

HAYS COUNTY COMMISSIONERS' COURT MINUTES



JANUARY 11, 2000

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VOLUME R PAGE 595

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STATE OF TEXAS      □  
COUNTY OF HAYS      □

**ON THIS THE 11<sup>TH</sup> DAY OF JANUARY A.D., 2000, 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:**

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

**Clerk's Note:** Commissioner Carter was not present at beginning of the meeting.

**PRESENTATION BY THE JOHN COFFEE HAYS SCULPTURE COMMITTEE INC. [T1-22]**

Artist Jason Skull spoke of plans to provide a life-size sculpture of Texas Ranger John Coffee Hays (AKA Jack C. Hays) to recognize him for what he did for the State of Texas – a true pioneer leader. The sculpture will be approximately 14 feet high (a 10 ft. bronze sculpture placed on a 4 ft. granite base). A 1/8 scale of the project was shown. Funds (\$125,000) are being privately raised (no cost to the county). Commissioner Burnett spoke in support of this project. Jason Skull spoke of relationship between John C. Hays and Edward Burleson (Edward Burleson honored him by naming this county after him/Jack C. Hays). They should start this project fairly soon (after paperwork has been approved by IRS on the 501c non-profit designation). He spoke of two proposed sites around the courthouse (inside fenced area or triangular pad outside the fenced area). The court would like for TxDot to be contacted and Hays County Building Maintenance regarding this project. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to allow the placement of a sculpture of Texas Ranger John Coffee Hays on the courthouse lawn after all details are worked out with appropriate authorities. All voting "Aye".

**PRESENTATION BY THE WILLIE MAE MITCHELL COMMUNITY OPPORTUNITY CENTER CONCERNING THE SAN MARCOS PREPARATORY SCHOOL (SMPS) [T1-146]**

Kyev Tatum, Executive Director of the Willie Mae Mitchell Community Opportunity Center (WMMCOC) requested support of their proposed charter school (to open Sep 2000) to serve Kindergarten-5th grade (additional grades will be added later). He spoke of value programs that are currently offered at WMMCOC. They would like county government (and others) to support their efforts. They have partnered with Charter Schools USA. Representative Rick Green spoke of success of the Mitchell Center and commended them for their efforts. He spoke in favor of charter schools to give flexibility for some students who need it. Charter schools receive education dollars from the State and Federal government. Kyev Tatum spoke of after school program that will be provided. He requested a letter of support - only 4 charter schools will be approved this year in the state - they are confident that they will be putting in a competitive application. Commissioner Ingalsbe spoke in support of the current programs. A resolution of support will be placed on the next commissioners' court agenda.

\* Commissioner Carter came to the meeting at this time.\*

## LONGHORN PIPELINE PROPOSAL \* DISCUSSION

Commissioner Molenaar & Judge Powers stated that they had attended the meeting in Austin yesterday regarding the Longhorn Pipeline proposal and the main concern seemed to be "how fast a recovery team can clean up a spill?" – there is an estimated one spill every two years. Commissioner Molenaar spoke of his concern that even one gasoline spill would be devastating for our county. The Trinity Aquifer is a shallow aquifer. He spoke of deadline for public input. Commissioner Carter spoke of efforts made to make sure that pipelines are secure and possibly there is more harm from vehicular spills.

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**18343      PUBLIC HEARING WITH ACTION CALLING FOR AN ELECTION FOR POSSIBLE  
CREATION OF THE HAYS COUNTY DEVELOPMENT DISTRICT NO. 1 AND  
FURTHERMORE ADOPT AND ORDER UPON HEARING AND GRANTING PETITION  
REQUESTING CREATION OF THE HAYS COUNTY DEVELOPMENT DISTRICT NO.  
1 AND APPOINTING TEMPORARY DIRECTORS [T1-475]**

Judge Powers declared the public hearing open. Tom Leonard, Attorney representing the petitioners [Coyote Crew Ranch Ltd./Siepela Interests], spoke of order to require an election to be held to confirm the creation of the Hays County Development District No. 1 (HCDD#1). He read language in the Order. The proposed district lies outside the city limits of the City of Dripping Springs. Elizabeth Jick (CIBC Rep) spoke of their role to provide financing for the project. Jim Siepela, Coyote Crew Ranch Ltd/Siepela Interests, spoke of advantages of this district to the county. He stated that they have worked with the City of Dripping Springs and entered into an agreement with them regarding annexation (as each phase of the single family development is complete, the city will annex those properties). The golf course will be built under the Audubon Society signature program. This will attempt to eliminate runoff. [T1-643] Roger Kew (Colony Rd/Hays Co) spoke of concerns for the need to create this district. He feels like we may be setting a dangerous precedent to encourage similar development. He asked for a cost benefit analysis and for greater public input to see what the benefits are and what the cost might be. [T1-681] Elizabeth Sumter (Wimberley) also requested a cost benefit analysis and she asked about environmental impact study and other studies to determine if this district is necessary. She is concerned about a district being created by one voter (the property owner). She spoke of her concerns regarding the agreement for water source. [T1-716] Annice Ellington (Driftwood/property borders Onion Creek) advised that she started a very simple basic petition campaign in the Dripping Springs area and was able to garner about 220 signatures on it in which the public is saying to us that they are not interested in having a golf resort in their area. (Clerk's note: petition was not shown to or submitted to the court) She is concerned about variances that may be granted that may impact people outside this area (housing, traffic, etc.). {T1-753} Susan Pitman (Wimberley) cautioned the court in moving ahead quickly on this matter. She would like to see more about the implications from a CDD and questioned where this is the kind of development Hays County residents want? She felt like the citizens of this county need to be educated and to be given an opportunity to participate in this matter. She spoke of water that is required to maintain a golf course. [T1-806] JoAnn Larivee (Dripping Springs) asked about public notice (30 days prior to the public meeting). She does not feel like there has been enough public input into this project. Judge Powers closed the public hearing and asked Attorney Tom Leonard to answer some of the concerns. Judge Powers advised the audience that the Court had a workshop regarding this project on December 21, 1999 (see Vol. R Pg. 590). [T1-909] Roger Kew advised that he has in his bag 250 signatures and he asked for a public hearing so that all of those people concerned can come along. (Clerk's note: signatures were not provided to the court). Attorney Tom Leonard spoke of his experience in creating a county development district (Denton County) and he spoke of legislation that requires involvement by all landowners affected. He spoke of election required to approve the district. Each person acquiring land in the district will be advised of the district and obligations.

He spoke of eminent domain issues [Sec. 383.063] affecting only the property within the district. To expand the district you must have unanimous approval of the Commissioners Court. He spoke of annexation that will occur pursuant to agreement with the City of Dripping Springs. The district will pay for the first 15 years of road maintenance and they will then become city streets and there will be no county obligation to maintain those roads. Mike Firley (Dripping Springs Councilman) was present. Rick Corman (Dripping Springs City Council Rep) spoke of agreement between Coyote Crew Ranch and the City of Dripping Springs regarding taxes, infrastructure, and annexation (portions of the Development District will be annexed into the city and will extend their ETJ). He stated that the City does not control the water supply company – the City does enforce zoning and subdivision regulations. James Siepela spoke of plans for a wastewater treatment plant. They are negotiating with the Dripping Springs Water Supply Corp. regarding water supply and possible wastewater treatment. James Siepela spoke of possible use of wastewater effluent for the golf course and he spoke of guidelines being used for containment of water runoff (TNRCC & Audubon International). The water supply corporation will serve the single family development and the hotel and there are several wells on site at the golf course that could be utilized. [T1-1208] Jackson Harper (Sr. Hydrologist of PBS&J) spoke of geologic strata in this area of Hays County (Trinity Aquifer & Glen Rose Aquifer). He stated that most of the domestic wells are in the upper aquifer (200-300 ft) - their wells are in the middle aquifer (500-600 ft.). He feels like the effects should be so minimal as to be nil. He spoke of deeper wells that will be utilized. He spoke of location of other wells in the vicinity in the same aquifer. Hays County Environmental Health Director Allen Walther spoke of water development rules. Commissioner Carter spoke of need to address unresolved issues before taking action and to hold an evening public meeting for public input. She would like more documentation prior to taking action. Commissioner Molenaar advised that the Court will address many of these issues during the subdivision process. James Siepela spoke of providing more details during the development process and that creating the district will allow them to obtain the necessary documentation. Commissioner Burnett asked about tax savings/tax break that are being proposed. Attorney Tom Leonard advised that the taxing entities get their full tax collections and some sales taxes. The project will bring additional tax revenue to the various taxing entities. It is like a road district in that the people within the district must repay the debt. New property owners will be notified of the district and the taxing authorized by the district at the time of property closing. JoAnn Larivee asked about rules and regulations for county development districts and the need to execute good projects. Commissioner Molenaar advised that the county cannot make our own rules and regulations regarding County Development Districts, but we do have rules and regulations for subdivision developments. Our subdivision rules had to be approved by the TNRCC. The state regulates what they can do with water and wastewater and Hays County now has standing with TNRCC regarding water availability. A CDD is a way for a developer to obtain financing for infrastructure. Judge Powers spoke of this being a way for quality development that does not cost the taxpayers. Commissioner Molenaar spoke of sales tax that will be generated by users of the conference center/hotel and golf course and people will spend money in the City of Dripping Springs. This will be clean economic development. Roger Kew asked the cost benefit to the citizens of Hays County.

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James Siepela stated that the roads will not be maintained by the county and the county will benefit from ad valorem taxes and sales tax.

December workshop figures for Hays County:

<b>Sales Tax Revenue during Construction Period</b>	
Conference Center & Golf Course	\$ 220,000
Single Family Residences	<u>\$ 315,000</u>
	<b>\$ 535,000</b>
<b>Annual Sales Tax Revenue from Conference Center and Golf Course</b>	<b>\$ 127,000</b>
<b>Annual Ad Valorem Tax Revenue</b>	
Conference Center & Golf Course	\$ 284,425
Single Family Residences	<u>\$ 568,950</u>
	<b>\$ 853,375</b>

No tax break is being requested – this project will generate sales taxes and hotel/motel tax. Dave Penn asked what will happen if development does not occur? James Siepela stated that they research what the anticipated

occupancy levels will be and feasibility studies are done. If the interest level is low, they will know well in advance of beginning this project. Commissioner Burnett asked about failure of the development. James Siepela advised that there is no liability on the county - the investors buying the bond issue are the ones affected. Roger Kew advised that the quality of life will be affect in the area. Commissioner Molenaar spoke of need to bring in quality development to this county. [T1-2848] He stated that property owners should be allowed to do what they want with their land as long as they follow rules and regulations that protect the health and safety of the citizens. This development will be within the City Limits of Dripping Springs and they will have to follow their rules and regulations. This property could be developed as a manufactured rental community that would use even more water from the aquifer and possibly pollute Onion Creek. Commissioner Carter requested another public hearing (evening meeting) and she spoke of information she has received that this corporation is not in good standing in regards to franchise taxes (State Comptrollers Office document). [T1-1938] A motion was made by Commissioner Molenaar, seconded by Judge Powers to call for an election for possible creation of the Hays County Development District No. 1 and adopt an Order granting petition requesting the creation of Hays County Development District No. 1 and appointing temporary directors. Judge Powers, Commissioner Ingalsbe, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No".

**ORDER UPON HEARING AND GRANTING PETITION REQUESTING  
THE CREATION OF HAYS COUNTY DEVELOPMENT DISTRICT NO. 1  
AND APPOINTING TEMPORARY DIRECTORS**

The Hays County Commissioners Court (the "Court" or "Commissioners Court") met in regular session, open to the public, at the Hays County Courthouse, 111 East San Antonio Street, 3<sup>rd</sup> Floor, San Marcos, Texas, 78666 on January 11, 2000, whereupon the roll was called of the members of the Court, to-wit:

Jim Powers	County Judge
Debbie Gonzales Ingalsbe	Commissioner, Precinct 1
H. S. (Susie) Carter	Commissioner, Precinct 2
William Burnett	Commissioner, Precinct 3
Russell Molenaar	Commissioner, Precinct 4

All Commissioners were present except \_\_\_\_\_ n/a \_\_\_\_\_

WHEREUPON, among other business conducted by the Commissioners Court, Comm. Russ Molenaar introduced the Order set out below and moved its adoption, which motion was seconded by Judge Jim Powers and after a full discussion and the question being put to the Court, said motion was carried by the following vote:

AYE 4 NO 1

The Order thus adopted is as follows:

There came on to be considered the petition, signed by the owner of fee simple title to all the lands situated within the territory hereinafter described, praying for the organization and establishment of a county development district to be known as the **HAYS COUNTY DEVELOPMENT DISTRICT NO. 1**, situated wholly within Hays County (the "County"), which petition has heretofore been accepted by the Commissioners Court, and was set down for hearing, and notice of said hearing was given for the time and in the manner prescribed by law.

This Commissioners Court, having conducted said hearing and having heard the evidence both oral and documentary, of all persons who appeared and offered evidence with reference thereto, find the following:

1. On the 23<sup>rd</sup> day of November , 1999, a petition duly signed by the owners of the fee simple title to the lands, in the territory hereinafter described, praying for the creation and establishment of said county development district, was presented to the Commissioners Court; that petition fully meets the requirements of law relating thereto; and that upon due consideration of said petition, the same was by proper order of the Commissioners Court set down for hearing before this Court on this date at 9:00 a.m. at the Hays County Courthouse, San Marcos, Texas.

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2. Notice of such hearing was given by the Court in the county in which such proposed district is located by causing such notice to be published at least 30 days prior to the date of such hearing in the *Austin American-Statesman*, a newspaper of general circulation in the area of the proposed district and mailed to the landowner who signed said petition and is the landowner of all the land in the proposed district, and that satisfactory evidence of the giving of such notice has been presented to this Court.

3. This Commissioners Court has jurisdiction to hear said petition and to enter its order creating said district for the reasons that the same is organized under the provisions of, and endowed with the powers granted by Article XVI, Section 59, Article III, Section 52, and Article III, Section 52.a of the Constitution of the State of Texas, and Chapter 383 of the Texas Local Government Code, as amended (collectively, the "Act").

4. The proposed district lies outside the city limits of any incorporated area and within the County.

5. After full hearing, and granting every interested person a full and complete opportunity to present evidence, this Court affirmatively finds that the petition conforms to the requirements of the Act and that organization and creation of said district, as prayed for in said petition, is feasible and necessary to finance improvements proposed for the district which will promote and develop new and expanded business enterprises and would serve the public purpose of attracting visitors and tourists to the county.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS THAT:**

**Section 1.** Said petition be and the same is hereby in all things granted, and HAYS COUNTY DEVELOPMENT DISTRICT NO. 1 (the "District") be and the same is hereby created and organized as prayed for in said petition.

**Section 2.** The District is created and organized under the terms and provisions of Article XVI, Section 59, Article III, Section 52, and Article III, Section 52.a of the Constitution of the State of Texas, and Chapter 383 of the Texas Local Government Code, as amended and the general nature of the work proposed to be done and the cost of the project as estimated by the petitioners are as follows:

- a. The general nature of the work proposed to be done is the enhancement of land, buildings, equipment, facilities, and improvements within the District to promote and develop new or expanded business enterprises which will attract visitors to the District and result in employment and economic activity within the District. The District may undertake the project in conjunction with other private or public entities.
- b. The cost of the project as currently estimated by the petitioner is \$120,000,000, together with costs necessary or appropriate to the issuance of obligations by the District.

**Section 3.** The District shall be composed of the area situated wholly in the County described by metes and bounds attached hereto as Exhibit "A".

**Section 4.** It appearing that the following persons are each more than 21 years of age, resident citizens of the State of Texas, and a qualified voter within the County and are otherwise qualified as provided by law, the same are hereby appointed Temporary Directors of the District to serve until their successors are elected or appointed in accordance with law, as follows, to-wit:

Jesse Lee  
Shawn Connolly  
David Inman  
Jimmy Skipton  
Teresa Shell

A certified copy of this Order shall be filed with the County Clerk of Hays County, Texas and recorded by him in a book kept for that purpose.

**PASSED, ADOPTED, ORDERED AND EFFECTIVE** this 11<sup>th</sup> day of January, 2000.

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Judge Powers declared the public hearing open. Jerry Pinnix, resident of the area, spoke of this intersection being dangerous and he supports the STOP sign. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish traffic regulation, STOP sign, on Prochnow Road (CR195) at its intersection with Pursley Road (CR198). All voting "Aye".

**18345 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON SIX PINES ROAD [T1-2036]**

Judge Powers declared the public hearing open - no public input was received and public hearing was closed. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to establish a speed limit of 15MPH on Six Pines Road. All voting "Aye".

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**Martin Luther King Birthday Celebration.** Mark Southall, CORE Texas State Chairman, invited the court to join in celebration of Martin Luther King's birthday. On Saturday, January 15<sup>th</sup>, at 4:00 p.m. the Texas Chapter of the Congress of Racial Equality (CORE) will place a commemorative wreath at the southwest corner of MLK Blvd. and LBJ Street. This is the only corner in the world where two streets, honoring these two people significant in the Civil Rights Movement, intersect. Martin Luther King, Jr. was a pioneer in the Civil Rights Movement and a catalyst for the Civil Rights Bill. Lyndon Baines Johnson signed the bill into law. In attendance for this ceremony will be Roy Innis, National Chairman of CORE. A parade will be held at 5PM beginning at Dunbar Center and proceeding to festival park via MLK, LBJ, CM Allen Parkway and Hopkins. A festival at Festival Park (the fish hatchery and both sides of the river) will run from 6:00 P.M. – 11:00 P.M.

**Fischer Store Road Project.** Sam Davis asked the court to get behind a project on Fischer Store Road - he is concerned about the approach to Blanco River bridge being dangerous. Commissioner Burnett spoke of problems with attorneys (problems acquiring the deed to the property). There is a condemnation case ongoing.

**18346 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 \$375,269.12 (1/4/00 disbursements) and \$218,464.90 (1/11/00 disbursements) as presented by the County Auditor. All voting "Aye".

1/4/00 = \$ 375,269.12

Fines	\$ 866.33	Auditors Office	\$ 19.34	Treasurers Office	\$ 936.57
Extension Office	\$ 643.38	Grants Admin	\$ 850.40	Juvenile Probation Ofc	\$ 2,261.10
Election Administration	\$ 50.48	Comm & Soc Svcs	\$ 151,851.33	Indigent Care	\$ 27,224.02
Transfer Station	\$ 124.06	Bldg Mtc. Dept.	\$ 9,008.90	Environ Health	\$ 1,306.85
Civic Center	\$ 2,363.71	Countywide Oper	\$ 9,514.43	Tax A/C	\$ 2,840.80
District Clerks Office	\$ 1,866.85	County Clerk's Office	\$ 650.00	Sheriffs Office	\$ 15,796.84
Jail Operations	\$ 25,858.22	County Judges Office	\$ 319.34	District Attorneys Ofc	\$ 127.23
J.P. 1-1	\$ 22.22	J.P. 1-2	\$ 134.25	J.P. 3	\$ 100.00
J.P. 4	\$ 303.59	J.P. 5	\$ 309.84	DPS	\$ 750.09
Constable 1	\$ 727.13	Constable 2	\$ 65.36	Constable 3	\$ 91.53
Constable 5	\$ 414.99	District Court Oper	\$ 9,128.95	Co & JP Crt Oper	\$ 5,134.19
Veterans Admin	\$ 220.51	Computer Svcs	\$ 2,539.57	DPS/L&W	\$ 62.84
Fire Marshal/EMC	\$ 249.39	Comm Court Exp	\$ 95.670	CJD/DARE (DA)	\$ 24.84
Road & Bridge Oper	\$ 40,510.25	Precinct 2	\$ 39.00	Precinct 3	\$ 179.73
Road Reconstruction	\$ 6,370.09	Road Bond Constr	\$ 1,696.35	Anticip Notes '95	\$ 38,542.63
Rec Mng/Co Clerk	\$ 673.02	Health Svcs Grants	\$ 3,572.65	Law Library Fund	\$ 100.00
Courthouse Security	\$ 30.00	Med/Dental Insur	\$ 800.00	Sheriffs Drug Forf	\$ 163.69
Family Health Svcs	\$ 3,328.29	New Canaan Grant	\$ 4,408.35		

1/11/00 = \$ 218,464.90

Licenses & permits	\$ 35.00	State Shared Revenue	\$ 21.26	Fines	\$ 740.89
Auditors Office	\$ 2,332.91	Treasurers Office	\$ 308.56	Extension Office	\$ 31.61
Grants Admin	\$ 82.16	Juvenile Probation	\$ 677.81	Election Admin	\$ 584.60
Comm & Soc Svcs	\$ 700.00	Transfer Station	\$ 21.26	Bldg Mtc. Dept.	\$ 4,003.91

Environ Health	\$ 366.65	Civic Center	\$ 238.00	Countywide Oper	\$ 31,609.18
Tax A/C	\$ 105.41	District Clerk	\$ 54.04	County Clerk	\$ 29.33
Sheriffs Office	\$ 43,113.67	Jail Operations	\$ 3,999.60	County Judge	\$ 286.58
Co Crt @ Law 1	\$ 14.80	District Attorney	\$ 1,052.96	J.P. 1-1	\$ 88.22
J.P. 1-2	\$ 145.24	J.P. 2	\$ 59.96	J.P. 3	\$ 132.06
J.P. 4	\$ 111.16	J.P. 5	\$ 76.62	DPS	\$ 100.12
Constable 4	\$ 108.22	Constable 5	\$ 54.00	Dist Court Operations	\$ 2,040.16
Co & JP Court Oper	\$ 2,711.58	Veterans Admin	\$ 28.50	Computer Services	\$ 2,401.30
DPS/L&W	\$ 306.30	Fire Marshal/EMC	\$ 1,062.27	TABC Office	\$ 19.59
TJPC CCAPGrant	\$ 17,452.78	Commissioners Crt Exp	\$ 93.33	VOCA Grant	\$ 94.51
DA DARE Grant	\$ 72.39	Truancy Officer Grant	\$ 3,731.40	Waste Task Force Grant	\$ 8.53
911 Addrs Mtc Grant	\$ 413.49	Title IV*E Juv Prob Grant	\$ 352.58	R & B Operations	\$ 90,990.76
Precinct 1	\$ 54.00	Precinct 3	\$ 329.73	Precinct 4	\$ 277.65
Right of Way	\$ 3,500.00	Health Svcs Grants	\$ 379.11	Law Library	\$ 329.72
Family Health Svcs	\$ 407.40	Tobacco Settlement Fund	\$ 122.03		

**18347 APPROVE THE COMMISSIONERS' COURT MINUTES OF DECEMBER 21, 1999**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of December 21, 1999 as presented by the County Clerk. All voting "Aye".

**18348 APPROVE UTILITY PERMITS**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permits # 99-257 on CR225, #99-432 on CR164, #99-258 on CR265, #99-433 on Springlake Drive, and #99-259 on CR132 as presented by the Road Department. All voting "Aye".

Utility Permit #	County Road Name/#	Utility Company
#99-257	CR225	Kyle Water Dept.
#99-432	CR164	Mercer Construction
#99-258	CR265	Oasis Pipeline Co.
#99-433	Springlake Drive	D.S. Water Supply Corp.
#99-259	CR132	Goforth Water Supply

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**18349 APPROVE REFUND OF DOUBLE PAYMENTS/OVERPAYMENT OF TAXES**

Tax Assessor-Collector Luanne Caraway submitted the following applications for refund of double payment/overpayment of taxes for approval:

0.201 ac Z. Hinton Survey	\$ 1,437.84
44.7839 ac. Jesusa Perez	\$ 1,260.93
Lot 13 Las Lomas Sec. 2	\$ 2,450.04
Lot 49 Quail Meadows	\$ 1,758.55
Lot 66 Quail Meadows	\$ 2,034.21
Lot 115 Willow Creek Sec. 3	\$ 2,746.44

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve refund of double payments/overpayment of taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".

**18350 APPROVE HIRING ROAD MAINTENANCE LEAD AT GRADE A STEP 3**

Road Director Ernest Garcia requested approval to hire a road maintenance lead at a grade 26 step 3 due to that person having 14 years prior experience with Hays County. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve request to hire an experience Road Maintenance Lead at Grade 26 Step 3. All voting "Aye".

**18351 APPROVE HIRING ASSISTANT DISTRICT ATTORNEY AT GRADE 36 STEP 5**

District Attorney Mike Wenk requested approval to hire a new Assistant D.A. at Grade 36 Step 5. This position is funded by the CAPCO Violence Against Women Grant and the grant pays at that grade and step. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve hiring an Assistant District Attorney, funded by CAPCO/VAWA Grant at a Grade 36 Step 5. All voting "Aye".

**18352 REAPPOINT COMMISSIONER INGALSBE TO THE CARTS BOARD OF DIRECTORS**

The term of appointment to the CARTS Board is for two year to be effective on March 1, 2000. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to re-appoint Commissioner Debbie Ingalsbe to the C.A.R.T.S. Board of Directors. All voting "Aye".

**18353 REAPPOINT VALENTIN ALMADAREZ AND DIANE CLIETT TO THE SOUTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #3**

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to re-appoint Valentin Almadarez and Diane Cliett to the South Hays County Emergency Services District #3. All voting "Aye".

**18354 AWARD CONTRACT TO LANGFORD COMMUNITY MANAGEMENT SERVICES FOR MANAGEMENT SERVICES FOR THE WIMBERLEY FLOOD BUY-OUT PROJECT**

Two proposals were received for management services for the Wimberley Flood Buyout Project (Langford Community Management Services and Innovative General Contractors). Only Langford Community Management Services has the experience in grants/contract administration. Langford has past experience in managing federally funded local public works projects. Langford has been working with cities and counties for the past 16 years and has written and administered over 26 million dollars in grants and loans from state and federal agencies. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to award contract to Langford Community Management Services for management services for the Wimberley Flood Buy-Out Project. All voting "Aye".

**18355 AWARD ANNUAL CONTRACT TO HIGHWAY SAFETY SERVICE FOR STRIPING SERVICES FOR THE ROAD DEPARTMENT**

Two bids were received for striping services: Highway Safety Service (Austin) and Flasher Equipment Co. (San Antonio). Recommendation is to award contract to Highway Safety Service as low bidder. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to award annual contract for striping services for the Road Department to Highway Safety Service. All voting "Aye".

**18356 APPROVE BUDGET AMENDMENT #00-07 [T1-2250 ]**

Discussion was had regarding information provided in court agenda booklet. County Auditor Bill Herzog spoke of drug forfeiture funds that were received by the Sheriff's Dept. which amends that budget. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 00-007. All voting "Aye".

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**AMENDMENT  
NO. 2000-07  
FY 2000 BUDGET  
01-11-00**

**FUND NO.01**

<u>FUND TITLE GENERAL FUND</u>					
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION BEFORE</u>		<u>AMENDMENT APPROPRIATION AS</u>		
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>	
<b>DISTRICT ATTORNEY (423):</b>					
01-423-5443 Witness Exp	500	600		1,100	
01-423-5391 Other	300		(200)	100	
01-423-5411 Office Equipment Maintenance	300		(200)	100	
01-423-5445 Transcriptions	700		(200)	500	
		<u>600</u>	<u>(600)</u>		
Transfer for needed expense					
<b>HERITAGE VISITOR CENTER/JOHNSON GRANT (745):</b>					
01-745-5219 Supplies	-0-	5,000		5,000	
01-745-5448 Contract Services	-0-	10,000		10,000	
01-745-5719 Equipment	-0-	<u>10,000</u>		10,000	
		25,000			
<b>REVENUE:</b>	<b>DECREASE:</b>	<b>INCREASE:</b>			
01-386-7745 Johnson/Heritage Visitor Ctr	-0-	25,000		25,000	
<b>FUND NO. 32</b>					
<u>FUND TITLE Sheriff Drug Forfeiture Fund</u>					
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION BEFORE</u>		<u>AMENDMENT APPROPRIATION AS</u>		
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>	
<b>SHERIFF DRUG FORFEITURE (484):</b>					
32-484-5221 Spec computer Expense	-0-	5,280		5,280	
32-484-5222 Crime Prevention	-0-	17,016		17,016	
32-484-5223 DARE Program	-0-	5,271		5,271	
32-484-5301 Spec Operations	-0-	10,000		10,000	
32-484-5362 C.I.D.	-0-	10,601		10,601	
32-484-5367 Mounted Patrol	-0-	15,941		15,941	
32-484-5391 Other	-0-	5,000		5,000	
32-484-5717 Law Enforcement Equipment	-0-	<u>11,735</u>		11,735	
		<u>80,844</u>			
Rebudget FY99 balances to FY2000 – rollover Drug Forfeiture proceeds					
32-484-5221 Spec Computer Equipment	5,280	2,000		7,280	
32-484-5362 C.I.D.	10,601	4,450		15,051	
32-484-5367 Mounted Patrol	15,941	<u>8,000</u>		23,941	
		<u>14,450</u>			
<b>REVENUE:</b>	<b>DECREASE:</b>	<b>INCREASE:</b>			
32-358-3581 Drug Forfeiture Proceeds	-0-	<u>14,450</u>		14,450	
Budget forfeiture received in FY2000					

## **18357 REAPPOINT BOARD MEMBERS OF THE WIMBERLEY ESD**

A motion by Burnett, seconded by Commissioner Molenaar to re-appoint Jerri Xiques, Dale Roberson, and Ted Covington to the Wimberley Emergency Service District Board. All voting "Aye".

## **18358 HAYS COUNTY HEALTH CLINIC IN KYLE \* AWARD PLUMBING REPAIR BID TO SOUTHWEST PLUMBING AND AWARD ELECTRICAL REPAIR BID AND AC/HEATING REPAIR BID TO ROBERT COTNER CO., INC.**

Commission Carter spoke of agenda item listing this facility as the San Marcos Health Clinic in Kyle rather than as the Hays County Health Clinic. Purchasing Agent Debbie Bilbrey advised that this was her mistake. The paperwork is to be corrected to read: Hays County Health Clinic in Kyle. Debbie Bilbrey advised that only one bid was received for plumbing repair (Southwest Plumbing) and AC/Heating repair (Robert Cotner Electric Co. Inc.). Electrical repair bids were submitted by Robert Cotner Electric Co. Inc., Ellison Electric, Current Electric, and Ted Breihan Electric – Cotner Electric was low bidder. A motion was made by Commissioner Molenaar,

seconded by Commissioner Carter to award Hays County Health Clinic in Kyle bids as follows: Plumbing repair contract to Southwest Plumbing, AC/Heating Repair contract to Cotner Electric Co. Inc., and electrical repair contract to Robert Cotner Co. Inc. All voting "Aye".

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**18359 AWARD BID TO NUTTALL MANUFACTURING COMPANY INC. FOR THE PURCHASE OF A MECHANICAL FOLDING GOOSENECK TRAILER FOR THE ROAD DEPT.**

Bids were received from Nuttall Manufacturing Co., Inc. (\$23,500.00) and Holt Machinery (\$38,080.00). Recommendation was to award bid to Nuttall Manufacturing Company Inc. (low bid). A Motion was made by Burnett, second by Commissioner Ingalsbe to award contract to Nuttall Manufacturing Company, Inc. for the purchase of a mechanical folding gooseneck trailer for the Road Department. All voting "Aye".

**18360 MOUNTAIN OAKS SUBDIVISION \* VARIANCE TO RIGHT-OF-WAY REQUIREMENT GRANTED [T1-2523]**

Environmental Health Director Allen Walther spoke of request for variance to road width (requesting 50 ft. instead of 60 ft.). The variance would only be to the ro-w width and would not affect the road construction standards/requirements. He gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to grant a variance to Right-of-Way width in the Mountain Oaks Subdivision from 60 feet to 50 feet. Commissioner Ingalsbe, Judge Powers, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No". Commissioner Burnett was not present for vote.

**18361 AYERS ADDITION RESUBDIVISION OF LOT 3 \* PRELIMINARY PLAT APPROVAL**

[T1-2587] Catarina Petroleum, Property owner, proposes to divide Lot 3 (7.12 ac) of the Ayers Addition into 4 lots. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "Resubidivision of Lot 3 Ayers Addition". All voting "Aye".

**18362 VISTA GRANDE SUBDIVISION RESUBDIVISION OF LOTS 40 & 41 \* FINAL PLAT APPROVAL [T1-2643]**

Environmental Health Director Allen Walther advised that property owners are amending the common lot line - no new lots being created. Staff recommendation is to waive the public notification requirements. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat of "Vista Grande Subdivision Resub of Lots 40 & 41" and to waive public notice requirement. All voting "Aye".

**18363 CALL FOR A PUBLIC HEARING ON JANUARY 25, 2000 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS ON HIGH ROAD AND SANTA FE RUN**

[T1-2684] Commissioner Carter advised that the Sheriff's Department and citizens have requested speed limit changes for High Road and Santa Fe Run. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for public hearing on January 25, 2000 to consider a change in traffic regulations on High road and Santa Fe Run. All voting "Aye".

**18364 CALL FOR A PUBLIC HEARING ON JANUARY 25, 2000 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS ON CR218/PUMP STATION ROAD** [T1-2716]

Commissioner Burnett advised that a speed limit has never been established on CR218/Pump Station Road and the citizens are requesting that a speed limit of 35MPH be established after public hearing. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on January 25, 2000 to consider establishing traffic regulations on CR218. All voting "Aye".

**18365 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A LETTER TO THE GOVERNOR REQUESTING THAT HAYS COUNTY BE DESIGNATED A DISASTER AREA DUE TO SEVERE DROUGHT CONDITIONS** [T1-2746]

This item does not apply to the county burn ban. This action will help farmers and ranchers apply for any and all relief including any funds available from the Small Business Administration. Judge Powers advised that we will be contacting local water supply corporations regarding water conservation. County Extension Agent Marilyn Prouse spoke of 1999 having been declared our second driest year since 1939. She spoke of producers in the county and problems that have been created by the drought creating crop losses. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to submit a letter to the Governor requesting that Hays County be designated a disaster area due to severe drought conditions. All voting "Aye".

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**18366 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH SAN MARCOS CISD FOR A TRUANCY OFFICER** [T1-2875]

Grants Administrator Richard Salmon advised that the San Marcos ISD requests the use of the Sheriff's Office, through the use of a Truant Officer, to enforce compulsory school attendance laws pursuant to Texas Education Code Chapter 25 Section 25.096. Grants funds are being provided for part of the project by the Office of the Governor Criminal Justice Division – Juvenile Justice & Delinquency Prevention Act in the amount of \$58,784.00. The term of this contract shall begin on September 1, 1999 and end on August 31, 2000. The SMCISD has agreed to pay the county an amount not to exceed \$8,029 for FY1999-2000 for staff and operating expenses. Sheriffs Dept representative spoke in support of this contract. This contract will pay funds to the City of San Marcos (a transfer of funds) for overtime services. This is an intervention program to try and prevent delinquent behavior and keep the students in school – it addresses unexcused absences. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to enter into a contract with San Marcos CISD for a truancy officer. voting "Aye". Commissioner Carter voting "No".

**18367 APPROVE APPOINTMENT OF COMMISSIONER BILL BURNETT TO THE CAPITAL AREA HOUSING FINANCE CORPORATION** [T1-3094]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve appointment of Commissioner Bill Burnett to the Capital Area Housing Finance Corporation. All voting "Aye".

**RESOLUTION OF THE HAYS COUNTY COMMISSIONERS' COURT MAKING AN APPOINTMENT TO THE CAPITAL AREA HOUSING FINANCE CORPORATION**

**WHEREAS**, the articles of incorporation of the Capital Area Housing Finance Corporation authorize the Hays County Commissioners' Court to appoint one director of the Corporation; and

**WHEREAS**, the term of the current director from Hays County, Texas, Bill Burnett, has expired.

**NOW, THEREFORE BE IT RESOLVED** by the Hays County Commissioners Court that:

Bill Burnett is appointed a director of the Corporation to serve for the four-year term beginning October 22, 1999 and ending October 21, 2003, or until his or her successor is duly appointed and qualifies.

Adopted this the 11<sup>th</sup> day of January, 2000

**18368            HAYS COUNTY 2000 REDISTRICTING PROCESS \* AUTHORIZE THE COUNTY COMMITTEE TO CONTINUE TO OVERSEE THE REDISTRICTING PROCESS INTERNALLY [T1-3115]**

Jacquelyn Collum Murphy, Special Counsel, advised that the Judge's office has been receiving proposals from different law firms and the intent of Judge Power's recommendation is to have those proposals go through the committee to analyze to see if we want to hire one of those firms. Commissioner Burnett would like to have a discussion as to whether we want to go out for RFP's or whether we can handle that in house. Judge Powers spoke of need to have all information come into the committee and the court will make final decisions. Commissioner Carter spoke of other groups that may be able to assist. She spoke of redistricting process in Comal County using professors at Baylor University School of Law. Judge Powers spoke of need for a focal point for all information and the Commissioners' Court will make the decisions. Commissioner Ingalsbe advised that presentations will be made to the Court. Joyce Cowan, Elections Administrator, spoke of committee being able to look at proposals – it is not a decision making committee - they are the ones to gather the information - census data will be provided that we can put into our computers for future presentations. [T1-3395] A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the mapping committee to continue to oversee the redistricting process and to direct all materials and recommendations pertaining to redistricting to come through the mapping committee as well as inform the Commissioners' Court of all presentation to the committee. All voting "Aye". Jacquelyn Collum Murphy spoke of need to for the committee to come back to the court within the next 60 days with the pros and cons for hiring a consultant .

**EXECUTIVE SESSION TO REVIEW AND CONSIDER APPLICATIONS FOR THE POSITION OF COUNTY ENGINEER [T1-3468]**

The Court convened into closed executive session to review and consider applications for the position of county engineer pursuant to Section 551.074 of the Government Code. Upon completion, the court reconvened into open meeting. No action was taken.

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**18369            APPROVE THE BY-LAWS OF THE HAYS COUNTY PARKS ADVISORY BOARD**

[T1-3476] Jerry Pinnix spoke of last meeting held by the Parks Advisory Board whereby they considered the proposed by-laws with changes. Commissioner Carter spoke of call from Carolyn Shepherd who has some questions regarding this matter. Commissioner Carter asked that this item be pulled until these questions can be answered. Jerry Pinnix spoke of having spoken with Carolyn Shepherd and she was under the impression that they had to be signed by her prior to being approved by commissioners' court and special counsel has indicated that they needed to be approved by commissioners' court prior to being signed. He was of the opinion that she was all for going ahead and getting it done. Special Counsel Jacquelyn Collum Murphy stated that this is not a true statutory parks board but any of your committees can have by-laws. They are coming to the court as recommendation. Commissioner Carter stated that Carolyn Shepherd had questions that had not been

resolved. Brad Bailey stated that he had talked to Mrs. Shepherd this afternoon and her only concern was that she thought she was required, by law, to sign it first. Commissioner Burnett stated that he was at the parks board meeting when the by-laws were adopted and there was little discussion about them and they were adopted unanimously. He stated that the Commissioners' Court has the final decision. Jerry Pinnix recommended that the court adopt the by-law because that is what the parks advisory board wanted. Commissioner Burnett spoke of Section 2 regarding appointments – he would like to see appointments made in January of each year to make it easier to keep up with. A motion was made by Commissioner Carter to table action at this time. Motion died for lack of a second. Commissioner Burnett spoke of Article V Section 2 regarding annual report to be submitted on 2<sup>nd</sup> week in March. He felt like this should be changed to some other week since every other year, the 2<sup>nd</sup> week in March is primary election day – he recommended the 1<sup>st</sup> or 3<sup>rd</sup> week of March. Commissioner Molenaar felt like the annual report should be made in January of each year along with appointments. Jerry Pinnix thought it would be hard to have it ready in January because of holiday season. Commissioner Ingalsbe asked about Article IV Section 2 regarding election of chairperson. Jacquelyn Collum Murphy had question about time frames which she felt should all be the same (appointments, etc.). She suggested that Article 6 amending by-laws by adding verbiage that states that the amended by-laws must be approved by the Commissioners' Court. Also need to add a signature line for the County Judge to sign indicating that they have been approved by the Commissioners' Court. Commissioner Carter spoke about Article 3 Section 3 that needs to be addressed and she asked to see a revised copy before approving the by-laws. Commissioner Molenaar spoke of unexpired terms and need to make appointments at the same time each year (January of each year). Commissioner Molenaar spoke of need to make sure that Article 3 Section 2 regarding appointments sets out that if appointment is not made in January, that the board member will serve until reappointed or replaced. Jerry Pinnix spoke of proposed changes: Article IV Section 2: Period served will be January 1 through December 31 \* Article V Section 2: 1<sup>st</sup> week in March \* Article VI: Commissioners' Court must approve any amendments to the by-laws. Discussed electing Chairperson and Vice-Chairperson for the board. Commissioner Carter would rather have the board look over revisions before court final approval.

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the By-Laws of the Hays County Parks Advisory Board with the following revisions

**Article 3 Section 2** should state that board members will serve for 2 years and will be reappointed in January

**Article 3 Section 3** should read that the Hays County Commissioners' Court will fill vacancies and the new appointee will serve the remainder of the un-expired term

**Article 3 Section 7** should be added to state that the current makeup of the Parks Board will remain in effect and the first 25 appointments will be made in January 2001. There will be no Commissioners' Court replacement of current board members until January 2001.

**Article 4 Section 2** should read that the advisory board will elect a Chairperson and Vice-Chairperson each year in the month of January. Period served will be one year, beginning January 1 and ending December 31. Add that if the Chairperson resigns, the Vice-Chairperson will become Chairperson and the Board will have the right to elect a Vice-Chairperson to serve the remainder of that term.

**Article 5 Section 2** should read that the annual report will be submitted to the Commissioners' Court on the 3<sup>rd</sup> week of March.

**Article 6** should read that the Commissioners' Court must approve any amendments to the by-laws and must be signed off by the County Judge.

Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Court was adjourned.

**MINUTES APPROVED IN OPEN COURT ON THE 18<sup>th</sup> DAY OF JANUARY, 2000.**

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**JAMES L. POWERS, COUNTY JUDGE  
H A Y S   C O U N T Y , T E X A S**

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**LEE CARLISLE, COUNTY CLERK  
H A Y S   C O U N T Y , T E X A S**

