



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 22nd 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.

21865 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$273,682.83 as presented by the County Auditor. All voting "Aye".

21866 APPROVE BUDGET AMENDMENT 04-22

The following budgets were amended: Building Maintenance = \$2,000 A/C repairs & \$500 Mtc. Warehouse Utilities. Jail Operations = \$18,500 Medical supplies. Co Court at Law #1 = \$1,000 joint office supplies. District Attorney = \$5,000 telephone \$2,414 Westlaw on line \$1,000 office supplies \$4,000 witness/expert witness Extension Office = \$500 building improvements (damaged carpet) DPS & DPS/L&W = \$1,625 each LEAD 2004 donations received Commissioner Pct. 1 = \$400 cont ed TDH/BOCH/Title V = \$20,000 additional grant funding. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-22 as proposed by the County Auditor. All voting "Aye".

21867 ACCEPT INTERNAL EXAMINATION REPORT FOR JP-4 OFFICE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to accept the Internal Examination for Justice of the Peace Pct. 4. All voting "Aye".

21868 APPROVE RENEWAL CONTRACT WITH CENTRAL TEXAS ROAD, INC. FOR BID #2003-B07 "EQUIPMENT W/ OPERATOR" FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal contract with Central Texas Road Inc. for Bid#2003-B07 "Equipment w/Operator" for one (1) additional year as provided in the original contract. All voting "Aye".

21869 APPROVE RENEWAL CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH FOR TB ELIMINATION AND TRIPLE O AT LEVEL FUNDING

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal contract with the Texas Department of Health for TB Elimination and Triple O at level funding. All voting "Aye".

21870 APPROVE CANCELLATION OF HAYS COUNTY COMMISSIONERS' COURT MEETING ON JULY 6, 2004

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve cancellation of Hays County Commissioners' Court meeting of July 6, 2004. All voting "Aye".

21871 APPROVE OUT-OF-STATE TRAVEL TO ILLINOIS FOR WILLIAM MONTAGUE, JR. FOR CANINE RECERTIFICATION

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve out-of-state travel to Illinois for William Montague Jr. for canine recertification. All voting "Aye".



21872 APPROVE OUT-OF-STATE TRAVEL FOR PERSONAL HEALTH AND SHERIFF'S DEPARTMENT TO ATTEND A CLASS AT MASSACHUSETTS INSTITUTE OF TECHNOLOGY [JULY 19-21, 2004]

The Massachusetts Institute of Technology is sponsoring a summer Professional Institute class entitled "Combating Bioterrorism: The Organizational Response" to be held in Cambridge, Mass. This course is designed to assist public health, law enforcement and emergency management organizations "rethink their priorities and learn how to collaborate." Personal Health proposes to send 3 county employees – 2 from personal health dept. and 1 from the sheriff's dept. – utilizing funds from the Bioterrorism Grant budget as previously approved by the Court. The cost for travel will be \$1200 for airfare, \$2,420 for hotel rooms, \$200 for rental car and \$342 per diem = total of \$4,162.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve out-of-state travel for Personal Health and Sheriff's Department to attend a class at Massachusetts Institute of Technology [July 19-21, 2004]. All voting "Aye".**

21873 ACCEPT DONATION TO THE HAYS COUNTY CIVIC CENTER IN THE AMOUNT OF \$2,150.00 FROM HUDSON & RANDLE FOR THE CONSTRUCTION OF AN ANNOUNCING BOOTH AT THE CIVIC CENTER AND FOR VARIOUS GENERAL OPERATIONS

Brad Bailey spoke of donation to pay for the announcing booth – trying to get construction cost down from the \$3745.45 quote already received. The money being accepted will be designated for this project. **A motion was made by Judge Powers, seconded by Commissioner Carter to accept donation to the Hays County Civic Center in the amount of \$2,150.00 from Hudson & Randle for the construction of an announcing booth at the Civic Center and for various general operations. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

21874 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P. TO HANDLE ENVIRONMENTAL COMPLIANCE MATTERS RELATING TO VARIOUS ROAD AND PARK PROJECTS [T1-109]

Charles O'Dell (Executive Director of HaysCAN) spoke of need for a citizens connection regarding this matter. Commissioner Burnett spoke of endangered species and other environmental issues that need to be addressed. He spoke of warbler habitat related to the Wimberley By-Pass project – this issue will come up again in other projects (SH290, FM1626, SH967, FM1826, FM110, & RR12) throughout the county. Alan Glen (Smith, Robertson, Elliott, Glen, Klein & Bell) spoke of species conservation bank and the endangered species act. Bob Sutton (TC&B) advised that they have done some environmental analysis on other projects and have handled the needs in those projects, but they have not had to address any endangered species issues. The Wimberley By-Pass will need mitigation, therefore, a mitigation process needs to be set up to address that issue and others that will come up. Commissioner Carter spoke of postponing action until we hear from other firms offering this service. Commissioner Burnett spoke of the field of environmental law being small and this firm is a leader in that field. **A motion was made by Commissioner Burnett, seconded by Judge Powers to authorize the County Judge to execute an outside legal counsel agreement with Smith, Robertson, Elliott, Glen, Klein & Bell, L.L.P. to handle environmental compliance matters relating to various road and park projects. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21875 ADOPT A RESOLUTION IN SUPPORT OF IMPROVEMENTS TO FM 1626 BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF KYLE'S APPLICATION FOR A STATE INFRASTRUCTURE BANK LOAN TO HELP EXPEDITE SAID IMPROVEMENTS [T1-500]

The Texas Transportation Commission will be meeting on June 24, 2004 to consider a Minute Order relating to improvements to FM1626. The City of Kyle is requesting Hays County support of the improvements and Kyle's application for a loan from the State Infrastructure Bank. Commissioner Burnett spoke in support of the resolution – this is not a financial obligation for the county. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to adopt a resolution in support of improvements to FM1626 by the Texas Department of Transportation and the City of Kyle's application for a State Infrastructure Bank Loan to help expedite said improvements. All voting "Aye".**

21876 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENTS WITH HART INTERCIVIC, INC. FOR THE ACQUISITION AND MAINTENANCE OF VOTING EQUIPMENT IN COMPLIANCE WITH THE FEDERAL HELP AMERICA VOTE ACT

[T1-585] Elections Administrator Joyce Cowan spoke of working on this project for 2 years – committee has rated the vendors and recommends Hart Intercivic Inc. Discussion was had regarding lease-purchase agreement. She spoke of funding to be obtained to offset the costs and need to purchase equipment at this time to give us time to educate the public and staff on use of it. These are stand-alone units and are not hooked up to the internet or telephone lines. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to execute agreements with Hart Intercivic Inc. for the acquisition and maintenance of voting equipment in compliance with the Federal Help America Vote Act contingent upon Secretary of State approval and verification of the certification status of the voting system. All voting "Aye".**



Judge Powers left the meeting at this time and Commissioner Molenaar presided over the remainder of the meeting.

PUBLIC COMMENT

Michael Dukes [T1-910] spoke of **Fulton Ranch Road** project – he expressed his appreciation to Special Counsel Jacqueline Cullom Murphy for her time and effort – she has been instrumental in bringing the principals together. He spoke of progress on the new portion of the road (between Via #4 – #11 on submitted drawing) and he gave his gratitude to Mr. O'Quinn. This new road enhances the safety of the citizens. Bruce Renfro yielded his time to Charles O'Dell. Commissioner Molenaar read the Conduct & Decorum rules of the court and cautioned Mr. O'Dell to follow those rules. [T1-971] Charles O'Dell (Executive Director of HaysCAN) spoke of Austin American Statesman article(s) regarding the **Heatherwood development** and he spoke of deficiencies.

21877 TRACTOR SUPPLY COMPANY SUBDIVISION [PCT. 4 #03-4-014, 2 LOTS] * **PRELIMINARY PLAN APPROVAL** [T1-1094]

Charles O'Dell spoke of this being in the Dripping Springs ETJ and the opposition to this project. Felix Manka (CMA Engineering) spoke on behalf of the property owners regarding action by the Dripping Springs City Council. No roadways are being built. Environmental Health Director Allen Walther advised that it complies with county requirements and he gave staff recommendation for approval. Commissioner Molenaar spoke of he and staff addressing drainage issues and concerns of area residents. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Tractor Supply Company Subdivision". Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter abstained.**

21878 JMJ SUBDIVISION, LOT 1 RESUBDIVISION [PCT. 4 #03-4-044, 3 LOTS] * **PRELIMINARY PLAN APPROVAL** [T1-1238]

Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "JMJ Subdivision Lot 1 Resubdivision" . All present voting "Aye".**

21879 MEADOW VISTA SECTION 2 [PCT. 2 #00-2-115] * **PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPTANCE OF ROADS INTO THE COUNTY MAINTENANCE SYSTEM** [T1-1250]

Commissioner Molenaar declared the public hearing open. No public comment was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering advised that repairs have been made and he gave staff recommendation to release fiscal security and accept roads [Big Sandy Drive] into the county maintenance system. He would also like to establish traffic regulations at this time [STOP sign on Big Sandy @ CR157 & 25MPH speed limit on Big Sandy]. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish comprehensive traffic regulations, release maintenance fiscal security and accept roads into the county maintenance system for "Meadow Vista Section 2" subdivision. All present voting "Aye".**

21880 SAWYER RANCH SECTION 5 [PCT. 4 #01-4-007] * **PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE OF MAINTENANCE FISCAL SECURITY AND ACCEPT STREETS INTO THE COUNTY MAINTENANCE SYSTEM** [T1-1280]

Commissioner Molenaar declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borchering advised that repairs have been made and he gave staff recommendation to release fiscal security and accept roads for county maintenance [Huck Finn Trail, Old Mill Road, White Wash Way, Sawyer Ranch Road, Joe Harper Court, Flat Boat Circle, Potters Point, Steamboat Xing, Tom Sawyer Road, & McDouglas Cove]. He would also like to establish traffic regulations at this time [25MPH speed limit on all roads, STOP signs on Whitewash @ Sawyer Ranch Road, on Whitewash @ Old Mill Road, on Beckys Way @ Huck Finn Trail, on Steamboat Xing @ Huck Finn Trail, on Potters Point @ Huck Finn Trail, on Joe Harper Court @ Huck Finn Trail, on Flat Board Circle @ Joe Harper Court, on McDouglas Cove @ Huck Finn Trail, on Huck Finn Trail @ Tom Sawyer Road, and 2 STOP signs on Tom Sawyer Road @ Huck Finn Trail]. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to establish comprehensive traffic regulations, release the maintenance fiscal security and accept streets in "Sawyer Ranch Section 5" into the county road maintenance system. All present voting "Aye".**

21881 CALL FOR A PUBLIC HEARING ON JULY 13, 2004 TO ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH PHASE 1 [T1-1321]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on July 13, 2004 to establish traffic regulations in Sawyer Ranch Phase 1 subdivision. All present voting "Aye".



**21882 AUTHORIZE THE COUNTY JUDGE TO EXECUTE RESOLUTIONS RELATING TO
RESALE OF BID-IN-TRUST PROPERTIES SCHEDULED FOR AUGUST
DELINQUENT TAX PROPERTY SALE [T1-1333]**

Carol Garcia (Delinquent Tax Attorney) presented resolutions for property being held in trust and requested authorization to execute those resolutions for resale. Properties are: Lot 5 & part of Lot 6 Block 5 aka East 48' of Farm Lot 5 City of San Marcos. Lots 2 & 3 Block 21 Victory Gardens, City of San Marcos, and Lot 1 Block 21 Victory Gardens Section 2. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute resolutions relating to resale of bid-in-trust properties scheduled for August delinquent tax property sale. 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 22, 2004.**



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

