



Clerk's Note: The Agenda for June 1, 2004 was inadvertently not posted on the bulletin board at the Hays County Courthouse, therefore, that meeting was not held. A special meeting was called by the County Judge for 10:00 a.m. on the 4th day of June, 2004.

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 4th DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALEZ 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. FRITSCHÉ	DEPUTY 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.

21825 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$227,857.98 as presented by the County Auditor. All voting "Aye".

21826 APPROVE UTILITY PERMIT #1708

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Utility Permit #1708 on CR151/Bunton Road issued to C4D-1 Ltd. All voting "Aye".

21827 AUTHORIZE THE COUNTY JUDGE TO SIGN RESOLUTION ACCEPTING A GRANT FOR \$30,943.00 FROM THE CRIMINAL JUSTICE DIVISION/EDWARD BRYNE MEMORIAL FUNDS TO PURCHASE TASERS

Grant funds are from the Office of the Governor, Criminal Justice Division – Byrne Memorial Grant Program and 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 Burnett to authorize the County Judge to execute a resolution accepting a grant for \$30,943.00 from the Criminal Justice Division/Edward Bryne Memorial Funds to purchase tasers. All voting "Aye".

21828 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE BULLETPROOF VEST PARTNERSHIP PROGRAM OF THE U.S. OFFICE OF JUSTICE PROGRAMS FOR \$6,122.00

This grant for \$6,122 is from the U.S. Office of Justice and is called the Bulletproof Vest Partnership Program. Grant and matching funds will be used to purchase custom bulletproof vests for county deputies, constables and other law enforcement officers. Bulletproof vests have to be replaced after 5 years and each is custom fitted to the person. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept a Grant from the Bulletproof Vest Partnership Program of the U.S. Office of Justice Programs for \$6,122.00. All voting "Aye".

21829 APPROVE PRELIMINARY PLAN FOR "HEATHERWOOD SUBDIVISION" AND GRANT A VARIANCE TO ROAD STANDARDS (50 ft ROW & Curve Radius) [T1-41]

Susan Cook gave her time to Paula Renfro. Paula Renfro spoke of district court proceedings and subdivision now being considered. She spoke of subdivision regulations [Section 7.3a, 7.4, & 7.8]. Dorothy Blue gave her time to Bruce Renfro. Bruce Renfro spoke in opposition to the subdivision. Charles O'Dell spoke in opposition to the subdivision. Commissioner Carter spoke of inaccuracies she feels are on the plat – spoke of subdivision regulations section 3.5, 7.4, 10.3b. Environmental Health Director Allen Walther spoke of how he obtained his calculations [T1-690] – same calculations as used for all multi-use and commercial developments. He explained the application process for this subdivision [T1-818] and staff feels like all subdivision requirements have been met. Road Supt/Engineer Jerry Borcharding explained the road variance being requested. Allen Walther spoke of this being a private road – a one lot subdivision with the roadway totally surrounded by the one lot. Jerry Borcharding spoke of variance request for curve radius. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Heatherwood Subdivision" and grant a variance to road standards. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".



- 21830 BELTERRA PHASE 2 SECTION 4** [PCT. 4 #04-4-022, 50 LOTS] * **APPROVE FINAL PLAT**
 [T1-1134] 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 "Belterra Phase 2 Section 4". All voting "Aye".**
- 21831 RIM ROCK PHASE 1 SECTION 2** [PCT. 4 #04-4-041, 1 LOT] * **APPROVE FINAL PLAT**
 [T1-1145] 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 "Rim Rock Phase 1 Section 2". All voting "Aye".**
- 21832 RIM ROCK PHASE 2 SECTION 1** [PCT. 4 #03-4-088, 1 LOT] * **APPROVE FINAL PLAT**
 [T1-1174] 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 "Rim Rock Phase 2 Section 1". All voting "Aye".**
- 21833 RIM ROCK PHASE 3 SECTION 1** [PCT. 4 #03-4-089, 1 LOT] * **FINAL PLAT APPROVAL**
 [T1-1212] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Rim Rock Phase 3 Section 1". All voting "Aye".**
- 21834 MEADOW VISTA, SECTION 2** [PCT. 2 #00-2-115] – **CALL FOR PUBLIC HEARING FOR THE ESTABLISHMENT OF TRAFFIC REGULATIONS** [T1-1223]
 Road Supt/Engineer Jerry Borcharding advised that Stop signs need to be established in this subdivision. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing for June 22, 2004 to consider establishing traffic regulations (STOP signs) in "Meadow Vista Section 2". All voting "Aye".**
- 21835 BRIDLEWOOD, SECTION 2** [PCT. 3 #03-3-020] * **RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY MAINTENANCE SYSTEM**
 [T1-1262] Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of maintenance fiscal security and accept roads in the "Bridlewood Section 2" subdivision into the county road maintenance system. The roads in this section are: Bridlewood Ranches Drive, Bridlegate Circle, & Steeplebrook Drive. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to release the maintenance fiscal security in "Bridlewood Section 2" subdivision and accept the roads into the county road maintenance system. All voting "Aye".**
- 21836 NORTHRIDGE SECTION 1** [PCT. 4 #00-4-045] * **RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY MAINTENANCE SYSTEM**
 [T1-1273] Road Supt/Engineer Jerry Borcharding gave staff recommendation to release maintenance fiscal security and accept the roads into the county maintenance system. The roads in the subdivision are: Angel Fire, Vail River Road & Taos Trail. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release the maintenance fiscal security for "Northridge Section 1" [aka Northridge Phase 1] and accept the roads into the county road maintenance system. All voting "Aye".**
- 21837 SAWYER RANCH SECTION 5** [PCT. 4 #01-4-007] * **CALL FOR PUBLIC HEARING FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS** [T1-1301]
A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing for June 22, 2004 to consider establishing comprehensive traffic regulations in Sawyer Ranch Section 5 subdivision. All voting "Aye".
- 21838 APPROVE AGREEMENT REGARDING PROVISION OF WATER AND WASTEWATER SERVICE BETWEEN HAYS COUNTY AND THE LOWER COLORADO RIVER AUTHORITY** [T1-1324]
 Charles O'Dell urged the court to not approve the proposed agreement amendment with LCRA. Randy Goss (LCRA) spoke of invoicing customers the 6% – the amount that was not previously collected would have to be collected from the customers if the court continues with the existing agreement. Commissioner Burnett stated that he does not support collecting the retro-active fee but to place the fee on any new customers. Commissioner Molenaar asked LCRA reps to tell the court how much LCRA brings into the community. Randy Goss spoke of what is given back to communities (ie parks & grants to improve quality of life). Commissioner Molenaar stated that he does not support this fee at all. **A motion was made by Commissioner Molenaar to do away with the 6% fee – motion died for lack of a second. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to continue with the existing agreement. Commissioner Ingalsbe, Commissioner Carter, and Commissioner Burnett voting "Aye". Judge Powers and Commissioner Molenaar voting "No". MOTION PASSED.**



- 21839 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 18 - HAYS COUNTY/TC&B/C&B [T1-2060]**

Bob Austin (TC&B) explained the supplemental work authorization – an extension agreement. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 18 – Hays County/TC&B/C&B. All voting “Aye”.

- 21840 AUTHORIZE DPS TO PURCHASE A NEXTEL PHONE AND ENTER INTO AN AGREEMENT FOR SERVICE [T1-2115]**

Sgt. Jerl spoke of additional Trooper that is being added that needs a phone. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize DPS to purchase a Nextel phone and enter into an agreement for service. All voting “Aye”.

- 21841 WAIVE COUNTY DEVELOPMENT PERMIT FEES FOR THE NORTHWEST HAYS COUNTY EMERGENCY SERVICE DISTRICT #5 [T1-2155]**

\$10 State fee will be paid – only the county fees will be waived. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to waive county development permit fees for the Northwest Hays County ESD#5. All voting “Aye”.

- 21842 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PENDING LITIGATION, CHARGE NO. 360-2004-04627 BEFORE THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION [T1-2177]**

The Court convened into closed executive session pursuant to Texas Government Code Section 551.071 – Judge Powers left the meeting at this time. Upon completion of the closed session, Commissioners Ingalsbe, Burnett & Molenaar reconvened into open meeting. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize legal counsel to contact the EEOC to pursue dispute resolution in accordance with the Commissioners’ Court instruction as set out in executive session. 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 June 4, 2004.



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

