



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 25<sup>th</sup> DAY OF MAY 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 GONZALEZ 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.

**21813 ADOPT A PROCLAMATION SUPPORTING THE WEEK OF JUNE 3<sup>RD</sup> 2004 AS HAYS COUNTY HUNGER AWARENESS WEEK**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt Proclamation supporting the Week of June 3, 2004 as "Hays County Hunger Awareness Week". All voting "Aye".

**21814 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 324,913.67 as presented by the County Auditor. All voting "Aye".

**21815 WOODBROOK PHASE 1 REPLAT OF LOT 41 [PCT. 2 #04-2-037] \* APPROVE FINAL PLAT; WAIVE PUBLIC NOTIFICATION AND PRELIMINARY REQUIREMENTS [T1-109]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval and waiver of public notification and preliminary requirements. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve final plat of "Woodbrook Phase 1 Replat of Lot 41" and to waive public notification and preliminary requirements. All voting "Aye".

**21816 PARK 35 SOUTH SECTION 4A [PCT. 2 #01-2-058] \* RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM [T1-120]**

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and accept roads in the "Park 35 South Section 4A" subdivision into the county road maintenance system. Road names are: Commercial Drive, Warehouse Drive & Tecon Cove. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to release fiscal security and accept "Park 35 South Section 4A" roads into the county road maintenance system. All voting "Aye".

**21817 RIVER OAKS RANCH UNIT ONE [PCT. 3 #04-3-031] \* PUBLIC HEARING TO CONSIDER THE ABANDONMENT, VACATION, AND CONVEYANCE OF FEE SIMPLE ROW FOR "RAMBLING OAKS DRIVE" WESTWARD OF "RIDGE OAK DRIVE"; AND CONSIDERATION TO ACCEPT OFFER OF PURCHASE BASED UPON PROPERTY APPRAISAL [T1-139]**

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Subdivision Coordinator Jon Thompson spoke of guidelines that were followed and documents that were submitted – appraisal of property was obtained and \$1,500 check was submitted for purchase. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve abandonment, vacation, and conveyance of fee simple ROW for "Rambling Oaks Drive" westward of "Ridge Oak Drive"; and accept offer of \$1,500.00 for purchase based upon property appraisal. All voting "Aye".

**21818 CANVASS ELECTION RESULTS FOR JUSTICE OF THE PEACE PRECINCT 2 LOCAL OPTION ELECTION HELD MAY 15, 2004 [T1-202]**

Elections Administrator Joyce Cowan presented the returns of the JP2 Local Option Election held May 15, 2004 – votes cast as follows: FOR = 958 AGAINST = 195. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept election results for Justice of the Peace Pct. 2 Local Option Election held May 15, 2004. All voting "Aye".



- 21819 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 13 - HAYS COUNTY/TC&B/CMA (SAWYER RANCH RD) [T1-222]**

Bob Austin (Turner, Collie & Braden Inc.) explained Supplemental Work Authorization No. 2 to Work Authorization No. 13: extends time for design engineer to be available during the construction phase of the project. Commissioner Molenaar spoke of need for the precinct commissioner to be involved in any changes being made. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett To approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 13 – Hays County/TC&B/SMA (Sawyer Ranch Road) and furthermore, for precinct commissioner to be involved in any changes to the roads in their precinct. All voting “Aye”.**

- 21820 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 14 - HAYS COUNTY/TC&B/PATE (POSEY ROAD) [T1-280]**

Bob Austin (Turner, Collie & Braden Inc.) advised that this work authorization extends the time for design engineer to be available for the construction phase. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 14 – Hays County/TC&B/Pate (Posey Road). All voting “Aye”.**

**DISCUSSION - AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND THE LOWER COLORADO RIVER AUTHORITY [T1-295]**

Charles O'Dell presented a statement to the court regarding the LCRA agreement - he feels like they have not lived up to that agreement. Commissioner Molenaar spoke of time period in which the water lines were completed. Madison Jechow, Assoc. General Counsel, Legal Services for LCRA, spoke of misunderstanding being that they believed the \$100,000 contribution for regional planning would be counted against what they were to provide to Hays County. Judge Powers stated that the way he understood it was that those funds would not go to regional planning. [T1-717] Commissioner Burnett spoke of options to be considered. Commissioner Molenaar asked for information regarding initial billing to be sent to special counsel for distribution to members of the court. Commissioner Burnett thanked LCRA for their support.

- 21821 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT TO PROVIDE COMMUNITY HEALTH SERVICES WITH COMMUNITY ACTION INCORPORATED**

[T1-814] Corina Jaimes (Executive Director of Community Action Inc.) introduced Carole Belver who spoke of community health services being provided. She explained their primary health care program - they are currently serving 63 individuals. The money is coming from the Texas Dept. of Health. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to enter into a contract to provide Community Health Services with Community Action Incorporated. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.**

- 21822 APPROVE PURCHASE OF AIR CONDITIONING UNIT FOR COURTROOM NO. 5 AT THE HAYS COUNTY JUSTICE CENTER WITH FUNDS RECEIVED FROM TWENTIETH CENTURY FOX [T1-987]**

Bids received: Tejas Refrigeration Inc. = \$6,500 Aire Service H&AC = \$6,393.06 GM Mechanical Ad&H = \$6,550. Building Maintenance Supervisor Ron Knott recommended accepting low bid of \$6,393.06 - additional expenses can be covered out of his budget. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve purchase of air conditioning unit for Courtroom No. 5 at the Hays County Justice Center with funds received from Twentieth Century Fox. All voting “Aye”.**

- 21823 APPROVE \$150,000 FROM COUNTY PARK BOND FUNDS FOR THE CAMP BEN MCCULLOCH PARK, IN THE FORM OF A LETTER OF COMMITMENT [T1-1062]**

Grants Administrator Richard Salmon provided a powerpoint presentation regarding Park Project #4 Capital improvements to Camp Ben McCulloch Park. Charles Haydon spoke of Camp Ben McCulloch Park being open to the public. The park consist of 40 acres and they have a lot of Onion Creek access. The Letter of Commitment is for 12 months to give time to raise additional funds. Kate Johnson, former chairman of the HCHC, spoke in support of this project. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve \$150,000 from County Park Bond funds for the Camp Ben McCulloch Park in the form of a Letter of Commitment. All voting “Aye”.**



**21824 INSTRUCT STAFF TO PREPARE A MAP OF ALL COUNTY MAINTAINED ROADS AS AUTHORIZED BY CHAPTER 258 OF THE TEXAS TRANSPORTATION CODE [T1-1308]**

Commissioner Molenaar would like for the court to instruct staff to prepare a map of all county maintained roads (staff will be Allen Walther, Steve Floyd, Jerry Borcharding & Russ Molenaar) which will then be presented to the court for consideration. Steve Floyd spoke of map created in 1981 identifying county roads – he has been working on updating this map and feels like they are close to having a new one - some preliminary information is being reviewed by the Road Dept. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to instruct staff to prepare a map of all county maintained roads as authorized by Chapter 258 of the Texas Transportation Code. All voting "Aye".**

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

Court convened into closed session at 11:00 a.m. and reconvened into open meeting at 12:00 noon. Judge Powers advised that no action will be taken regarding the execution session.

**Court was adjourned.**

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**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 MAY 25, 2004.**



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

