation Officer Ed Cooper presented a 15 year service pin to Tom Glore. Tax Assessor-Collector Luanne Caraway presented a 5 year service pin to Nancy Heathman. Maintenance Supervisor Ron Knott presented a 5 years service pin to Steve Lucio.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

District Attorney Office Manager Carolyn Brown presented new employees Assistant District Attorneys Melissa Day Long and Benjamin Moore. Human Resources Director Luis Gonzales presented new employee Abel Velasquez (Safety Specialist)

21727 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$458,577.26 as presented by the County Auditor. All voting "Aye"

21728 APPROVE BUDGET AMENDMENT NO. 04-17

Dept. budgets being amended: Civic Center \$14,500 for equipment (tractor) being transferred out of Environmental Health & Sheriff's Office vehicle line items. Indigent Care \$7,000 line item transfers for Special Assistance (\$1,000) and Pauper Burial (\$6,000) from the Medical Services line item. TJPC/Juvenile Probation – Special Needs Grant \$1,480 for travel for client visits from supplies (\$1,000) & telephone (\$480). Fire Marshal \$400 for investigative supplies (misc supplies) form photo supplies line item. Transfer Station/Recycle \$16,610 for part-time recycle position (\$14,245 staff \$2,365 FICA/RET) being transferred out of District Court Reporters Staff & FICA/RET line items. Road & Bridge Operations \$14,000 line item transfer from materials to contract hauling. Personal Health \$400 line item transfer from fuel (\$100) and equipment maintenance (\$300) into Dues & Bonds. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-17 as proposed by the County Auditor. All voting "Aye".**

21729 ACCEPT INTERNAL EXAMINATION FOR TRANSFER STATION AND CITIZENS COLLECTION STATION

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept internal examination for the Transfer Station and Citizens Collection Station. All voting "Aye".

21730 PARKER'S RIDGE REPLAT AND PARTIAL VACATION OF LOT 1 [PCT. 3 #04-3-021 – 1 LOT]* APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS

[T1-121] Environmental Health Director Allen Walther advised that a small portion of the property is being returned to acreage as noted on the plat. He gave staff recommendation for final plat approval and waiver of public notification. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat and waive public notification requirements for "Parker's Ridge Replat and Partial Vacation of Lot 1". All voting "Aye".**

21731 THE PRESERVE PHASE 3 [PCT. 4 #04-4-013 – 8 LOTS] * PUBLIC HEARING AND APPROVE FINAL PLAT [T1-133]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that 7 residential lots and 1 commercial lot is being created. 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 Phase 3". All voting "Aye".**



Clerk's Note: Agenda Item #8 Re: RIM ROCK PHASE 2 [PCT. 4 #03-4-088 – 268 LOTS] * PRELIMINARY PLAN APPROVAL was PULLED.

Clerk's Note: Agenda Item#9 Re: RIM ROCK PHASE 3 [PCT. 4 #03-4-089 – 163 LOTS] * PRELIMINARY PLAN APPROVAL was PULLED

21732 SIERRA WEST SECTION 4B [PCT. 4 #01-4-044B] - RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEP ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-148]

County Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and accept roads for county maintenance. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release maintenance security for "Sierra West Section 4B" and accept roads into the County road maintenance system. All voting "Aye".** *Clerk's Note: This action should have been for Section 4A and not 4B – to be corrected at a later date.*

21733 BLUE SKY RANCH [PCT. 4 #01-4-031] * RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-160]

County Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security (Bond #BD47827) and accept roads (Rugged Earth Drive) for county maintenance. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release maintenance fiscal security on "Blue Sky Ranch" and accept Rugged Earth Drive into the County road maintenance system. All voting "Aye".**

21734 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 5 TO WORK AUTHORIZATION NO. 2 WITH HAYS COUNTY/TC&B/SURVCON (MT. GAINOR ROAD) [T1-174]

Bob Austin (TC&B) explained this work authorization [NTE \$92,124.00] – there was a slight modification in right-of-way to prevent eminent domain proceedings requiring survey revisions. He spoke briefly of bridge construction and meeting with property owners. **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. 2 with Hays County/TC&Bsurvcon [Mt. Gainor Road]. All voting "Aye".**

21735 ADOPT AN ORDER SETTING A PUBLIC HEARING DATE TO REQUEST THE CREATION OF THE ROCK CREEK WATER CONTROL AND IMPROVEMENT DISTRICT #1 [T1-259]

The "Rock Creek Water Control and improvement District No. 1" is being created under the Provisions of Article 16 Section 59 of the Texas Constitution and Chapters 49 & 51 of the Texas Water Code. Attorney Sharlene Collins requested a public hearing not earlier than May 11th so that they have time to publish the notice. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt an Order Setting a Public Hearing Date of May 11, 2004 to Request the Creation of the Rock Creek Water Control and Improvement District #1. All voting "Aye".**

21736 APPOINT CAROL KAY CONWAY GREAVES TO THE HAYS COUNTY RURAL FIRE PREVENTION DISTRICT REPLACING ROBERT GUINN [T1-286]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to appoint Carol Kay Conway Greaves to the Hays County Rural Fire Prevention District, replacing Robert Guinn. All voting "Aye".

21737 APPROVE THE PURCHASE OF A COMPRESSOR FOR THE TIRE REPAIR TRUCK

[T1-302] Road Supt/Engineer Jerry Borcharding advised that this compressor is needed to make the tire repair truck completely operational. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the purchase of a compressor for the tire repair truck. All voting "Aye".**

21738 AUTHORIZE THE COUNTY JUDGE TO EXECUTE CONSULTING AGREEMENT BETWEEN HAYS COUNTY AND SUNDAY & ASSOCIATES, INC. [T1-345]

Commissioner Ingalsbe advised that we will have to go out for RFP's next year – this is a renewal and no changes are being made. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute a consulting agreement between Hays County and Sunday & Associates, Inc. All voting "Aye".**



21739 **AUTHORIZE THE COUNTY JUDGE TO EXECUTE A POSSESSION AND USE AGREEMENT WITH SAN MARCOS SB VENTURE, LTD. RELATING TO THE PENDING IMPROVEMENTS TO CENTERPOINT ROAD – 2001 BOND PROGRAM** [T1-379]

Background: Hays County is in the process of acquiring right of way for the pending improvements to Centerpoint Road. San Marcos SB Venture Ltd. owns Lot 1 – Sac & Pac Stores Subdivision – a portion of which is required for Centerpoint Road right of way and drainage easements. On January 22, 2004 San Marcos SB Venture Ltd. received a site development permit from the City of San Marcos for the development of this property. The owners subsequently began construction of the planned improvements. On March 5, 2004 the owners were notified of the planned improvements to Centerpoint Road. It was then discovered that the City of San Marcos had required the installation of a detention pond to be placed within the areas to be acquired by the County. The proposed road improvements would necessitate the removal of the detention pond. Due to this, the owners were required to modify their site plan with the City of San Marcos. The City conditioned the approval of the revised site plan upon County possession of the right of way. Therefore, the proposed Possession and Use Agreement will give possession of the right of way to Hays County as required by the City of San Marcos. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute a Possession and Use Agreement with San Marcos SB Venture Ltd. relating to the pending improvements to Centerpoint Road – 2001 Bond Program. All voting “Aye”.**

21740 **APPROVE CREATION OF A POLLING LOCATION FOR THE NEWLY CREATED PRECINCT 221 AND CHANGE THE CURRENT POLLING LOCATIONS FOR PRECINCTS 224 & PRECINCT 234** [T1-420]

Summary: **Pct. 221** was created due to the Congressional Redistricting. **Pct. 224** needs to be moved to have voters voting in the same locations for County, City and School Elections. **Pct. 234** needs to be moved to a larger facility with more parking due to the populations growth of that precinct. The Election Commission agrees with the new precinct and the changes in polling locations that have been recommended. **A motion was made by Judge Powers, seconded by Commissioner Carter to approve creation of a polling location for the newly created Precinct 221 at the Performing Arts Center – 979 Kohlers Crossing, Kyle, Texas; change the current polling location for Precinct 224 from Buda Senior Citizens Center to Buda City Hall – 121 N. Main, Buda, Texas; and change the current polling location for Precinct 234 from Niederwald City Hall to Goforth Water Supply – 8900 Niederwald Strasse, Kyle. All voting “Aye”.**

21741 **ACTION TO REPLACE AIR CONDITIONING UNIT IN RECORDS BUILDING AT THE COUNTY CLERKS OFFICE** [T1-437]

Maintenance Supervisor Ron Knott spoke of need to replace the air conditioning unit in the Records Building because repairs to the existing unit are costly (\$2,238.72). He received three bids [GM Mechanical A/C & H = \$3,135.00 Tejas Refrigeration = \$3,292.00 Tomco’s Aire Serv H&AC = \$3,937.59 + \$283.25] and recommends accepting bid from GM Mechanical (identical replacement). Mr. Knott advised that he does not have money in his budget for this replacement. County Auditor Bill Herzog advised that there is money left over from vehicle purchases. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to award bid to GM Mechanical to replace the air conditioning unit at the Records Building in the amount of \$3,135.00 to be paid out of surplus vehicle funds. All voting “Aye”.**

Clerk’s Note: Agenda Item #20 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE NORTH HAYS COUNTY MEDICAL SERVICES SYSTEMS, INC. V. NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1, CAUSE NO. 03-1318 was PULLED.

The Court convened into closed executive session at 9:30 a.m. and reconvened into open meeting at 10:50 a.m.

21742 **EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY, CAUSE NO. 04-0325 AND CAUSE NO. 04-0284**

[T1-520] Based on the ruling last week by the District Judge denying Papalote Homes a temporary injunction, the following motion was made. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to instruct Environmental Health to accept and review all development applications to include subdivisions and on-site from Papalote Homes. 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 APRIL 13, 2004.



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