



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 8th 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 Burnett led the Court in the Pledge of Allegiance to the Flags.

Judge Powers advised that on Friday county offices will be closed in honor of former President Ronald Reagan.

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

Judge Powers presented a 5 year service pin to Fire Marshal Mark Chambers and a 10 year service pin to Tax Assessor-Collector Luanne Caraway. Environmental Health Director Allen Walther presented a 20 year service pin to Thomas Pope (Chief Sanitarian) and a 10 year service pin to Yolanda Sanchez (Office Administrator). DPS Sgt. Jerl presented a 5 year service pin to Herminia Ibarra.

21843 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 \$ 780,593.94 as presented by the County Auditor. All voting "Aye".

21844 APPROVE UTILITY PERMITS #1709 & #1710

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Utility Permit #1709 on CR266/ Old Bastrop Hwy. Issued to CenturyTel of San Marcos and #1710 on CR123/Mathias Road issued to Goforth Water Supply Corp. All voting "Aye".

21845 APPROVE BUDGET AMENDMENT 04-21

Budgets being amended are as follows: Grants Administration: increase contract services (\$210) & telephone (\$123) and decrease books (\$24) travel (\$99) & continuing education (\$210). CAPCO/911 Addressing: Increase staff (\$5,573) & FICA/RET (\$427) and decrease Temp Personnel (\$6,000). CJD/Taser Implementation: Increase law enforcement equipment (\$30,943) and decrease CJD/TASER equipment revenue (\$30,943). Building Maintenance: Increase building improvements (\$6,000) and decrease other revenue (\$6,000) for A/C at the Justice Center. DPS: Increase office supplies (\$600) and decrease equipment lease (\$300) & insurance (\$300). Road & Bridge Operations: Increase consultant line item (\$25,000) and increase contract road line item (\$25,000) for engineering services. Records Management: Increase office equipment (\$5,500) and decrease permanent records (\$5,500) for plat cabinet. Parks Bonds '03 Proceeds: Increase Camp Ben share (\$150,000) and decrease Park Land Improvements (\$150,000). Sheriff's Special Projects: Increase Crime Prevention (\$3,750) and decrease Donations [from LEAD 2004] (\$3,750). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-21 as proposed by the County Auditor. All voting "Aye".**

21846 ACCEPT INTERNAL EXAMINATION REPORT FOR SAN MARCOS/HAYS COUNTY EMS, INC.

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to accept internal examination report for the San Marcos/Hays County EMS Inc. All voting "Aye".

21847 APPROVE COPY MACHINE CONTRACTS WITH XEROX FOR THE HAYS COUNTY CLERKS OFFICE (RECORDS BUILDING & JUSTICE CENTER)

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve copy machine contracts with Xerox for the Hays County Clerk's office (Records Building & Justice Center). All voting "Aye".



21848 APPROVE FINAL PLAT APPROVAL FOR HEATHERWOOD SUBDIVISION [T1-130]

Walter Brown (Wimberley resident) spoke in opposition to this development – he does not feel like it is in compliance with subdivision regulations. Commissioner Burnett gave history of this development – he stated that it has been reviewed by county staff and staff recommends approval. Bruce Renfro urged court members to vote No for approval of this subdivision. Charles O'Dell gave his credentials and expertise and gave his interpretation of the county rules for OSSF & subdivision development. He feels like calculations have been done incorrectly. Paula Renfro spoke in opposition to this development – she spoke of shared access driveway regulations and OSSF rules. [T1-623] Cole Reynolds, lives next to this proposed development, feels like it does not comply with the county subdivision rules and regulations. Susan Cook spoke in opposition to this development and directed her questions to Judge Powers. Jason Falk, resident of Gatlin Creek Road felt like this development does not comply with local and state codes (driveway issues and OSSF rules). Charles O'Dell advised that the Trinity Groundwater Conservation District has suspended the well permits, therefore, final plat approval should not be granted – they do not have water available. Court convened into executive session at 10:05 a.m. to meet with legal counsel regarding pending litigation and reconvened into open meeting at 10:30 a.m. [T1-870] Environmental Health Director Allen Walther advised that this is not a shared access drive – it is a private road designed to meet county road standards – it is a one lot subdivision with a private road. He spoke of planning reports and soil analysis that were done which met our requirements and he explained how staff determines compliance. He spoke of county rules being more stringent than TCEQ rules. Mr. Walther spoke of water availability determination – there is adequate quality water available. He gave staff recommendation for final plat approval. Commissioner Burnett felt like we cannot go beyond our rules. Commissioner Carter spoke of OSSF rules – she felt like this matter should be determined in a district court. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat for "Heatherwood Subdivision". Commissioner Molenaar, Commissioner Burnett, Judge Powers, and Commissioner Ingalsbe voting "Aye". Commissioner Carter voting "No". MOTION PASSED.**

21849 APPROVE AN ON-SITE SEWAGE FACILITY PERMIT FOR HEATHERWOOD SUBDIVISION [T1-1165]

Charles O'Dell spoke of Table 3 of the OSSF rules and the calculations of county staff. He feels like the more stringent rules are not being used. Environmental Health Director Allen Walther spoke of TCEQ rules vs. county rules – He went over deficiencies that have been addressed (developer has agreed to provide 50 ft buffer strips, monthly inspections of wastewater system, sleeved lines, and an extra 3,000 gallons of storage capacity). He gave staff recommendation for approval. Jason Falk asked for clarification of calculations. Paula Renfro asked members of the court if they have any relationships of any kind with anyone involved with this development? Judge Powers advised that he has interest in an office bldg (9% interest) along with Paul Watkins & Rex Baker. Other members of the court advised that they do not. Commissioner Burnett advised that we all have a relationship with Rex Baker because he is a Justice of the Peace for Hays County. Commissioner Carter spoke of OSSF rules and tables used for calculation. Allen Walther responded. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve an On-Site Sewage Facility Permit for "Heatherwood Subdivision". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No". MOTION PASSED.**

Clerk's Note: Agenda Item #9 RE: Discussion and possible action to approve agreement for engineering services with Turner, Collie & Braden, Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 5 to Work Authorization No. 1 - Hays County/TC&B was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

21850 APPROVE UTILITY ADJUSTMENT AGREEMENTS WITH MCI (MCCARTY LANE) AND COUNTY LINE W.S.C. (HEIDENREICH LANE) FOR THE HAYS COUNTY ROAD BOND PROGRAM [T1-1474]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve utility adjustment agreements with MCI (McCarty Lane) and County Line W.S.C. (Heidenreich Lane) for the Hays County Road Bond Program. All voting "Aye".

21851 AUTHORIZE PURCHASE OF PLAT CABINET FOR THE COUNTY CLERK'S OFFICE AND AMEND THE BUDGET ACCORDINGLY [T-1522]

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize purchase of plat cabinet for the County Clerk's office and amend the budget accordingly. 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 JUNE 8, 2004.



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