



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 26<sup>TH</sup> DAY OF OCTOBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

**22153 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$410,169.51 as presented by the County Auditor. All voting "Aye".

**22154 APPROVE BUDGET AMENDMENT 05-02**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve Budget Amendment #05-02 as proposed by the County Auditor. All voting "Aye".

**22155 APPROVE UTILITY PERMIT #01738**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve Utility Permit #01738 on Darden Hill Road issued to August Partners Inc. All voting "Aye".

**22156 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$21,544 TO FEMA/DEM EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM**

This is a grant the county has been getting for a number of years. The grant and county funds pay the salary and benefits of Mark Chambers, the county fire marshal and emergency management coordinator. EMPG stands for "Emergency Management Performance Grant" program. A new employees is budgeted for the Fire Marshal's office for FY2004-05 and will be hired on April 1, 2004. This employee will be assigned to EMC duties only. A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for \$21,544 to FEMA/DEM Emergency Management Performance Grant (EMPG) Program. All voting "Aye".

**22157 APPROVE RENEWAL CONTRACT FOR ANIMAL SHELTERING SERVICES WITH THE PUBLIC FOR ANIMAL WELFARE SOCIETY, INC. (PAWS)**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve renewal contract for animal sheltering services with The Public For Animal Welfare Society, Inc. All voting "Aye".

**22158 ADOPT ADMINISTRATIVE CHANGES REGARDING WORKER'S COMPENSATION "FIRST WEEK" PAYMENT PROCEDURES**

Court needs to adopt administrative changes due to new procedures regarding worker's compensation "first week" reimbursement: change the 7-day payment policy to a 40-hour payment policy, Hays County is to pay the employee for the first 40 hours on worker's compensation and the worker's compensation insurance will pay the employee for any hours beyond the first 40. A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to adopt administrative changes regarding workers' compensation "First Week" payment procedures. All voting "Aye".

**22159 APPROVE SPECIFICATIONS FOR "ANNUAL CONTRACT FOR A/C AND HEATING SERVICES" BID #2005-B01 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to approve specifications for "Annual Contract for A/C and Heating Services" Bid #2005-B01 and authorize purchasing agent to solicit for bid and advertise. All voting "Aye".



**22160 APPROVE RENEWAL AGREEMENTS FOR APPOINTMENT OF MIKE KELLY, M.D. AS THE HAYS COUNTY LOCAL HEALTH AUTHORITY; DRs. CHARLES ANDERSON, TERESA IRWIN, A. RAY JACOBSON, KOTESWARA KUNDA, ALAN PARKS, AND BETH REID FOR PHYSICIAN SERVICES [T1-30]**

Health Dept. Director Gay Helmlly explained the services provided by the recommended doctors. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal agreements for appointment of Mike Kelly, M.D. as the Hays County Local Health Authority; Drs. Charles Anderson, Teresa Irwin, A. Ray Jacobson, Koteswara Kunda, Alan Parks and Beth Reid for Physician Services. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

**22161 [PCT. 3 #04-3-019, 8 LOTS] WILDFLOWER SUBDIVISION \* APPROVE FINAL PLAT [T1-86]**

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 "Wildflower Subdivision". All voting "Aye".

**22162 [PCT. 3 #04-3-020, 1 LOT] HENLY SOUTH FIREHOUSE \* APPROVE FINAL PLAT [T1-123]**

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Christina McKinney was on hand to answer any questions the court may have. A motion was made by Commissioner Burnett seconded by Commissioner Molenaar to approve final plat of "Henly South Firehouse" subdivision. All voting "Aye".

**22163 [PCT. 4 #04-4-069, 2 LOTS] HIGHLANDS, SECTION C LOTS 19B & 20A \* APPROVE VACATING OF THE PUBLIC UTILITY EASEMENT [T1-133]**

Environmental Health Director Allen Walther gave staff recommendation for approval of vacating the public utility easement. Both lots are owned by Rodger & Carol Johnson and they have received a release of easement from Pedernales Electric Cooperative & CenturyTel. A motion was made by Commissioner Molenaar seconded by Commissioner Burnett to approve vacating the public utility easement in the Highlands Section C Lots 19B & 20A. All voting "Aye".

**22164 [PCT. 4 #04-4-065, 343 LOTS] HIGHPOINTE PHASE 1 \* APPROVE PRELIMINARY PLAN AND PHASED DEVELOPMENT AGREEMENT [T1-150]**

Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plan and phased development agreement. Charles O'Dell (Hays CAN) spoke in opposition to this phased development. Allen Walther spoke in support of phased development agreements. A motion was made by Commissioner Molenaar seconded by Commissioner Burnett to approve preliminary plan and Phased Development Agreement for "Highpointe Phase 1". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".

**Clerk's Note: Agenda Item #13 RE: [PCT. 4 #04-4-032, 14 LOTS] WALKING W RANCH, PHASE B \* APPROVE FINAL PLAT, APPROVE COMPLETION OF THE ROAD AND DRAINAGE IMPROVEMENTS, AND ACCEPT MAINTENANCE FISCAL SECURITY was PULLED. No discussion and no action taken.**

**22165 [PCT. 1 #02-1-013] THE RANCH @ PORTER CREEK \* PUBLIC HEARING FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE MAINTENANCE FISCAL, AND ACCEPT STREETS FOR COUNTY MAINTENANCE**

[T1-386] Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation to establish traffic regulations to set speed limit at 25 mph, place a STOP sign on Bonanza Street at Cotton Gin Road, release maintenance fiscal security and accept streets for county maintenance in The Ranch @ Porter Creek Subdivision (Bonanza Street). A motion was made by Commissioner Ingalsbe seconded by Commissioner Carter to establish traffic regulations to set speed limit of 25 mph on Bonanza Street and place a stop sign on Bonanza Street at Cotton Gin Road, release maintenance fiscal and accept street (Bonanza Street) for county maintenance in the Ranch @ Porter Creek Subdivision. All voting "Aye".



**22166 APPROVE LCRA RADIO SYSTEM FOR PUBLIC SAFETY DEPARTMENTS WITHIN HAYS COUNTY AND AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT FOR INFRASTRUCTURE SERVICES WITH LCRA AND THE PURCHASE OF EQUIPMENT REQUIRED TO OPERATE ON THE SYSTEM [T1-409]**

This item was discussed by the court in length at its October 19<sup>th</sup> meeting. Hays County Fire Marshal Mark Chambers explained the contract. Jason Urban of LCRA spoke of agreement contingent on building a tower in Wimberley and approval of LCRA Board. Discussion was had regarding amount to be paid and when it would be paid out. **A motion was made by Commissioner Molenaar seconded by County Judge to approve LCRA Radio System for Public Safety Departments within Hays County and authorize the County Judge to enter into a contract for infrastructure services with LCRA and the purchase of equipment required to operate on the system contingent on LCRA's approval of building tower in Wimberley and to also secure financing needed with payment to begin on October 1,2005. All voting "Aye".**

**22167 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$26,280 FROM THE OFFICE OF GOVERNOR/CRIMINAL JUSTICE DIVISION/JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM AND TO EXECUTE CONTRACT [T1-721]**

The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. The local MHMR only provides services to those residents that live in the county. As the juvenile populations grows in the Hays County Juvenile Center, a significant number will need mental health services and this grant will help to address that need. No matching funds are required. **A motion was made by Commissioner Ingalsbe seconded by Commissioner Molenaar to authorize the County Judge to accept \$26,280 from the Office of Governor - Criminal Justice Division - Juvenile Justice and Delinquency Prevention Program and to execute contract. All voting "Aye".**

**22168 APPROVE REVISED PARTICIPATION AGREEMENT BETWEEN HAYS COUNTY AND THE TEXAS TRANSPORTATION COMMISSION FOR IMPROVEMENTS OF STATE HIGHWAYS IN HAYS COUNTY [T1-753]**

Bob Sutton (TC&B) spoke of a revised agreement to TxDot in which Hays County proposes to contribute \$9,200,000 toward the development of the US290 and FM1626 projects. Hays County will continue to discuss implementation of the RM12 widening with TxDot staff. [1178] **A motion was made by Commissioner Molenaar seconded by Commissioner Burnett to adopt Revised Participation Agreement and authorize the County Judge to sign the agreement between Hays County and the Texas Transportation Commission for improvements of State Highways in Hays County and submit agreement to Chairman Williamson. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**EXECUTIVE SESSION PURSUANT TO 552.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT [T1-1231]**

The court convened into closed executive session at 10:26 a.m. and reconvened into open meeting at 12:10 p.m. **No discussion and no action taken.**

**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 OCTOBER 26, 2004.**



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

