



**STATE OF TEXAS
COUNTY OF HAYS**

ON THIS THE 16TH DAY OF FEBRUARY, A.D., 1999, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

**JAMES L. POWERS
DEBBIE GONZALES INGALSBE
H. S. "SUSIE" CARTER
WILLIAM "BILL" BURNETT
RUSS G. MOLENAAR
LEE CARLISLE**

**COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK**

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

CALL TO ORDER & INVOCATION by Pastor Terry Sparks (Liberty Church)

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG & TO THE TEXAS FLAG

PRESENTATION OF COMMEMORATIVE POSTER

Mary Giberson spoke on behalf of the Hays County Preservation Associates. She presented a framed **Sesquicentennial Commemorative Poster** (photo by Deborah Dupont) which was purchased through a silent auction by Jon & Marsha Cooper and is being presented to the County as a gift. She gave the background/accomplishment of the photographer Deborah Dupont and spoke of the photo being a hand-colored black & white photo technique. She advised that prints will be available for purchase as a fundraiser for their organization.

PUBLIC COMMENT SESSION

Marshal Jennings (with the **Edwards Aquifer Research and Data Center** and teaches hydrogeology at SWTSU) advised that he is here today to talk about water issues that will face Hays County in the next century. He spoke of ground water being the primary water supply for Hays County (Trinity & Edwards). The Trinity Aquifer is in the upper part of the county and the Edwards Aquifer is in the lower part. He feels like the Information on these two aquifers is still sparse. Information regarding the Trinity Aquifer is sketchy but improving. The last comprehensive ground water report, in his view, was done in the 1950's by the USGS (population in 1950 was 17,000). He spoke of two large projects underway to create models of both of these aquifer systems. The Edwards Aquifer Authority is about to release a contract to do a model of the Edwards Aquifer. The Texas Water Development Board will finish up in December a model of the Trinity Aquifer in Hays and seven other counties. This will set a base to overlay surface water that will be used in the future conjunctively with ground water. He spoke of two major river basins in Hays County (LCRA & GBRA) and there are already discussions to provide surface water sources to Hays County for future needs. He spoke of water planning groups that will plan water resources for all the counties and their regions for the next 50 years and it is essential for Hays County leadership to get involved in these planning activities and know what they need for the county in order to provide maximum benefit in the water plans for the future at lowest cost for all Hays County citizens. He spoke of his background being in environmental engineering and water resources engineering and wastewater is a natural consequence of water use and it can cause environmental issues. Some water runoff is also "wastewater" when rainfall falls on developed watersheds or agricultural watersheds it generates some water runoff (has its own water quality) and if wastewater is not properly managed it can lead to environmental consequences for streams and ground water sources. Hays County needs to develop staff capabilities and county rules for wastewater that merge acceptably, probably on a negotiated basis, with state agencies and adjacent entities. He will report later in the year to the court, with his students, regarding Trinity Aquifer well tests in Dripping Springs and Wimberley and the implications for that. He spoke of two wells in Hays County being monitored. He spoke of research grant he just received from Texas A&M to study recharge in the Trinity Aquifer in Hays County.

Tom Haley (**Hays County Infrastructure Committee**) spoke of first meeting held this year. The Committee voted to support the resolution adopted by the Commissioners' Court to fight the City of Austin ETJ. He spoke of this group discussing problems of the county as a whole and they support the proposal of breaking this group down into smaller groups (new organization).

Tony Ybarra, **Fire Marshal**, advised that he has spoken to the Texas Forestry Service and the National Weather Bureau regarding current weather conditions (he passed this information out to members of the court). The forecast for the next five days indicates winds and dry conditions (18% humidity) and he supports initiating the burn ban. The County Judge stated that he will implement that burn ban immediately.



17632 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 \$98,888.33 as presented by the County Auditor. All voting "Aye".

Vouchers Payable	\$ 14,999.40	Licenses & Permits	\$ 229.95	Fines	\$ 857.04
Auditors Office	\$ 398.65	Treasurers Office	\$ 500.18	Extension Office	\$ 353.03
Grants Admin	\$ 96.87	Transfer Station	\$ 278.42	Bldg Mtc. Dept.	\$ 3,588.41
Environ Health	\$ 1,319.71	Personal Health	\$ 345.23	Civic Center	\$ 765.41
Countywide Oper	\$ 4,809.30	Tax A/C	\$ 842.58	District Clerk	\$ 567.24
County Clerk	\$ 559.76	Sheriff's Office	\$ 5,415.10	Jail Operations	\$ 9,630.47
County Judge	\$ 291.63	Human Resources	\$ 224.77	Co Crt @ Law 1	\$ 342.94
District Attorney	\$ 1,199.90	J.P. 1-1	\$ 86.57	J.P. 1-2	\$ 253.37
J.P. 2	\$ 250.96	J.P. 3	\$ 272.14	J.P. 5	\$ 442.24
DPS	\$ 641.91	Constable 1	\$ 128.79	Constable 2	\$ 61.80
Constable 3	\$ 10.89	Constable 4	\$ 42.74	Constable 5	\$ 110.72
District Crt Oper	\$ 3,634.32	Co & JP Crt Oper	\$ 1,231.45	Veterans Admin	\$ 508.75
Co Crt @ Law 2	\$ 35	DPS/L&W	\$ 294.09	District Court Rep	\$ 69.23
DA DARE Program	\$ 15.00	Waste Task Force	\$ 14.82	911 Addrs Mtc.	\$ 392.23
General Fund Credit	<-\$158.72>	R&B Operations	\$ 18,270.51	Precinct 1	\$ 475.83
Precinct 2	\$ 863.12	Precinct 3	\$ 27.44	Precinct 4	\$ 22.64
Road Bond Constr	\$ 20,211.57	Rec Mng/Co Clk	\$ 121.50	Health Svcs Grants	\$ 85.05
Sheriffs Drug Forf	\$ 903.75	Stellars Plastics Grnt	\$ 2,072.63		

17633 APPROVE UTILITY PERMIT #99-210, 99-211, 99-301, 99-212 & 99-101

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit # 99-210 on CR126 (Rhode Lane) to Southwestern Bell, # 99-211 on CR210 (Dry Hole Road) to GTE S.W., # 99-301 on CR220 (Mt. Sharp Road) to GTE S.W., #99-212 on CR129 (Cotton Gin Road) to GTE S.W.; and # 99-101 on CR232 (Redwood Road) to Embree Construction. All voting "Aye".

17634 APPROVE THE COMMISSIONERS' COURT MINUTES OF JANUARY 1999

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of January 1999 as presented by the County Clerk. All voting "Aye".

17635 HIGHWAY 123 BUSINESS PARK * PRELIMINARY PLAT APPROVAL [T1-328]

Environmental Health Director Allen Walther advised that these lots are intended for commercial use and will be using City of San Marcos services for water and wastewater. They meet county requirements and staff gave recommendation for preliminary approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve preliminary plat of "Highway 123 Business Park". All voting "Aye".

17636 SYCAMORE VALLEY ADDITION RESUB OF TRACT 8 * PRELIMINARY PLAT APPROVAL [T1-344]

Environmental Health Director Allen Walther advised that this is a resubdivision that we have been looking at for some time (area of floodplain/unstudied) - a study was done and the plat shows the boundaries. Property owner is Landrum Hickman, Trustee, and the resub will create Lots 8A & 8B. He gave staff recommendation for approval on preliminary plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Sycamore Valley Addition Resubdivision of Tract 8". All voting "Aye".

17637 T & J SUBDIVISION * FINAL PLAT APPROVAL [T1-368]

Property owners Thomas & Jeanne Evans are subdividing 9.12 acres into two lots. Property is located in the Buda ETJ. Environmental Health Director Allen Walther gave staff recommendation for approval on final plat. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "T & J Subdivision". All voting "Aye".

17638 WILLOW CREEK ESTATES SECTION 10A & 10B * EXTEND TIME LIMIT FOR PLATTING [T1-369]

Environmental Health Director Allen Walther advised that this is a long term development (phased development) with its preliminary reading had in May 1997 (master plan) and an extension was granted in May 1998. A great deal of the work has been done (under the old subdivision rules) and staff recommends approval of request for extension in time to complete this development. Pro-Tech Engineering advised that they are in the review process with the City of San Marcos at this time and should be complete next week. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to extend time limit for platting "Willow Creek Estates Sections 10A & 10B" for an additional 30 days from today. All voting "Aye".



17639 GOLD ROAD ADDITION * VARIANCE TO LENGTH OF SHARED ACCESS DRIVEWAY

[T1-434] Environmental Health Director Allen Walther spoke of owner Norman Rolling wanting to sell a part of his property (3.03 acres out of an original 79.51 ac tract) to a friend with access off a private road "Gold Road" which would require a 1/2 mile shared access driveway. They could reconfigure the lot to meet county requirements (1/4 mile), however, that would be a wasteful use of the property. Staff supports a variance to the length of the shared access driveway (SAD). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to grant a variance to length of Shared Access Driveway for the "Gold Road Addition". All voting "Aye".

17640 HIDDEN OAKS PHASE II * RELEASE CONSTRUCTION SECURITY AND ACCEPT 2 YEAR MAINTENANCE SECURITY [T1-502]

Environmental Health Director Allen Walther advised that additional testing was done on the road and those test results met our requirements. Road Director Ron Bischoff gave his approval to release the road construction security. Staff requested a 2 year maintenance security rather than 1 year. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release the road construction security (Letter of Credit = \$ 112,830) and accept a two year road maintenance security (\$5,251.00 cashier's check#0004101298) for the "Hidden Oaks Phase II" subdivision. All voting "Aye".

A.T.S. LONG RANGE PLAN /POPULATION & EMPLOYMENT FORECASTS FOR HAYS COUNTY [T1-533]

Commissioner Burnett introduced Mike Aulick, former Executive Director of the Austin Transportation Study and current Director of the newly named ATS: CAMPO (Capital Area Metropolitan Planning Organization). Mike Aulick spoke of including 20 cities in their organization (metropolitan statistical area) which includes all of Travis county and Austin's ETJ which consist of 900,000 people in their study area at this time. CAMPO is a transportation council consisting of cities, counties, TxDot, and Capital Metro Transportation Association which is funded by federal and state funds. He stated that they have two main responsibilities: ⊃ long range transportation plans (20 years out in the future) for major transportation facilities, and ∄ a 3 year budget of federal funds (Transportation Improvement Program). The purpose of their organization is for all the cities and counties to get together and talk about where the major highways should be, where major transit systems should be and to set priorities for funding within that area. The intent is that all the cities and counties are working together so you have a coordinator major transportation system. He spoke of plan adopted in December of 1994 and studying/but not adopted a proposed rail line for commuter rail to run from Roundrock down to San Antonio. He spoke of major projects in their plan: commuter rail lines, major highways (SH130, SH45 N & S, and US183A). He spoke of proposal for expansion to 8 lanes of traffic on IH35 from Slaughter Lane to Roundrock. He spoke of population growth indicated by the State Data Center Forecast (1990-2025) whose figures are used statewide. They want to make sure they have information from everyone so that they can make reasonable assumptions. Their major responsibility is state highways to predict what kind of traffic will be on those roads in the year 2025 which will help TxDot determine how big those roads should be. TxDot (Texas Dept. of Transportation) is providing funding to assist them in their planning for the future. They will take into account traffic generating from surrounding counties (external stations). They will have a feasibility study regarding commuter rail in the near future. Their plan can be amended at any time if the State Data Center Forecast amends their figures. CAMPO can change their boundaries if they all agree and with Governor approval. Discussed traffic use on IH35 by Austin residents and others. He advised that the population growth is tremendous in this area and the highway department cannot keep up with this growth. Discussed traffic route for people going to the new Austin Airport. No action was taken.

Commissioner Burnett left the meeting at this time.

17641 APPROVE EXPENDITURE FROM COMMISSIONER PCT. 1 SPECIAL PROJECTS FUND TO THE CONFERENCE OF URBAN COUNTIES [T1-2022]

Commissioner Ingalsbe advised that the Conference of Urban Counties (CUC) is retaining a consultant with considerable expertise in development issues to assist the CUC Executive Director Donald Lee in performing his duties to the association in regard to the issue of county subdivision regulation authority. The consultant will give us an extra set of ears and eyes in the capital, will assist Mr. Lee in preparing information for legislators, and will assist in providing information to legislators regarding the county platting authority issue. She feels like the amount is minimal (\$500) and this will be the best opportunity for us to get the changes we need passed by the legislature. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to approve expenditure of \$500.00 from Commissioner Precinct 1 Special Project Fund to the Conference of Urban Counties. All present voting "Aye".



17642 APPROVE REFUND OF OVER PAYMENTS AND/OR DOUBLE PAYMENT OF TAXES

[T1-1062] Tax Assessor-Collector Luanne Caraway presented the following for approval to refund overpayment and/or double payments of taxes. She advised that this is standard procedure for her office.

Farm Lot 15-141 Blk Pt. of 11	\$ 1,211.72
Tanglewood Addn Sec 5 Lot 4 Blk 1	\$ 3,079.01
Twin Mountain Est. #4 Pt. Lot 29B	\$ 1,805.16
Springwood Lot 4	\$ 713.65 & \$ 713.70
Marlboro Country Lot 13 blk A	\$ 4,128.82
American Tech - personal property/equip	\$ 588.70
Blanco Terrace Lot 29	\$ 842.92
Willow Creek 2 Lot 95	\$ 2,748.10
10.056 ac. John W. Keeley	\$ 6,162.99
Green Pastures Sec 5 Pt Lot 5A blk 15	\$ 1,537.02
Hays Country Oaks Sec 2 Lot 1-2 Blk B	\$ 5,403.96

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve refund of overpayments and double payments of taxes as presented by the Tax Assessor-Collector. All present voting "Aye".

17643 ACCEPT BIDS FOR PROPERTY HELD IN TRUST (DELINQUENT TAX PROPERTY)

[T1-1081] Tax Assessor-Collector Luanne Caraway advised that there a two properties for consideration (with100% recovery) and she recommended acceptance of bids received. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept bid of \$13,013 from Yari Jeadra for Lot D Block 1 B. W. Breeding Addition and bid of \$ 7,328 from Flora Hardeman for 1 acre of land out of the Phillip J. Allen Survey. All present voting "Aye".

17644 APPROVE BUDGET AMENDMENT NO. 99-013 [T1-1098]

County Auditor Bill Herzog advised that this budget amendment is to rebudget a prior fiscal year expense (a refund check) for replacement equipment. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 99-013 as proposed by the County Auditor. All present voting "Aye".

17645 1999 HAYS COUNTY GRIEVANCE COMMITTEE SELECTION [T1-1112]

We have received 6 acceptance for service, 4 rejections, and 2 have not responded from the previous Grievance Committee Selection process. Three more people are needed to complete the nine member committee, therefore it is recommended that six additional names be selected and the first 3 to accept service will complete the committee. The following names were radomly selected: Patsy Castaneda, Donald Michael Doyle, Viola Michler, Glen Frederick Burton, Kim Morgan Kafka, and John B. Guerrero. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the random selection of six people from the 1998 Grand Jury List for service on the 1999 Hays County Grievance Committee. All present voting "Aye".



17646 CALL A COMMISSIONERS' COURT MEETING ON FEBRUARY 26, 1999 TO VOTE ON THE DELINQUENT TAX ATTORNEY [T1-1144]

Tax Assessor-Collector Luanne Caraway advised that the current contract for collection of delinquent taxes was extended until Feb. 28, 1999. She spoke of need to hire an attorney prior to the next regular commissioners court meeting. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to call for a special meeting of the Commissioners' Court on Friday, February 26, 1999 at 9:00 o'clock A.M. to vote on the delinquent tax attorney contract and any other items that may be deemed necessary for action. All voting "Aye".

EXECUTIVE SESSION TO DISCUSS LITIGATION RELATING TO JKL INC. AND THE LIME KILN & HILLIARD ROAD BOND PROJECT, PENDING LITIGATION (MID-TEX OIL) , AND TO CONFER WITH LEGAL COUNSEL CONCERNING RECENT EEOC COMPLAINTS INVOLVING COUNTY EMPLOYEES OF THE COUNTY ROAD DEPARTMENT

The court convened into closed executive session to discuss the following: litigation relating to JKL Inc. and the Lime Kiln/Hilliard Road Bond project, pending litigation regarding Mid-Tex Oil, and to confer with legal counsel concerning recent EEOC complaints involving county employees of the County Road Department. Upon completion of the closed session, the court reconvened into open meeting.

17647 ACCEPT PROPOSAL OF MID--TEX UTILITIES WITH CONDITIONS [T1-1214]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept proposal of Mid-Tex Utilities with the following conditions: Mid-Tex Utility wells to be used, after surface water availability, only for emergencies purposes with emergency defined as "disruption of surface water services, firefighting , or similar imminent threat to life and property, but excluding drought", and furthermore to strike 4(d) and 6 of the proposal, and to obtain a covenant by the developer to abide by Hays County Subdivision Rules. All present voting "Aye".

17648 ACCEPT LEGISLATIVE ACTION COMMITTEE RECOMMENDATIONS FOR TARGETED LEGISLATION

[T1-1261] Environmental Health Director Allen Walther presented a Legislation Summary and committee recommendations. He spoke of bills before the legislature that have countywide implications. Paul Walkins, Michael Thames, and Dee Dee Stevenson were also present (their next meeting will be 2 weeks from today @ 1PM). Allen Walther advised that the bill filing deadline is March 10, 1999. He went through the summary of 4 bills:

⊃ **HB423** by Turner revising Chapter 232 of the Local Government Code relating to county regulation of subdivisions. This bill is intended to correct deficiencies in the existing Chapter 232 with additional emphasis on reversing the effects of the Elgin Bank decision. Our committee recommendations include:

- ♦ Amend Section 1.(f) (1), change minimum lot size to 5 acres (currently at 10 acres).
- ♦ Amend Section 4. 232.003(2) to require a minimum ROW of not less than 50 feet. (currently at 40 feet)
- ♦ Amend Section 4.232.003(9) add...."provided however, that counties may limit driveway spacing to no more than two driveways within 100 feet of road frontage". Committee feels like we need to restrict multiple driveways. This would give clear authority for us to regulate driveway frontage and to collect fees.
- ♦ Clarify county authority to charge subdivision review fees.

A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept recommendations of the county legislative committee regarding House Bill 423 revising Chapter 232 of the Local Government Code related to county regulation of subdivisions. All present voting "Aye".

⊂ **Chapter 213 Rules** (Regulations of the Edwards Aquifer Recharge Zone) revision of Subchapter and adding new Subchapter B A (reauthorizes original rules and places additional regulations). Committee recommends these rules be repealed and the existing Chapter 213 rules be re-authorized and furthermore recommend that a 2 year study of stormwater quality be initiated in the contributing zone. They all recognize that this area is growing, but since there presently is no evidence of aquifer degradation as a result of stormwater originating in the contributing zone, there is no technical justification for the rule implementation.

A motion was made by Commissioner Molenaar, seconded by Judge Powers to accept legislative committee recommendations to repeal Chapter 213 revised rules and re-authorize the original rules and to furthermore, recommend that a 2 year study of stormwater quality be initiated in the contributing zone. All present voting "Aye".



¶ **Austin ETJ in Hays County** - Allen Walther advised that there is a strong committee consensus that Austin should withdraw to the Austin/Hays County line and the committee favors a bill that accomplishes this purpose without naming any city since this situation may be a problem in other areas as well. They stress the need to develop wide community support and the importance of direct individuals' involvement. Judge Powers spoke of other entities that are dealing with this issue and he feels like this is a challenge because it affects other large cities/counties and is very political in nature. Judge Powers feels like other communities in our county are responding to this issue. Allen Walther spoke of situation in the Buda area where they can provide the infrastructure to areas in their ETJ but they are unable to do so because of Austin ETJ. Growth is not occurring because of this situation. Commissioner Molenaar spoke of ETJ's not providing any infrastructure but they can charge big fees for development of any kind. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept recommendation of committee to support a bill that would withdraw Austin ETJ to the Hays/Travis county line. All present voting "Aye".**

⊆ **HB191** by Longoria relating to commissions for certain retired peace officers to carry certain weapons. The committee supports legislation that would allow retired peace officers to retain their commissions and give them the authority to carry certain weapons. Dennis Gutierrez, President of the local FOP, advised that their organization strongly supports HB191 and he feels like this would be a way to thank officers for their long service to the community. Commissioner Ingalsbe spoke of Rick Green supporting this legislation and he will get with members of the court. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to accept the legislative committee recommendation to support House Bill 191. All present voting "Aye".**

Sheriff Don Montague spoke of other issues affecting Hays County:

HB74 & SN53 which would authorize reimbursement for inmate expenses at the county jail (Misdemeanor Cases requiring county jail confinement). It would require reimbursement by the defendant @ \$25.00 per day (after conviction). It would consider the defendants ability to pay. He spoke of high cost for incarceration. Judge Powers spoke of repayment schedule (defendant would make payments to the sheriff's department over a 5 year period). A restitution lien would be possible if payment is not made. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to support HB74/SN53 authorizing reimbursement for inmate expenses at the county jail. All present voting "Aye".**

HB581 & SB204 regarding extradition of prisoners (on felony warrant) - would authorize reduced airline fares for any county official/employee traveling on official county business. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to support House Bill 581 & Senate Bill 204 regarding reduced airline fares for any county official or county employee traveling on official county business. All present voting "Aye".**

Sheriff Montague spoke of bills related to payment to counties for executing blue warrants and holding them for the State. Sometimes this process can last for several months (incarcerated but not getting paid for housing inmates on blue warrant). Another bill applies to county funds/fees that would allow a fee every time a bail bond is approved and setting a fee for bailiff services. This would offset county expenses.

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize legislative committee members to promote the previously approved issues at the Legislature on behalf of the Commissioners' Court. All present voting "Aye".

Commissioner Molenaar spoke of need to let the citizens know what issues are being addressed and to ask for their input and support.

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adjourn on this the 16th day of February, 1999. All voting "Aye". **Court was adjourned.**

MINUTES APPROVED IN OPEN COURT ON THE _____ DAY OF _____, 1999.

JAMES L. POWERS, COUNTY JUDGE
H A Y S COUNTY, TEXAS

LEE CARLISLE, COUNTY CLERK
H A Y S COUNTY, TEXAS