



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 24<sup>th</sup> DAY OF AUGUST 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.

#### PUBLIC COMMENTS

Margaret Mills [T1-28] spoke of her concern about letting go of what might be a pretty sure case in court (Papalote lawsuit). Bruce Renfro [T1-55] spoke of dropping the frivolous open records lawsuit filed by Papalote Homes and the money that has been and will be spent. [his entire statement was submitted in writing]. [Paula Renfro & Susan Cook yielded their public comment time to Charles O'Dell] Charles O'Dell [T1-95], Director of Hays CAN, spoke of the Heatherwood development and well permits applied for through the Hays Trinity Groundwater Conservation District and he gave a brief history of events regarding this development. [his entire statement was submitted in writing] Commissioner Molenaar responded to the statement given regarding the \$100,000.00.

#### 21992 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$267,794.99 as presented by the County Auditor. All voting "Aye".

#### 21993 APPROVE BUDGET AMENDMENT #04-29

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-29 as proposed by the County Auditor. All voting "Aye".

#### 20994 APPROVE UTILITY PERMITS

The following utility permits were submitted by the Road Department for approval: #01721 on CR158/Fairview Drive issued to Guadalupe-Blanco River Authority, #01722 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority, and #01723 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permits # 01721, 01722, & 01723 as submitted by the Road Department. All voting "Aye".

#### 21995 APPROVE SPECIFICATIONS FOR "ROAD BUILDING MATERIALS" BID #2004-B16 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "Road Building Materials" Bid #2004-B16 and authorize Purchasing Agent to solicit for bid and advertise. All voting "Aye".

#### 21996 APPROVE AWARD OF BID #2004-B13 FOR METAL PIPE TO WILSON CULVERTS

This bid was originally approved to be awarded to two vendors: Wilson Culverts and Contech Construction Products. After review of award, Contech Construction Products has determined that it will not be economical for them to accept the partial award, therefore, Wilson Culverts would be the vendor to receive award of all items on this bid. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve award of bid #2004-B13 for metal pipe to Wilson Culverts. All voting "Aye".

**Clerk's Note: Agenda Item# 6 RE: ELM CREEK RANCH [PCT. 2 #04-2-050, 19 LOTS] \* APPROVE PRELIMINARY PLAN was PULLED by Commissioner Carter.**



**21997 PATRICIA FALLS** [PCT. 4 #04-4-052, 3 LOTS] \* **APPROVE FINAL PLAT** [T1-228]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter spoke of not receiving the information she requested. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Patricia Falls". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**21998 DOS LAGOS** [PCT. 4 #04-4-054, 38 LOTS] \* **APPROVE PRELIMINARY PLAN** [T1-254]

Al Brown, Director and Board Member of Hays Trinity Groundwater Conservation District, spoke of review given to this subdivision and they concluded that the study complies with county requirements and gave their recommendation. He advised that they have incorporated the information into their database and he spoke of monitoring of the Robinson well. Environmental Health Director Allen Walther gave staff recommendation for preliminary plan – no action is requested for variance to road standards pertaining to sizing of drainage facilities at this time. **A motion was made by Commissioner Burnett, seconded by Judge Powers to approve preliminary plan of "Dos Lagos" subdivision. Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "Aye", Commissioner Carter voting "No", and Commissioner Molenaar abstained. MOTION PASSED.**

**21999 HEATHER HILLS** [PCT. 4 #01-4-038] \* **PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE MAINTENANCE FISCAL AND ACCEPT STREETS FOR COUNTY MAINTENANCE** [T1-414]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation to establish traffic regulations, release the maintenance fiscal security and accept "Heather Hills Drive" for county maintenance. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to establish comprehensive traffic regulations of 25MPH speed limit and a STOP sign on Heather Hills Drive at Oak Forest Drive, release the maintenance fiscal security and accept "Heather Hills Drive" into the county maintenance system. All voting "Aye".**

**22000 CALL FOR A PUBLIC HEARING ON SEPTEMBER 7, 2004 TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS IN ALL SECTIONS OF BELTERRA SUBDIVISION THAT HAVE COURT APPROVAL OF ROAD CONSTRUCTION** [T1-458]

**A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a public hearing on September 7, 2004 to establish comprehensive traffic regulations in all sections of Belterra Subdivision that have court approval of road construction. All voting "Aye".**

**22001 CALL FOR A PUBLIC HEARING ON SEPTEMBER 7, 2004 TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT) ON SHELTON RANCH ROAD** [T1-467]

**A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on September 7, 2004 to establish traffic regulations (speed limit) on Shelton Ranch Road. All voting "Aye".**

**22002 CALL FOR THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004** [T1-473]

Elections Administrator Joyce Cowan advised that this is a necessary action for the court to take. Early voting will be conducted each weekday at the elections office beginning on October 18, 2004 and ending on October 29, 2004 between the hours of 8:00a.m. and 5:00 p.m. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to call for the General Election to be held on November 2, 2004 for the purpose of electing county and precinct officers as required by Article XVI, Section 6 of the Texas Constitution. All voting "Aye".**

**22003 ADOPT THE EARLY VOTING SCHEDULE FOR THE NOVEMBER 2, 2004 GENERAL ELECTION** [T1-499]

Elections Administrator Joyce Cowan advised that there was one change (from St. Mary's to Chapel in the Hills – Wimberley site) and the rest are the same as they have been. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to adopt the early voting schedule for the November 2, 2004 General Election as submitted by the Hays County Elections Administrator. All voting "Aye".**

**22004 APPROVE LEASE CONTRACT WITH BANK ONE LEASING CORPORATION FOR FINANCING OF HAYS COUNTY VOTING EQUIPMENT** [T1-518]

Elections Administrator Joyce Cowan spoke of money that is being sought to help fund this purchase. **A motion was made by Judge Powers, seconded by Commissioner Carter to approve lease contract with Bank One Leasing Corporation for financing of Hays County Voting Equipment. All voting "Aye".**



**DISCUSSION REGARDING RETURN TO THE PROCESS OF AUDIO TAPING THE HAYS COUNTY COMMISSIONERS COURT EXECUTIVE SESSION RATHER THAN SIMPLY CREATING A "CERTIFIED AGENDA"** [T1-569]

Charles O'Dell, Director of Hays CAN, spoke in support of taping the executive sessions. Commissioner Carter spoke of need for a clear record of what goes on in closed executive session. Special Counsel Jacqueline Cullom Murphy spoke of clerks concern about taping the executive sessions. Commissioner Carter spoke of attorney general's opinion. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to return to the process of audio taping the Hays County Commissioners' Court Executive Session rather than simply creating a "certified agenda"**. Commissioner Burnett stated that he would like to hear County Clerk Lee Carlisle's opinion and requested postponement until next week. **Motions were withdrawn.** This item to be reconsidered next week.

**22005 EXTEND THE CONTRACT PERIOD IN THE AGREEMENT BETWEEN CTMA AND HAYS COUNTY THROUGH SEPTEMBER 30, 2004 AND AMEND THE BUDGET ACCORDINGLY** [T1-661]

Commissioner Ingalsbe spoke of need for more time to hire a nurse practitioner and for transition of patient files. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to extend the contract period in the agreement between CTMA and Hays County through September 30, 2004 and amend the budget accordingly. All voting "Aye".**

**22006 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. 16 - HAYS COUNTY/TC&B/LAN (ROW ACQUISITION SERVICE)** [T1-678]

Bob Sutton, TC&B, explained the supplemental work authorization being considered. **A motion was made by Commissioner Carter, 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. 16 - Hays County/TC&B/LAN (ROW acquisition service). All voting "Aye".**

**Clerk's Note: Agenda Item# 18 RE: 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. 19 - HAYS COUNTY/TC&B/LAI (WIMBERLEY BYPASS) was PULLED because action was taken on this item in a previous meeting (8/10/04).**

**22007 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 12 - HAYS COUNTY/TC&B/FUGRO (GEOTECHNICAL SERVICES - US 290)** [T1-780]

Bob Sutton, TC&B, explained the Supplemental Work Authorization No. 3. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization NO. 3 to Work Authorization No. 12 - Hays County/TC&B/FUGRO (Geotechnical services - US290). All voting "Aye".**

**22008 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF BUDA TO PROVIDE 911 ADDRESSING SERVICES WITHIN ITS CITY LIMITS** [T1-876]

**A motion was made by Judge Powers, seconded by Commissioner Carter to approve interlocal agreement with the City of Buda to provide 911 Addressing Services within its city limits. All voting "Aye".**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY CAUSE NO. 0325. ACTION MAY FOLLOW IN OPEN COURT** [T1-892]

The Court convened into closed executive session at 10:15 a.m. and reconvened into open meeting at 11:15 a.m. Judge Powers advised that no action will be taken.


**22009 HAYS COUNTY BUDGET WORKSHOP WITH ACTION [T1-898]**

Ross Malloy spoke of the **SAN ANTONIO/AUSTIN CORRIDOR COUNCIL** – it is a public/private partnership which is trying to find solutions for traffic congestion on IH35. 75% of truck traffic from Mexico is traveling on IH35 – their 3-prong strategy is to complete State Highway 130, relocate union pacific railway, and develop a passenger rail system. They have no statutory authority, however, they are advocates for transportation – they raise money for transportation projects.

**P.A.W.S.**

Pattl Rudick, P.A.W.S. Executive Director, spoke of per capita basis for determining fees. She spoke of increase in animals being brought to PAWS by the county and the increase in funding being requested and she spoke of services being provided. \$120,000 was budgeted in the contract services line item #01-494-5448 under Animal Control. Mrs. Rudick spoke of having no more room for additional animals and she is concerned because the court is adding another animal control officer. She spoke of more enforcement of ordinances and fines may help the situation. **A motion was made by Commissioner Carter to add \$3,766 to animal control budget for contract services. Motion was withdrawn.**

**SAN MARCOS/HAYS COUNTY EMS [T1-1544]**

Tom Partin spoke of need for one additional unit (primary transfer unit & backup unit) – they are operating 2 in San Marcos, 1 in Kyle, 1 in Buda, & 2 in Dripping Springs. In 2003 they had 434 times that the San Marcos/Kyle unit was not available – Wimberley has their own EMS. He spoke of revenue generated by transfers/transport and their units are staying busy with emergency calls. They have a vehicle that can be utilized, however, they need money for staffing that unit (requires 6 personnel for each unit to cover 24/7).

**ELECTIONS OFFICE [T1-1700]**

Commissioner Ingalsbe spoke of need to remember that we will be taking possession of our new voting equipment and there is no place to store it at this time – must be climate controlled. Elections Administrator Joyce Cowan spoke of amount of space needed – HART Intercivic has stated that they will keep the equipment until May 2005 and she emphasized that security is important wherever the equipment is stored. Commissioner Molenaar suggested storing voting equipment at various locations throughout the county.

**ELECTED OFFICIALS SALARIES [T1-2158]**

**A motion was made by Commissioner Molenaar, seconded by Commissioner Burnet to advertise elected officials salary increase of 4%. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**SHERIFF'S DEPARTMENT**

**A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to reduce the Sheriff's budget \$49,400 in line item #01-418-5715 misc. equipment. All voting "Aye".**

*Court recessed until 1:30 p.m. Commissioner Molenaar was not present when court reconvened. [T1-2450]*

**ROAD DEPARTMENT**

Proposed changes in the Road Dept. budget were: Increase fuel & lube line item to \$214,000, increase contract hauling/materials to \$150,000, increase roadway striping to \$60,000, reduce contract road work to \$653,000, increase tel/radio communication to \$30,000, increase uniform expense to \$24,000. The changes do not affect the bottom line, only line item amounts. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to adopt changes to the Road & Bridge Operations budget as proposed. All present voting "Aye".**

**SHERIFF'S DEPT./CITIZENS CONCERNS [T1-2709]**

Commissioner Carter asked about letters from citizens regarding Sheriff's Dept. personnel eating meals at the jail and use of county vehicles being used for private security purposes – as well as a Deputy Constable. County Auditor Bill Herzog advised that some revenue (\$1100 per year) is generated by the Sheriff's Dept. for vehicle use. Commissioner Ingalsbe spoke of security work being performed by Constable's office.

*Commissioner Molenaar came to the meeting at this time.*

**MAGISTRATE FEE PAID TO JP'S [T1-2598]**

Commissioner Ingalsbe spoke of AG's opinion regarding magistration fees paid to JP's [GA#183]. JP3 Andy Cable would like to see magistration allowance changed to jail duty. Attorney General's Opinion #GA-0193 states that "A county may not pay a justice of the peace amounts over and above the justice's salary for conducting inquests and serving as a magistrate". Lorraine Cheeseman advised that JP5 Lamont Ramage advised that the fee being paid is for the JP's to go to the jail on weekends and holidays. County Auditor Bill Herzog advised that \$3,000 is budgeted for magistration and it is included in the advertised salary. **A motion was made by Commissioner Carter, seconded by Commissioner Burnett to change "magistration allowance" to "jail duty". All voting "Aye".**

**NEW PERSONNEL [T1-3237]**

Commissioner Burnett spoke of District Attorney & District Clerk request that new personnel be added earlier (Oct 1, 2004) – if you allow this, you would need to allow it for all new personnel. San Marcos/Hays County EMS – requesting \$220,000 and \$162,000 budgeted.

**District Clerk**

County Auditor Bill Herzog advised that the District Clerk is asking for an additional \$1,000 over what was budgeted last year for continuing education (increase from \$1500 to \$2500). [T2-88] **A Motion was made by Commissioner Molenaar, seconded by Judge Powers to increase District Clerk's budget continuing education line item by \$1,000.** County Treasurer Michele Tuttle spoke of some elected officials serving as officers in their respective organizations and helping to get legislative changes – this would require more travel, etc. **Commissioner Carter and Commissioner Molenaar voting "Aye". Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "No". MOTION FAILED.** **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to budget \$2,000 for continuing education in the District Clerk's budget. All voting "Aye".**

**Environmental Health Dept.**

Fuel & lubes – additional \$3,000 was requested. [T2-225] **A motion was made by Commissioner Molenaar, seconded by Judge Powers to increase Environmental Health fuel & lubes line item by \$3,000. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**EH/GIS MAPPING/PLANNING**

[T2-240] Discussion was had regarding printing expense (\$7,000) for new map books – this amount of funding is in the budget at this time and could be rolled over.

**PAWS** [T2-306]

**A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to increase PAWS budget by \$3,776. All voting "Aye".**

**JUSTICE OF THE PEACE PCT. 5**

County Auditor Bill Herzog advised that he received a request from JP5 Lamont Ramage for \$400 that is needed for an alarm system at JP5 office. **A Motion by Commissioner Molenaar, seconded by Commissioner Carter to increase JP Pct. 5 budget by \$400 to pay for alarm system. Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Burnett was not present for vote.**

**SAN MARCOS/HAYS COUNTY EMS**

[T2-465] Commissioner Ingalsbe advised that rural fire prevention districts will be converting to ESD's by law and only the voters can dissolve ESD's. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to fund an additional \$58,000 to the San Marcos/Hays County EMS.** Commissioner Molenaar spoke of need to look at all the ESD's to see what they are contributing to emergency services – we need a centralized EMS/ESD that is run by the county or a taxing entity. **Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye", Commissioner Carter voting "No".**

**GREATER SAN MARCOS ECONOMIC DEVELOPMENT COUNCIL**

Commissioner Ingalsbe spoke of the GSMEDC working with other communities to promote economic growth. Their request is for an additional \$36,250. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to fund an additional \$6,000 to the Greater San Marcos Economic Development Council. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**22010 VOTE ON A PROPOSED TAX RATE INCREASE AND SCHEDULE PUBLIC HEARING ON THE TAX RATE AND BUDGET** [T2-

A motion was made by Commissioner Molenaar to adopt a proposed tax rate of 47.30 - Motion died for lack of a second. A motion was made by Commissioner Carter to adopt a proposed tax rate of 43.58 - Motion died for lack of a second. **A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt a proposed tax rate of 46.30¢ and to schedule a public hearing on the tax rate and budget for September 7, 2004.** Commissioner Ingalsbe asked if adopting this tax rate would affect the office complex plan – she suggested phasing in money each year for funding this project. Judge Powers felt like we could address this in the next budget process (FY2006). **Commissioner Ingalsbe, Commissioner Burnett, and Judge Powers voting "Aye", Commissioner Carter and Commissioner Molenaar voting "No".**

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 AUGUST 24, 2004.**



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