



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 9<sup>th</sup> DAY OF NOVEMBER 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.

**22180 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$704,891.08 as presented by the County Auditor. All voting "Aye".

**22181 APPROVE BUDGET AMENDMENT # 05-03**

Proposed budget amendments are as follows: OJP/Bullet Proof Vests Grant Law Enforcement Equipment line item increase of \$11,000 from grant award of \$5,500 and Sheriff's Office matching funds of \$5,500. Animal Control various line items increased by total amount of \$18,540 from various line items in the Sheriff's budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment NO. 05-03 as proposed by the County Auditor. All voting "Aye".

**22182 APPROVE UTILITY PERMIT #01741**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01741 on CR152/Heidenreich Lane issued to Verizon Communications. All voting "Aye".

**22183 APPROVE SUB-AWARD AGREEMENT WITH TEXAS STATE UNIVERSITY RELATING TO THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING PROGRAM AND AUTHORIZE THE COUNTY JUDGE TO SIGN SAME**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve sub-award agreement with Texas State University relating to the Advanced Law Enforcement Rapid Response Training Program and authorize the County Judge to sign same. All voting "Aye".

**22184 APPROVE AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE AGREEMENT WITH APPRISS, INC. AND THE TEXAS ATTORNEY GENERAL'S OFFICE RELATING TO THE VICTIM INFORMATION AND NOTIFICATION PROGRAM APPROVED BY COMMISSIONERS' COURT ON NOVEMBER 2, 2004**

This is a service agreement between Hays County and the State of Texas approved vendor APPRISS to establish an automated victim notification system. The Texas Attorney General will provide implementation (startup) funds of \$45,540 and annual maintenance costs of \$25,880 thereafter. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve and authorize the County Judge to execute agreement with Appriss, Inc. and the Texas Attorney General's Office relating to the Victim Information and Notification Program approved by Commissioners' Court on November 2, 2004. All voting "Aye".

**22185 APPROVE RENEWAL OF CONTRACT FOR "ANNUAL PLUMBING SERVICES FOR HAYS COUNTY" FOR ONE YEAR AS PROVIDED IN ORIGINAL CONTRACT TO A1-TRI COUNTY PLUMBING**

All terms and conditions of contract remain unchanged and in full force and effect. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve renewal of contract for "Annual Plumbing Services for Hays County" for one year as provided in original contract to A1-Tri County Plumbing. All voting "Aye".



**22186 APPROVE CANCELLATION OF THE AGREEMENT BETWEEN HAYS COUNTY AND AMERICAN MUNICIPAL SERVICES CORPORATION AS RECOMMENDED BY THE HAYS COUNTY JUSTICES OF THE PEACE AND AUTHORIZE JUSTICE LAMONT RAMAGE TO SEND CANCELLATION NOTICE**

The JP's would like to cancel the contract with American Municipal Services Corp. since they are now using the OMNI program. They are working on a contract with another company that will aid in collection of delinquent debt on cases that are not eligible for the OMNI program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve cancellation of the Agreement between Hays County and American Municipal Services Corporation as recommended by the Hays County Justices of the Peace and authorize Justice Lamont Ramage to send cancellation notice. All voting "Aye".**

**BURNETT RANCH UNIT 5 RESUBDIVISION AND PARTIAL VACATING OF LOT 121**  
[PCT. 3 #04-4-062, 2 LOTS] \* **PUBLIC HEARING** [T1-27]

Judge Powers declared the public hearing open. The final plat has not been submitted, therefore, no action will be taken at this time. Linda Anderson spoke of existing restrictions in this subdivision and her opposition to this resubdivision. David Jones spoke of information he provided to members of the court and how he feels like this resubdivision and vacation is illegal. Charles Anema spoke in opposition to this resubdivision. Lois Hickman spoke of being active in the Burnett Ranches HOA and they are interested in keeping traffic down – she feels like this is an illegal road and the new subdivision (High Ridge) should have their access in Comal County. Don Aishman advised that he sold part of Lot 121 for what he thought was agricultural purposes and it was then sold to someone else – he feels like it was represented incorrectly to him and he feels like access to the new subdivision should be through Comal County. Brent Bates spoke in opposition to allowing access through Burnett Ranch subdivision. Judge Powers declared the public hearing closed

**22187 DRIFTWOOD ACRES** [PCT. 4 #04-4-064, 3 LOTS] \* **APPROVE PRELIMINARY PLAN** [T1-435]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Driftwood Acres" subdivision. All voting "Aye".**

**22188 APPOINT MR. CHRIS DIBRELL TO THE WIMBERLEY/HAYS COUNTY EMERGENCY SERVICES DISTRICT #3, REPLACING MR. BILL BRENDLER WHO IS STEPPING DOWN** [T1-443]

**A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint Chris Dibrell to the Wimberley/Hays County Emergency Services District #3, replacing Bill Brendler who is stepping down. All voting "Aye".**

**22189 APPROVE AGREEMENT WITH THE CAPITAL AREA PLANNING COUNCIL TO SET UP AN EMERGENCY NOTIFICATION SYSTEM (ENS) USING HOMELAND SECURITY FUNDS** [T1-460]

Grants Administrator Richard Salmon explained the ENS. Grant funds will be used for the purchase of the system, however, local governments who want this service will need to pay the monthly pro-rata share of recurring costs which includes the use of 3 T-1 Servers, database updates and long distance costs. That cost for Hays County will be \$1,262 annually. ENS can be used to notify county residents of emergency situations. This system gives you the ability to call every single phone in a particular area to warn of immediate danger such as flooding, hazardous spills, escaped convict, etc. County Auditor Bill Herzog advised that county funds needed will come out of contingencies. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve agreement with the Capital Area Planning Council to set up an emergency notification system (ENS) using homeland security funds. All voting "Aye".**

**22190 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 23 - HAYS COUNTY/TC&B (CONSTRUCTION PHASE SERVICES – FIELD SERVICES)** [T1-530]

Bob Austin (TC&B) explained this work authorization – TC&B will monitor construction progress and provide observation services and review invoices for Centerpoint Road, McCarty Lane & Heidenreich Lane. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 23 – Hays County/TC&B (Construction phase services – field services). All voting "Aye".**



- 22191 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 4 - HAYS COUNTY/TC&B/OTHON (HEIDENREICH LANE) [T1-580]**

Bob Austin (TC&B) explained the work authorization. The Engineer will evaluate the need for and perform project design modifications resulting from change order requests during the construction phase and conduct 3 site visits and provide initial coordination with the contractors concerning scheduling and billing. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 4 to Worth Authorization No. 4 – Hays County/TC&B/Othom (Heidenreich Lane). All voting “Aye”.**

- 22192 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. 7 - HAYS COUNTY/TC&B/PBS&J (CENTERPOINT ROAD) [T1-611]**

The Engineer will evaluate the need for and perform project design modifications resulting from change order requests during the construction phase in coordination with the County and conduct 3 site visits. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar 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. 7 – Hays County/TC&B/PBS&J (Centerpoint Road). All voting “Aye”.**

- 22193 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. 8 - HAYS COUNTY/TC&B/PBS&J (MCCARTY LANE) [T1-621]**

Engineer will evaluate the need for & perform project design modifications resulting from change order requests during the construction phase and conduct 3 site visits. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar 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. 8 – Hays County/TC&B/PBS&J (McCarty Lane). All voting “Aye”.**

The court convened into closed executive session at 9:45 a.m. and reconvened into open meeting at 12:45 p.m.

- 22194 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM INCLUDING: A) PARCELS 3 AND 4, WIMBERLEY BYPASS, EUGENE ERVINE WOOLSEY, FEE OWNER. ACTION MAY FOLLOW IN OPEN COURT INCLUDING THE APPROVAL OF RESOLUTIONS AUTHORIZING CONDEMNATION OF THOSE PARCELS [T1-635]**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize outside legal counsel Elly Del Prado Dietz to proceed with condemnation relating to Parcels 3 and 4, Wimberley By-Pass, owned by Eugene Ervine Woolsey and authorize the County Judge to execute the resolution determining need and authorizing condemnation. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE POTENTIAL PURCHASE OF REAL PROPERTY (PROPERTY CONNECTED TO THE OLD HOSPITAL PROPERTY OWNED BY HAYS COUNTY AND LOCATED IN SAN MARCOS, TEXAS). ACTION MAY FOLLOW IN OPEN COURT**

No discussion in open meeting and no action taken.

**EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE HAYS COUNTY PERSONAL HEALTH DIRECTOR. ACTION MAY FOLLOW IN OPEN COURT**

No discussion in open meeting 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 NOVEMBER 9, 2004.**



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